

**RACE, SEX,
AND SUSPICION:
The Myth of the
Black Male**

D. Marvin Jones

PRAEGER

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Between me and the other world there is an unasked question: unasked by some through feelings of delicacy; by others through the difficulty of rightly framing it. All nevertheless flutter around it. They approach me in a half-hesitant sort of way...how does it feel to be a problem they say...

W.E.B. Du Bois, The Souls of Black Folk

Preface

As a black male I have tried to come to grips with why, unless I'm wearing a suit, whites generally will not sit beside me on the train, why when I walk down the street lined with cars I am treated to a symphony of automatic door locks going off, why I cannot catch a cab in New York. I see myself in the vignette told about Miles Davis, who, living in a predominantly white neighborhood, was reduced to having to telephone the police to warn them whenever he went out. I see myself in the experience of Al Joyner, an Olympic bronze medalist who no longer drives in Los Angeles because of police harassment. I see myself in the experience of Earl Graves, Ivy League graduate, elegantly dressed businessman, publisher of *Black Enterprise* magazine being stopped and frisked briefcase in hand by policeman searching for a criminal described only as a black man with short hair.

I am haunted by the story told by Mr. Stuart about a black man in a rumpled jogging suit who robbed him and his wife, killed her and shot him, and escaped in the darkness. After a serious manhunt for the man in the rumpled jogging suit, he was later revealed to be a fiction, made up by Mr. Stuart to cover his own murder of his wife. Susan Smith told a similar story about a black man wearing a watch cap who hijacked her car and kidnapped her two small kids. It turned out the black male kidnapper in the watch cap was a cardboard cutout of a bogeyman. The real kidnapper was Susan Smith herself: She invented the mysterious black male to hide her own Medea-like murder of her kids.

Why were Mr. Stuart and Susan Smith believed?

It may have something to do with what Jesse Jackson said: he feels relieved, walking in his Chicago neighborhood, when he finds that it is a white man that is walking behind him. Apparently, in the words of Cecil Taylor, we are as males black even to ourselves.

I experience these narratives not merely as familiar, troubling anecdotes, but as memory. I remember Miles Davis and Al Joyner and Earl Graves; I also remember Emmet Till and the Scottsboro Boys. I remember walking behind others and sensing their fear. I remember these stories as stories both about my own identity and about identity as trope.

It cannot be a reaction to me that causes white women to clutch their pocketbooks. If they knew me they would know that I am chronically, laughably shy and that I cannot even play basketball. If they knew me they would know how poorly their mythology fits my life. But then, as Ralph Ellison has noted, they cannot know me, they cannot see me. Myth is that which erases both history and lived experience. My father's life, Earl Graves's life, my own life as a person, are each a single erasable page, the palimpsest of Derrida, on which what we have written, what I have written, is erased. On that page is imprinted an "already read text"¹ about a figure, a black male figure always wearing a watch cap, always walking behind people, always causing fear.

Introduction

My country needs me, and if I were not here, I would have to be invented.

—Hortense J. Spillers, “‘Mama’s Baby, Papa’s Maybe’:
An American Grammar Book”

One of the greatest inventions of the twentieth century is the African-American male—“invented” because black masculinity represents an amalgam of fears and projections in the American psyche which rarely conveys or contains the trope of truth about the black male’s existence. Ralph Ellison deemed the African-American male invisible. In fact, the African-American male is a number of things, invisible and overinterpreted among them.

—Kobena Mercer, “Engendered Species:
Danny Isdale and Keith Piper”

While the private lives of black men in the public eye . . . have been exposed to glaring media visibility, it is the “invisible men” of the late-capitalist underclass who have become the bearers—the signifiers—of the hopelessness and despair of our so-called post-Modern condition. Overrepresented in statistics on homicide and suicide, misrepresented in the media as the personification of drugs, disease and crime, such invisible men, like their all-too-visible counterparts, suggest that black masculinity is not merely a social identity in crisis. It is also a key site of ideological representation, a site upon which the nation’s crisis comes to be dramatized, demonized, and dealt with.

—Deborah Pothrow-Stith & Michelle Weissman,
Deadly Consequences

Of course, there is no such thing as “the black male.”

Whether portrayed in blackface, shuffling along in the minstrel plays of the nineteenth century, or as the “gangsta” of rap music, sporting a row of gold teeth and baggy pants, or as a dangerous suspect justly shot nine times by Brooklyn police who went to the wrong house; whether he is made to appear as a cunning, crooked, and ultimately demonic cop in *Training Day* or a subservient, uneducated chauffeur in *Driving Miss Daisy*; whether he is demonized on the cover of *Time* magazine, a Mr. Hyde–like face glowering in blackened shades above the caption “An American Tragedy”; whether he is faceless, appearing now as one of the bad boyz of the hood spread-eagled over the police car on the evening news; or whether he appears as a disturbed personality, wearing eyeliner and holding a baby out of a window, the black male is a social construct.

The black male has become metaphorical, a way of personifying social and historical forces, of painting a pariah’s face on the problems of drugs, disease, or crime.

Listen to Ed Koch, former mayor of New York:

Today, most whites, myself included, would feel very uncomfortable in a totally black neighborhood, particularly at night. So the fear is not irrational. . . .

In New York City, 57 percent of those in prison are black and 35 percent Hispanic. According to Department of Justice statistics, 45 percent of violent crimes are committed by black males, who are only 6 percent of the population. And black males aged 15 to 24, who are 1 percent of the population, are responsible for at least 19 percent of the murders. . . . unless the cancer is identified you cannot treat and remove it.¹

One could easily get the impression that black males have a defective gene, or are carriers of a social virus that makes them particularly prone to crime. Of course, being black and male has no more to do with who is likely to commit a crime than Italian nationality has to do with who is likely a member of the Mafia. In the United States the blacks arrested for violent crime constitute only 1 percent of the black population and 1.7 percent of black males.² In the mayor’s depiction of the black male he makes the part—the 1 percent—stand for the whole. In rhetoric this type of image is referred to as metonymy. Koch’s metonymic image bears a striking resemblance to a character created by Richard Wright in *Native Son*. The protagonist, Bigger

Thomas, kills his white mistress as a result of a peculiar combination of racism and fear. Mayor Koch treats real black males as if we were figures in Wright's protest novel, as if we were all potential Bigger Thomases: we all have a dangerous tendency to be violent, bad, and lacking in moral dimension.

In generalizing about an entire racial subgroup on the basis of the actions of a tiny fraction of black men, Koch has clearly conflated the image or stereotype of the black male with real black men. This kind of stereotyping is obviously racism. What is interesting is that to Koch, an educated, upper-class liberal, this racism appears, well, reasonable.³

In the context of the black male, myth is confused with fact, and the stereotypes are received as true: the notion that black males really do share a dangerous tendency to violence, or mayhem, or crime has become "common sense."

Thus, confirming the suspicions of black men that they are often stopped because of their race—for "driving while black"—a police officer argues that taking race into account is justified by "street sense":

Imagine this scenario: Officers . . . are patrolling . . . [in a rich neighborhood]. They spot a new Mercedes at a stop sign being driven by two African American teens wearing baseball caps backward. . . .

[T]hese guys don't belong here. Those guys are cruising the neighborhood. What if they break in, or hurt someone.

[R]acial profiling exists—not as written policy de facto. It's subtle, a product of the gut. . . .

[G]ood street sense and a nose for suspicious activity is the most valuable tool a cop can possess. That's what he is paid to develop. That's what people . . . want him or her to have. That's what prevents crime. . . .

Label me a racist if you wish, but the cold fact remains that African-Americans comprise 12 percent of the population, but occupy nearly half the state and federal prison cells.⁴

The policeman goes on to argue, incredibly, that being black and male (and teenage) in that car, in that neighborhood, is as obviously suspicious as "a car weaving across lanes of traffic after midnight."⁵ Thus, the police officer provides no facts other than the race of the teenagers to explain why "these guys don't belong here." It is the very intersection of race and gender, the presence of the black male sign it-

self, and not anything that the individual black male does, that signals danger and alarm.

If in America Ivan Boesky could say “greed is good,”⁶ so could no less than a Miami police officer say the racially motivated arrest of black men is justice.

The genie of the black male myth, once rhetorically summoned forth from his bottle in our unconscious, has the power to take us through the looking glass of social reality to an upside-down world where the acts of a tiny fraction of black males, the part, stands for the whole. In this topsy-turvy place, racial assumptions are mistaken for facts, and racial discrimination against black men is just “street sense.”

This flight of racism into common sense (or “rationality”) occurs against the backdrop of a peculiar statistical pattern: there are about 23,000 black men who graduate from college each year but 2.3 million in prisons and jails.⁷ As the Sentencing Project noted, one of every three black males are in prison, on probation, or parole.⁸ These statistics suggest that for virtually an entire generation of black males in the inner city incarceration is a routine experience.

The conventional view would at this juncture split along an axis of environmental versus behavioral schools of thought.⁹ The waning environmental view held by a few liberals would hold that this incarceration rate can be traced back to socioeconomic causes. The behavioral view, which is now the conventional wisdom, is that the problem stems from low self-esteem, from poor individual choices. But from an overall policy viewpoint, at the level where legislators and the architects of social policy make their impact, incarceration rates are a question of “How many prisons do we want to build?” and “How many police officers do we want on the street?” “To what extent do we see black males as human capital or to what extent do we see them simply as a dangerous mass on the horizon of urban life.”¹⁰ In February 1942 Americans thought it was reasonable to imprison Japanese based on the fact of their ancestry.¹¹ They were the oriental other. Through the lens of that identity it made sense—the common sense of an era of hysteria—to build prisons specifically for the Japanese, to lock down an entire community away from the dominant racial group. The incarceration of so many black males resonates in a similar image of total “lock-down.” The lens of identity is implicated here as well: for the black male, the racial other of the twenty-first century, it is always 1942.

The flight of racism into common sense also occurs against the backdrop of a number of dramas in which real black men seem to be

confused with the black male boogiemán of our racial fantasies. Not so long ago, Officer Justin A. Volpe raped a black man, Abner Louima, with a toilet plunger in a Brooklyn police station.¹² Not so long ago, John William King dragged a black man, James Byrd, to death behind his pickup truck in Jasper, Texas.¹³ Volpe and King are bigots, irrational persons violently and criminally expressing conscious racial hatred. Koch and Frank are “rational” people guilty not of a crime but of faulty thinking. Yet the thinking of Koch and Frank and the tragedy of Louima are connected in that they share incoherent assumptions about black men. Similarly, I suggest that our policy choices—the choice to police the ghetto so heavily, to incarcerate so systematically—are also linked to a pervasive illogic anchored in the figure of the black male.

The black male is peculiarly a target of violence and/or social control. I want to argue that this targeting of black males is a symptom of a virus in our collective thinking. The thinking of Koch and Frank are examples of the infection. The virus holds that the stereotypes are true—those black males really are beasts. As Edward Said has pointed out, denigrating images of the native are the foundation for violence against him.¹⁴ When racist images are accepted as common sense, this virus is no longer a defect of a few terminals but a defect in the mainframe of American culture itself.

Our picture of our society is a kind of penitence.¹⁵ A penitence is a painting in which the author paints an ugly picture and then repents and paints a beautiful one over the grotesque images underneath. On the surface we indulge in narratives of ascent.

Thus, inspired by images of Condolezza Rice, Colin Powell, and Tiger Woods, middle-class blacks participate in a vision of having come up from something: up from slavery, up from the ghetto, perhaps to the neighborhood of the Bill Cosby’s Huxtables or George Jefferson’s “deluxe apartment in the sky.” A corollary of this narrative is the social-Darwinism-tinged notion that if blacks have not made it, it is because they participate in a culture of despair.¹⁶ “Race doesn’t matter anymore!” the story goes. We hear this story not only from scholars like Randall Kennedy and Glen Loury but from Supreme Court justices like Clarence Thomas.

This narrative of ascent is rooted in another one. It is the story of America’s moral transformation. This is the story of the civil rights movement. It is a story of a Manichean struggle between the forces of darkness and the forces of light, of Americans armed with fundamen-

tal American values triumphing over white extremists. As Allan Freeman notes, in the story the Southern whites who turned water hoses on blacks, engaged in lynching, and burned crosses were deviant: they were “bad white people.”¹⁷ The climax of this drama occurred when the “good white people” passed civil rights laws in the 1960s, in a definitive victory over the bad ones. Racism appears in this story as something akin to sexual lust—a deviant impulse that good, normal white people repress but extremists, bad people, give in to. This Freudian notion—of racism as deviant impulse—finds synergy with our sense of our own modernity, our sense that we are grounded in scientific rationality.¹⁸ This rationality is expressed not only in our investment in technology but in the rule of law—which is to say today, equal justice under law.

The black male never makes it into these narratives of ascent. He is stuck historically, fixed in the constellation his own era forms with points in an earlier one when the slaves revolted or the ghetto erupted.

Walter Benjamin tells a story about an Angel of Progress caught in a storm:

The angel would like to stay, awaken the dead, and make whole that which has been smashed. But a storm is blowing . . . it has got caught in his wings with such violence that the angel can no longer close them. This storm irresistibly propels him into the future to which his back is turned, while the pile of debris before him grows skyward. This storm is what we call progress.¹⁹

The black male is no angel. But he is caught in a peculiar storm. Like Benjamin’s tragic, winged figure the black male is pushed backward. He sees, from behind the swirl of myth, with a kind of second sight, that what Kennedy calls progress is carnage and rubble called by another name.

This picture formed by these narratives of ascent, these stories of progress, for the black male are merely a pentimento. It is a picture whose reality is skin deep, as thin as Mayor Koch’s claims about the reasonableness of racism against black males.

Underneath this surface picture is another image. This image is a pattern of racism—whether in the form of being stopped for driving as a black, or the microaggression of being turned down, like Danny Glover,²⁰ for a cab ride; whether being denied a job or an apartment, as was documented on 20/20²¹, or being dragged, like James Byrd,

behind a pickup truck. This is *racism as a daily, unrelenting, and sometimes deadly experience for black males*. Black men are targets of violence, social control, and revulsion in a culture in which racism against them is not deviant but normal. What happens is merely that outside of the dramatic instance of being dragged behind a truck, the abuse of black males is so well rationalized as to be invisible.

Ralph Ellison wrote about racism embedded in the minds of individuals. He went on to explain how this racism rendered him or his humanity invisible. I am writing about racism embedded in culture, racism as myth. For me, myth means something very close to ideology. According to Wahneema Lubiano, ideology is present wherever we can say, as Koch seems to, that something is a matter of “common sense.”²² Individual racism was clearly present when Volpe attacked Louima with the plunger. This racism blinded Volpe to the humanity of Louima. But there is nothing to disguise what Volpe did as rational or sensible. Racism as ideology is racism masquerading as rationality, as common sense. A person who is a victim of individual prejudice is a victim in the sense of suffering a wrong. But at least he or she has the means to articulate how he or she is wronged. Black males are true victims because they can only be perceived through the filter of their labels or identities. The common sense is that their identity—the fact that they are black males—makes them a threat. They lack the means, within our culture—except in the most extreme cases—to represent themselves as victims at all.²³ They are visible as thugs, pariahs, bearers of chaos, purse-snatchers, athletes, rappers, or criminals, but not as victims. My goal is to make visible what seems to be invisible.

Put another way, the myth of the black male is a black hole into which social reality disappears.

To understand the significance of the black hole, consider this analogy. Imagine we find a highly technological society that shares a belief in leprechauns. Leprechauns, “everyone knows,” are incorrigibly mischievous. This belief in leprechauns would not prevent the society from creating an Internet, from exploring Mars, or passing equal opportunity laws. Now imagine that a drunken FBI agent in this fictional society drives the wrong way, south in the northbound lane.²⁴ He kills two leprechauns, brothers, driving in another car.²⁵ The police accident diagram says that the car that flipped over was going in the right direction.²⁶ The brothers’ vehicle is the only one that flipped over. Nonetheless, the police enter in their report that the leprechauns were driving the wrong way.²⁷ The FBI agent, David Farrall in our impossible story, has a blood-alcohol level of twice the legal limit, meaning

that the police would have smelled it on his breath.²⁸ But that might be kept out of the report to protect the human FBI agent. The final detail would be to bury the toxicology reports on the two leprechauns who were killed; the messy detail that they were not intoxicated would only hurt the FBI agent's career. We must protect our own, after all. This incredible story actually occurred in Miami, only the leprechauns falsely accused of driving the wrong way were two black males.²⁹

Many authors, like Earl Ofari Hutchinson, for example, have written in defense of the black male. They argue that the black male's image has been distorted by demonizing images. Similarly, one writer argues that otherwise right-thinking people hold many of these caricatured images unconsciously. In a revealing moment, the late Howard Cosell, dazzled by Walter Payton's display of agility, referred to him as a "little monkey."³⁰ It was a kind of Freudian slip. To represent a black male as a monkey is an obvious stereotype. These stereotypes, originating in unconscious racism, become the evil from which the black male must be shielded or defended.

I do not want to defend the black male. I want to deconstruct him. We are dealing less with demonic images than a hegemonic figure. To equate a black man and a monkey is a lie, and is easily seen as such. A hegemonic image—the image of the black male for example—is where the lie puts on the clothes of objectivity. We are dealing with a set of stories so deeply embedded in our language that they are accepted as known facts.

As Frederick Jameson's work would suggest, racism embedded in language and culture is unconscious only in the sense that language in its origins, scope, and depth is always beyond the consciousness of any individual.³¹ Individuals are repositories of these fictional stories about the black male in much the same way as they are repositories of superstition about witches or leprechauns. In order to show how phony these stories are—to show who the black male really is—we need to trace him to his origins.

Thus in chapter 1, "The Blessings of History," I argue that our present-day picture of the black male is one constructed out of the violent practices of slavery: if a person is treated as an animal, this tends to send a message, however false, that that person is an animal. Two tropes put flesh on this image of the black male as a beast: the image of the black male as Sambo and the image of the black male as Nat. Each reflected a different pole in the fantasies of the slave master about his slaves: his vacillation between feeling superior and being afraid of having his throat cut. In both instances the black male is a fic-

tional identity conjured up by a series of narratives designed to project and disguise the psychological conflicts of the colonial regime.

I was born in the 1950s. I grew up with people telling me that I should be proud of being a Negro, and that only ignorant people would think less of me because of my race. Yet the existence of segregation, no less than the existence of demeaning images of blacks, like the half-naked savages who appeared in the Tarzan movies, spoke volumes about how society actually perceived us during this period. On the other hand, the existence of skin lighteners, straightening combs, and the effort of blacks who could to “marry white” spoke volumes about how widely the stigma of race was perceived by Negroes themselves.

Later, during the heady period of the sixties, we jettisoned our Negro identities. We became black. We were determined to wrest our identities, through renaming, from the clutches of Tarzan. But the renaming did not change the objective dimension of our identity: black or Negro, we are still bebopped on the head just as much by the police. Race always had and has now a meaning in our language. It is not neutral. There is a sense of danger associated with anything that is black. The intersection of race and gender is particularly perilous. For the black male the cultural meaning of his identity is as a sign of otherness: his identity is itself a prison. The meaning of being a black male is that one can never fully cross a line that separates civilization and the savage.

In 1989 a jogger was raped and brutally beaten in New York’s Central Park. The attack was portrayed by the media as a clash of civilizations. It was a struggle between affluent New York and the society of the tenements and ghettos. I argue that the trial, which is nominally about the issue of criminal justice, is a site for the construction of legitimating myths about the racial boundaries that continue to exist in the American social remain. The white female jogger becomes the perfect metaphor for white innocence, while the black male anchors the antebellum image of the black male as beast. In chapter 2, I explore this narrative of innocence and the central role of the black male in the story, in an essay entitled “Gangs of New York: The Story of the Jogger Trial.”

At the intersection of race and class there is a dividing line between the primitive and the modern. The line extends into the realm of art. Here again, the black male is in play.

In order to show this I take the example of the black rapper. Thus in chapter 3, “What’s My Name? The Politics of Identity and The Pol-

itics of Rap,” I argue that the rapper is in reality a serious artist: he is engaged in a project that is spiritually and politically emancipatory. But through the lens of the dominant point of view he does not appear, and cannot appear, as an artist. Rather, he appears either as a threat—to decency, to morals—or as a commodity. No matter what he says, no matter how deep his irony, no matter how sophisticated his symbolism or rhyme, the politics of the black man producing art collides with a vicious politics of reception. Behind the vicious politics is not anything that can be confused with mere individual bigotry. The problem is traced not to racialized individuals but to a racialized culture, to the window it creates through which the black male, artist or not, appears either as a danger or as an article of merchandise—a cultural property—to be bought or sold.

In his essay “A Stranger in the Village,” James Baldwin, a very dark brother, tells a story about the time he went to the Alps to write a novel. He found himself backlit not only by the snow-capped mountains, but by the lily-white homogeneity of the townspeople. The children looked at him, pointed, and asked their parents, “What’s that?” Baldwin in his essay suggests a connection between the concept of the racial other and the concept of the alien or foreigner. The racial other is separated by an essence, posited as race, and the foreigner is separated paradigmatically by language or culture. It follows that the great analogy that animated much of the sociological thinking behind the movement to integrate blacks into the American mainstream has been the “alien” or immigrant analogy. The immigrant analogy serves as a foundation for the story that if blacks would simply change their behavior and values they would find social acceptance, become part of the melting pot. I want to pose the question of black male identity to this story of the melting pot. Thus in chapter 4, “Guess Who’s Coming to Dinner,” I ask the question, “Can one be both a black male and an American?”

The American dilemma during the era of open, *de jure* segregation was the conflict between professed belief in racial equality and legalized inequality. Today the black male, like other members of minority groups, is finally formally equal. He is a full-fledged citizen in an egalitarian society. On paper, the walls of the prison house that W.E.B. Du Bois spoke of have been knocked down both by law and by a more enlightened society. Yet a modern version of the American dilemma continues: the modern version seems to be the conflict between the legal equality of black men as citizens and the social isolation of black men in the very midst of that formal equality.

our social and economic life. But even more than that, exactly what is the game that is being “played”? People look to institutions of popular culture, as in earlier eras they may have looked to the church or institutions of law, for ideals, for values that they might apply to life. On this field players perform the meaning of the game, not merely the game of football but the game of race and gender as well. The game, the inner game of football, basketball, golf, or boxing, is to preserve the privileged, imperial position of white males. I want to argue that the black male body, in the midst of attacking the rim or hitting home runs, is colonized as a site of identity production—that is, a site for the production of ideology.

We have long pursued the idea of racial subordination of black men as a problem of coercive force, of wrongful decisions originating in the economic sphere. I am exploring here the extent to which ideology, which relates less to force than to a kind of culturally conditioned consent, is in the mix. Both blacks and whites are subject to this hegemonic power. To be a racist in the conventional sense is to be a liar, to assert stereotypical things about individuals which are not merely illogical but false. The problem with ideology is that from within it, one does not know and is unable to see that one is lying. The campaign of ideology, then, is to dominate and yet render the domination invisible.³² The imaginary figure of the black male has been conscripted as a loyal foot soldier in this ideological campaign.

The black male guards the boundary between self and other, between subject and object, between the present and the past. He “lurks at a doorway” within our collective unconscious barring the way to a new awareness. Only if we get past this imaginary figure, this trope, can we begin to think about the social meaning of race and identity. To paraphrase Ellison, we must change the trope to “slip the yoke.”³³

The Blessings of History

Perhaps more than any other people, Americans have been locked in a deadly struggle with time, with history. We've fled past and trained ourselves to suppress, if not forget troublesome details of national memory, and a great part of our optimism, like our progress, has been bought at the cost of ignoring the processes through which we've arrived at any given moment of our national existence.

Ralph Ellison, "Blues People," in *Shadow and Act*

The black male is purely a figment of the white imagination. He is no more real than the emperor's new clothes. Like the therapist who takes the delusional patient back to the moment of trauma when the delusions began, so we must take ourselves back to the point where our national trauma, slavery, began.

It was within the dark interiority of this experience, the womb of slavery itself, that the black male was conceived.

Slave society was hysterical. Outwardly this society, as it existed on the plantation, was a picture of tranquility and order: the master gently rocking in his chair, sipping tea, lord of all he surveyed, his wife, as patriarchy would have it, beside him in a hoopskirt and parasol. Internally, slave society writhed in turmoil. The slave regime was preoccupied equally with an illicit desire to control the bodies of slaves and with the guilt and fear that their illicit desire produced.

The never-ending rituals of buying, whipping, and owning slaves was knotted together in the mind of the master with a never-ending nightmare that these same slaves would rise up and slit his throat. Said one southern gentlewoman, "If they want to kill us, they can do it when they please, they are noiseless as panthers. . . . We ought to be grateful that anyone of us is alive."¹ Reflecting the same sense of perpetual fear, a Louisiana planter exclaimed, "I have known times here, when there was not a single planter who had a calm night's rest; they then never lay down to sleep without a brace of loaded pistols at their

sides.”² Similarly, Thomas Jefferson says in *Notes on the State of Virginia Relative to the Murder Logan Family*: “Indeed I tremble for my country when I reflect that God is just and that his justice cannot sleep forever.”³ Indeed, following the revolt in Santa Domingo Jefferson exclaimed, “It is high time we should foresee bloody scenes which our children certainly, and possibly ourselves will have to wade through.”⁴

In this sense the master, at least in the daytime, was engaged in a perverse fantasy of racial superiority in which he was the all-powerful lord of the inferior beings he called slaves. The slaves in the fantasy are powerless. But this mastery was, as Herman Melville suggested, an illusion.⁵ At night the illusion of mastery dissolved into nightmares of the powerless slaves rising up to murder him in his sleep.

It was out of this doubling or splitting of the psyche of the slave master that the hallucination of the black male begins to appear: the black male is born out of a complex of moral guilt and racial fear.

The social real and the cultural imaginary came together when hands broken by manacles straightened themselves out. Haiti’s eruption in August 1791⁶ at the hands of Toussaint L’Ouverture and our own homegrown insurrections led by Denmark Vessy, Gabriel Prosser, and Nat Turner gave dreadful form to the bloody images of murder that inhabited the slave master’s waking nightmares.

In the minds of the slaves themselves these revolts represented both a moral and a physical struggle to become a person. To be a person one must have a future, the possibility of becoming someone—the slave had none.

On him alone was the doom of pain
 From the morning of his birth
 On him alone was the mark of Cain
 Fell like the flail on the garnered grain
 And struck him to the earth⁷

To be a person one must have a mind of one’s own. The law denied that: the very purpose of antebellum law, which made it a crime to teach a slave to read, denied him the capacity to contract, sue or be sued, to testify against a white man, to own property, to own his own body. The slave had no rights and no capacity to make decisions for himself. The slave’s inability to exercise free will made the slave a mere extension of the will of the master. The law deviated from this only in one ironic instance.

The slave, who is but “a chattel” on all other occasions, with not one solitary attribute of personality accorded to him, becomes “a person” whenever he is to be punished! He is the only being in the universe to whom is denied all self-direction and free agency.⁸

Slave revolts represented an effort to create a new identity, as human beings—and a new destiny—drawing on the America’s own political and religious ideals. It was no accident that the revolt in San Domingo, in 1791, came two years after the French Revolution of 1789.⁹ Toussaint L’Ouverture claimed for former slaves the same liberty and equality their French slave masters had claimed for themselves.¹⁰ When Nat Turner, a self-proclaimed prophet, killed 57 whites and laid waste to 20 miles of Virginia countryside, he did so out of a sense of religious zeal.¹¹ Turner saw no irony in going forth to kill whites with the Bible in one hand and a “dull sword” in the other. After all, he was inspired by the master’s own Christian values and fought for the self-same notions of liberty and equality whites had fought for themselves. In court, before his execution, he pleaded “not guilty” because, he said, “he did not feel guilty.”¹²

For many reasons, in the United States the number of slave revolts were relatively small. Resistance often took more subtle forms. But for slave society, revolts like that of Nat Turner nonetheless had a huge effect in focusing the minds of whites. As one historian has written, “Thinking about Nat kept whites in a state of mind peculiarly harassing and painful.”¹³ Said John Dixon Log, a Maryland native, there were “men in slave states who neither fear God nor regard the white man, that act like nerveless women at the very mention of a slave insurrection. Their imaginations take fire, and they see a ‘Nat Turner’ in every Negro boy.”¹⁴ As John Blassingame has written,

The suspicion eternally attached to the slave himself. . . that the same bloody deed could be acted over at any time and in any place, that the materials for it were spread through the land and always ready for a like explosion. Nothing but the force of this withering apprehension, nothing but the paralyzing and deadening weight with which it falls upon and prostrates the heart of every man who has helpless dependents to protect, nothing but this could have thrown a brave people into consternation, or could have made any

portion of this powerful Commonwealth, for a single instant, to have quailed and trembled.¹⁵

The fear of slave revolt was so total that it became like the mirror in the circus fun house, a distorting prism: the moral universe appeared inverted or upside down. What was to the slave a Patrick Henry-like affirmation—"Give me liberty or give me death!"—was to the master confirmation that his paranoid fears about the bloodthirstiness of blacks were true.

Through the looking glass of the slave master's paranoia, black people, and particularly black males like Toussaint L'Ouverture, were transformed into reverse mirror images of themselves: They were evil. Accordingly, the slave in the very moment of revolt was transmogrified by the white cultural imagination from freedom fighter into a reptile:

The slave snakishly writhed up from the boat's bottom, his countenance lividly vindictive, expressing the centered purpose of his soul . . . in a flash of revelation, illuminating in unanticipated clearness Captain Delano, now with the scales dropped from his eyes saw the Negroes . . . with mask torn away.¹⁶

So wrote Melville in *Benito Cereno*, his allegory of a slave rebellion. Melville's account, though fictitious, is, like a leaf pressed between the pages of a book, an artifact of the era of which it is a part, a fragment of the dominant society's picture of the slave in revolt as viciously sub-human. The slave as such is a shape-shifter and later becomes a wolf. Thus, at another point the blacks "fighting to prevent recapture [attacked] with their red tongues lolling wolf-like from their mouths."¹⁷

The caricature that Melville called Babo, Harriet Beecher Stowe depicted as Nat. Modern historians in train have given the name of Nat to the stereotype that in the burgeoning literature before the Civil War personified white American fear of slave revolts. As Blassingame has written,

Nat was the rebel who rivaled Sambo in the universality and continuity of his literary image. Revengeful, bloodthirsty, cunning, treacherous, and savage, Nat was the incorrigible runaway, the poisoner of white men, the ravager of white women who defied all the rules of plantation society. Subdued and punished only when overcome by superior num-

bers or firepower, Nat retaliated when attacked by whites, led guerrilla activities of maroons against isolated plantations, killed overseers and planters, or burned plantation buildings when he was abused. Like Jack, Nat's customary obedience often hid his true feelings, self-concept, unquenchable thirst for freedom, hatred of whites, discontent, and manhood, until he violently demonstrated these traits.¹⁸

Nat was, in short, a beast.

[T]he madness which a sudden freedom from restraint begets—the overpowering burst of long buried passion—the wild frenzy of revenge, and the savage lust for blood, all unite to give the warfare of liberated slaves, traits of cruelty and crime which nothing earthly can equal.¹⁹

Slave owners could conflate illusions or sham images of black men with real black men because the whole project of slavery was an exercise in racial fantasy. The legal fiction that slaves were not human but property, no different from the master's bull or mule, leads in its own twisted illogic to the fantasy that black males were beasts.

The fantasy is not merely racist but, as Cornel West has noted, psychosexual.²⁰ In creating Nat, slave society, like an antebellum Dr. Frankenstein, stitched together in one dark, imaginary body the image of someone whose violent tendencies are unchecked by civilized norms and whose lust is uncontrolled. Thus Nat as a beast was not merely a criminal but the quintessential sexual outlaw.

Of course the idea of the black male slave as a beast inevitably draws on the Christian narrative about sin: the notion that all men must struggle against the beast within themselves. Nat was an innovation, a way of projecting the beast outside onto the racial other.

What gives Nat, as the original black male archetype, the great-granddaddy of today's black males, his powerful grip on the white imagination is that he personified at the same time white fear and white desire. Whites' projection of their own animality onto Nat not only made him evil and dangerous, therefore justifying beating him down, but it made them innocent.

Slavery was invented to allow white males to experience "freedom"—they no longer had to work the land themselves, but could sit on the porch at Monticello, reading John Locke. Similarly, the black male, as Nat, was invented to allow whites to experience a kind of free-

dom as well, to allow “free” whites to subjugate and often break the bodies of men and yet feel they had done no wrong.

Nat, as the image of the savage, was not merely an image that existed in literature. The law engaged in the same mixing up of racial fantasy about Nat and the antebellum black male. Nat began as a metaphor, a symbol of the white slave master’s guilt and fear about the institution of slavery. The metaphor became a myth.

While metaphors can be abused in many different ways, the most serious and interesting danger is that a given metaphor or its allegorical extension may be transformed into myth. [M]yth results when the mask, lens filter, or construing subject is mistaken for or equated with the subject construed. By suppressing those aspects of the principal subject which are not amenable to the subsidiary subject to exert an undetected influence on the principal subject, the difference between the two referents of the metaphorical sign focus tends to be lost altogether. The metaphor is turned into not only a literal truth, but also the literal truth about the principal subject in question.²¹

Philosophers of language call this problem the problem of transparency. This problem is powerfully reflected in the law at the time, which was unable to distinguish between the fictitious image of Nat and real black males. They became in law the same person.

Nat particularly had to be controlled around white women. Thus states developed special laws to punish black males who “raped” white women. Under liberal Pennsylvania law, well into the eighteenth century, blacks who raped whites were sentenced to death for rape, and castrated for attempted rape.²² Whites who committed similar offenses would be fined, whipped, or imprisoned for a year for a first offense.²³

In Massachusetts black males who engaged in interracial marriage were sold out of the colony and imprisoned until they could be exiled.²⁴ Black male sailors who landed in South Carolina were automatically arrested, regardless of whether they were suspected of a crime.

That if any vessel come into this state . . . having on board any free Negroes or persons of color as cooks, stewards, mariners or in any other employment . . . such free Negroes . . . shall be liable to be seized and confined in jail until said vessel shall clear out and depart from state . . . the Captain of said vessel

shall pay the expenses of detention; and in case of his neglect or refusal to do so . . . such free Negroes or persons of color shall be deemed and taken as absolute slaves and sold in conformity with the provisions of said act.²⁵

Operating on similar assumptions in an act exonerating the “casual killing of slaves,” the South Carolina legislature stated:

Whereas, the plantations and estates of this Province cannot be well and sufficiently managed and brought into use, without the labor and service of Negroes and other slaves; and forasmuch as the said Negroes and other slaves brought into the people of this Province for that purpose, are of barbarous, wild, savage natures, and such as renders them wholly unqualified to be governed by the laws, customs, and practices of this Province; but that it is absolutely necessary, that such other constitutions, laws and orders, should in this Province be made and enacted, for the good regulating and ordering of them, as may restrain the disorders, rapines and inhumanity, to which they are naturally prone and inclined.²⁶

Given this legal knotting together of slave and beast, ordinary whites were given license to assault slaves—potential Nats—they met in public who did not give them proper deference. As Blassingame noted, “[s]ince every white man considered himself to be the slave’s policeman, the black also suffered at the hands of non-slaveholders. Josiah Henson . . . accidentally pushed a white man who broke his arm and shoulder blades.”²⁷

With impunity, slave masters “branded, stabbed, tarred and feathered, burned, tortured, maimed, mutilated, crippled, castrated and killed their slaves.”²⁸ As Frederick Douglass noted:

While I heard of numerous murders committed by slaveholders on the Eastern Shore of Maryland, I never knew a solitary instance in which a slaveholder was either hung or imprisoned for having murdered a slave. The usual pretext for killing a slave is that the slave has offered resistance. Should a slave, when assaulted, but raise his hand in self defense, the white assaulting party is fully justified by southern law and southern, or Maryland, public opinion in shooting the slave down.²⁹

As Judge Thomas Ruffin wrote in *State v. Mann*,³⁰ a totalitarian regime of discipline was necessary for the protection of the master from the slave. For the master to control the slave's body, the slave could have no mind of his own. If allowed access to his own "will" he would naturally rebel.

What moral considerations shall be addressed to such a being... such services can only be expected from one who has no will of his own; who surrenders his will in implicit obedience to that of another. Such obedience is the consequence only of uncontrolled authority over the body. There is nothing else, which can operate to produce the effect. The power of the master must be absolute, to render the submission of the slave perfect.³¹

In H. G. Wells's classic allegory, *The Island of Dr. Moreau*,³² a scientist develops a serum that transforms beasts into creatures resembling human beings. They are docile only as long as Moreau, the man, retains the ability to induce pain, by whipping the mutants whenever they resist his will. If his discipline lapses the animals will quickly revert to their savage natures and devour him. The creatures in the film version of Wells's novel are metaphors for the black males portrayed in the ideology of slavery, the ideology of Justice Ruffin: the moral equivalent of beasts who must be constantly subject to brutality or even torture to remain under control.

In its hysteria, slave law imagined black slaves as being always only a moment away from reverting to primitive beasts, held back only by unchallengeable authority of the law. Thus it posited that the torture, maiming, crippling, burning, and killing were necessary to prevent slaves from becoming Nat.

In the same vein, no less august an authority than the South Carolina Supreme Court ruled that because of the uncontrollable nature of black slaves, the slave master could not be held legally responsible for injuries a slave might do to others:

Negroes were in general a headstrong, stubborn race of people, who had a volition of their own, and the physical power of doing great injuries to neighbors and others, without the possibility of their masters having any control over them; especially when they happened to be at a distance from them; and experience had taught us how little

they adhered to advice and direction when left alone. It would, indeed, under these circumstances, be a most dangerous thing, to make masters liable in damages for the unauthorized acts of their slaves.³³

The slave as Nat was less like a servant, whom the master might be responsible for no matter how prone to mayhem, than like a dog, the bites of which the master was not responsible for under the law at the time.

But the formal law provided only an inscription on paper of the black male as Nat. The myth of the black male as a rapacious, uncontrollable beast was inscribed in more dramatic way on the bodies of black males themselves.

During slavery the identity of Nat as beast was confirmed by the brutality of plantation discipline. After the Civil War, when slavery as an organized institution was abolished, the disciplinary regime that portrayed black men as beasts—as Nat—continued through the practice of lynching.³⁴

The word “lynching” is derived from Captain William Lynch, who terrorized supporters of the British by burning down farms and destroying crops in colonial Virginia.³⁵

Between 1899 and 1922, more than 3,436 people were lynched, most of them “negroes.”³⁶ Lynching was an entrenched tradition of southern life until the 1940s.³⁷ Billie Holiday captured the terrible familiarity of this scene in a famous blues song, “Strange Fruit.”³⁸

But lynching often went well beyond mere hanging. *The Crisis Magazine* describes a 1914 lynching of a black man, Samuel Petty, accused of killing a deputy sheriff.

Willing hands brought a large dry-goods box, placed it in the center of the street; in it was straw on which was poured a tub of oil; then the man was lifted with a rope around his neck and placed in this box head down, and then another tub of oil was poured over him. A man from the crowd deliberately lit a match and set fire to the living man. While in this position the flames shot up at great height. The crowd began to yell as the flames shot upward. In an instant the poor creature managed to lift himself out of the box, a mass of flames. He was fighting the flames with his hands in an effort to shield his face and eyes, and in this condition attempted to run. The crowd allowed him to run to the

length of the rope, which was held by willing hands, until he reached a distance of about twenty feet; then a yell went up from the crowd to shoot. In an instant there were several hundred shots and the creature fell in his tracks.³⁹

Often the black males were dismembered during or after the lynching. A Vicksburg, Mississippi, newspaper gives the following account of a 1904 lynching attended by more than 1,000 people: "The two Negroes... were tied to trees and while the funeral pyre was being prepared, they were forced to hold out their hands, while one finger at a time was chopped off."⁴⁰ This torture was sometimes highly sexualized. On many occasions not only were the black male's private parts removed but sold as souvenirs, sometimes for a quarter.

The southern apology for lynching was of course that they were protecting "the flower of southern womanhood."⁴¹ Actually, blacks were accused of sexual assault in less than 30 percent of such cases from 1882–1930.⁴² Emmet Till was lynched for allegedly whistling at a white woman. Other "reasons" included insulting whites or disputing their word, being lazy, using inflammatory language, throwing stones, and trying to register to vote.⁴³ In this vein a postwar Civil Rights Commission found as follows:

In 1945 at least six persons in the United States were lynched by mobs. Three of them had not been charged, either by the police or anyone else, with an offense. Of the three that had been charged, one had been accused of stealing a saddle. (The real thieves were discovered after the lynching.) Another was said to have broken into a house. A third was charged with stabbing a man. All were Negroes.⁴⁴

Lynching as a form of torture is a deeply symbolic order.

[T]orture... is... itself a demonstration... the physical pain is so incontestably real that it seems to confer its quality of incontestable reality on that power which brought it into being. It is, of course, precisely because the reality of that power is so contestable, the regime so unstable, that torture is being used... torture is a process which not only converts but announces the conversion of every conceivable aspect of the event and the environment into an agent of pain. It is not accidental that in the torturer's idiom the room in which the brutality occurs was called the "production room" in the

Philippines, the “cinema room” in South Vietnam and the “blue-lit stage” in Chile: built on these repeated acts of display and having as its purpose the production of a fantastic illusion of power, torture is a grotesque piece of compensatory drama.⁴⁵

Moreover,

[P]ain continually amplified within the person’s body is also amplified in the sense that it is . . . made visible outside the person’s body . . . the [visible] pain is denied as pain and read as power.⁴⁶

The area under the lynching tree was our own production room. The lynching tree was not only a site of terror; it was a site of myth making.

The myth is a drama, which begins as a historical event and takes on its special character as a way of orienting people to reality. The myth, or story, carries the values of the society: by the myth the individual finds his [or her] sense of identity.⁴⁷

Lynching was a very public drama. Newspapers announced the lynching in advance and sent reporters so that members of the mob could be photographed next to charred remains of the lynching victim. “Railroads ran special trains and frequently assigned extra cars to regular trains to accommodate the demands of lynch-minded crowds . . . numbering as many as 15,000.”⁴⁸ Parents took children. Walter White, a famous civil rights leader in the 1920s, recounts in his study of lynching the story of a nine-year-old girl who told him about “the fun we had . . . burning niggers.”⁴⁹ When sheriffs and other officers of the law attended, they typically did so as tourists. The law was a winking, tacit presence at these lynchings: these atrocities occurred outside of the formal structure of the law but on a stage created by its deliberate indifference.

[M]urder is stalking abroad in disguise, while whippings and lynchings and banishment have been visited upon unoffending American citizens, the local administrations have been found inadequate or unwilling to apply the proper corrective. Combinations darker than the night that hides them, conspiracies, wicked as the worst of felons could devise, have gone unwhipped of justice. Immunity is given to

crime, and the records of the public tribunals are searched in vain for any evidence of effective redress.⁵⁰

By lynching black males southern society punished black males in a way no white person could be punished, in a way no human being could be punished. The overwhelming acceptance of this practice as necessary and right confirmed symbolically that they really were less than human beings. By lynching black males white society dramatized, acted out, and wrote in blood the myth that black males were by nature beasts and should be destroyed on the first sign of reverting back to their true selves.

In this morality play the white male paints a picture of himself as the still all-powerful master and of the black male as a dangerous threat—Nat—overcome at the end of the noose. If Nat during slavery was a bull to be castrated, he now became a witch to be burned.

The internal conflict within the psyche of the slave master was projected onto the slave himself. This splitting produced twin images of the black male: one twin corresponded to the master's desire for power, one to the master's resulting deep foreboding that his own slaves might murder him at night. Nat was the master's projected image of fear. His twin was Sambo: the image of the happy, docile, darkie. The word "Sambo" comes from the word in the Mende language that means to disgrace.⁵¹ The first appearance of Sambo⁵² is in 1781 in a play called *The Divorce*. A black male character, portrayed by a white in blackface, danced, sang, spoke nonsense, and acted like a clown. "Sambo" also appeared in the title of an 1833 mock sermon (entitled *Sambo's Address to His Bred'ren*) that satirized African Americans and religion.

Blassingame says of Sambo:

Sambo, combining in his person Uncle Remus, Jim Crow, and Uncle Tom, was the most pervasive and long lasting of the three literary stereotypes. Indolent, faithful, humorous, loyal, dishonest, superstitious, improvident, and musical, Sambo was inevitably a clown and congenitally docile. Characteristically a house servant, Sambo had so much love and affection for his master that he was almost filio-pietistic; his loyalty was all-consuming and self-immolating.⁵³

Sambo was a preposterous unity of opposites, both trickster and dimwitted buffoon, both loyal servant and undependable, dishonest

rogue. Whether depicted as a grinning youngster in bib overalls or raggedy clothes (on the product label for what was then called Sambo's Axle Grease), or as Little Black Sambo, a smiling black face with a wide, white mouth, pigtails tied with different colored ribbons streaming from his head, Sambo was always dull, always immature, always a child: he never became a man.

Sambo's image was as abundant in the media as popular culture itself.

The Sambo stereotype was disseminated through books, newspaper and magazine articles, song lyrics, song sheet illustrations, cartoons, and word of mouth since early in the nineteenth century. . . . By the 1880s, the image had become public property. Illustrations of gap-toothed, bug-eyed, nappy-headed blacks—male and female, children and adult—began appearing everywhere: newspaper advertisements, postcards, magazine covers, household goods, knick-knacks, and food packages displayed the stereotype for its comic effect as well as its effectiveness in hyping sales. The appearance of the Sambo or Mammy image—its female counterpart—usually assured the popularity of any item.⁵⁴

Sambo was of course a caricature.

Unable to separate these fantasy images from real people, whites believed that Sambo's traits were typical and defined immutable characteristics of Africans.⁵⁵

The sham characteristics are those which are attributed to an individual from the point of view of other people. They might, or might not, reflect themselves in his own conception about himself. They can originate entirely through interpretations by others without his participation, or he can directly or indirectly share the responsibility for their development through pretending to have the characteristics. The given individual does not possess these sham characteristics but only seems to possess them.⁵⁶

Thus, confusing myth with fact, Dr. Samuel Cartwright wrote, "Africans are endowed with a will so weak, passions so easily subdued, and dispositions so gentle and affectionate that they have an instinctive feeling of obedience to the stronger will of the white man."⁵⁷

Sambo traveled easily, through the doorway of shared belief, from the realm of popular culture into the supposedly objective realm of law.⁵⁸ Thus, Chief Justice Ruffin stated:

Negroes—at least the great mass of them—born with deference to the white man, take the most contumelious language without answering again, and generally submit tamely to his buffets, though unlawful and unmerited. Such are the habits of the country. . . . For it is an incontestable fact, that the great mass of slaves—nearly all of them—are the least turbulent of all men; that, when sober, they never attack a white man; and seldom, very seldom, exhibit any temper or sense of provocation at even gross and violent injuries from white men. . . . Crowds of Negroes in public places are often dispersed with blows by white men, and no one remembers a homicide of a white man on such occasions.⁵⁹

Ruffin's racist candor continued in *State v. Boyce*.

If slaves would do nothing, tending more to the corruption of their morals or to the annoyance of the whites, than seeking the exhilaration of their simple music and romping dances, they might be set down as an innocent and happy class. We may let them make the most of their idle hours, and may well make allowances for the noisy outpourings of glad hearts, which providence bestows as a blessing on corporeal vigor united to a vacant mind.⁶⁰

Sambo, depicted as being without a mind or will of his own, waiting to be filled by the commands of master. Sambo was also a body without a mind, a pair of hands. Sambo was a fantasy, but people mistook him for real, living black men because they needed to.

Despite their billings as images of reality, these Negroes of fiction are counterfeits. They are projected aspects of an internal symbolic process through which, like a primitive tribesman dancing himself into the group frenzy necessary for battle, the white American prepares himself for a social role. . . . the stereotype springs. . . from an internal psychological state, not from misinformation alone but an inner need to believe.⁶¹

This mental image of Sambo anchored both the ideology of slavery—there is no guilt in dominating a body with no will of its own—and the identity of the slave master himself. Sambo stood not only for the notion of slavery as a natural political order, but also for white male identity as a natural badge of privilege and power.

Sambo and Nat today no longer represent the conscious images whites have of blacks. These figures nonetheless reappear in popular culture as alternating, deeply unconscious images of what black males are like. These figures symbolize and in turn prescribe the good and the bad, the safe and the dangerous in black male identity.

Nat is very much with us. In the historical narrative Nat killed whites by sneaking up on them while they slept. With stealth and cunning as weapons in his arsenal he cut a swath of destruction through the fevered imagination of southern whites.

It is the memory of slavery, burned into psyche of the master, that knotted together this Nat figure and the black male of today. Nat now appears as the trickster figure within our social relations. He represents all that is chaotic and at war with order.

[He] serve[s] as the symbolic basis for fueling and sustaining panics about crime, the nuclear family, and middle-class security while they displaced attention from the economy, racism, sexism, and homophobia. This figure of black masculinity consistently appears in the popular imagination as the logical and legitimate object of surveillance and policing, containment and punishment. Discursively, this black male body brings together the dominant institutions of (white) masculine power and authority—criminal justice system, the police, and the news media—to protect (white) Americans from harm.⁶²

Nat's legacy to the present is that fears about disease or crime are conflated with fear of "the black male."

In the past Nat was portrayed as a hatchet- or sword-wielding slave, his red tongue lolling in lust for rape or violence. Nat is now portrayed in our social narrative in modern dress with a boom box and twisty braids, or wearing a rumpled jogging suit, the usual suspect in the war on drugs. He is the one police search for when someone shoots a pregnant Boston woman or hijacks a car with a woman's kids inside. Or he appears as a dangerous black man "lurking" in the shadows—of

the vestibule of his own house—who reaches for his back pocket when confronted by four white police officers on a dark Brooklyn night.

He stands at our shoulders when we give our maid her wages, it is his hand which we fear we are taking when struggling to communicate with the current intelligent Negro, his stench, as it were, which fills our mouths with salt as the monument is unveiled in honor of the latest Negro leader. Each generation has shouted behind him, Nigger! as he walked our streets; it is he whom we would rather our sisters did not marry; he is banished into the vast and wailing outer darkness whenever we speak of the purity of our women, of the sanctity of our homes, of American ideals. What is more, he knows it.⁶³

The problem of the transparency of the myth becoming a window that we look through without realizing we are looking through a window is still with us.

Thus Nat seems to appear when the police look for individuals who fit drug courier profiles: police disproportionately arrest blacks when they are looking for those who fit “race-neutral criteria.” An example will illuminate what I mean. In one of my writings I noticed an instance in New Jersey where the police were pulling over people with out of state plates. The theory was, presumably, that drug traffickers on the New Jersey turnpike were more likely than not from somewhere outside of the state. This geographical characteristic, I also assume, correlates in the experience of police with the pattern of arrests: statistically most drug traffickers arrested in New Jersey are from other states. This is how profiles are developed: they begin as efforts to crystallize the correlations police actually observe between certain factors like geography and criminal conduct.

The out-of-state-plates criteria is of course neutral on its face. But look what happens in the hands of the police.

[T]he Public Defender’s office surveyed turnpike traffic from 9 a.m. to 4:15 p.m. for a week in December 1988. Of the 1,634 vehicles observed 77 or 4.7 percent of the total were occupied by black people and had out-of-state plates.

This picture of typical weekday traffic was compared with the 271 arrests for contraband from February to December 1988 that were referred to the Public Defender’s Office.

Dr. Naus said of the 271 arrests, 226 involved blacks, 28 involved whites and 17 involved people of Hispanic origin. In 210 of the arrests the cars had out-of-state license plates. In a court brief, Dr. Naus said the difference between the typical traffic pattern and the rate of arrests of blacks from other states “is dramatically above thresholds used to establish prima-facie evidence of racial discrimination.”⁶⁴

While nothing in the drug trafficker profile specifies black males, anecdotal evidence suggests that the face associated with the trafficker is that of the black males:

State police used racial profiles to target black motorists during traffic stops along the New Jersey Turnpike, a former trooper testified Monday. Kenneth Wilson said he was trained to look for black motorists during his 2-1/2 years stint as a trooper. Wilson, 30, of Willingboro, said the racial profile was used for potential drug arrests. “I was taught to look for young, black males,” said Wilson, who is also black. “I applied it all the time, as much as possible.”⁶⁵

While not rigorously scientific, a study conducted by an electronic magazine is noteworthy.

To illustrate how African-Americans are harassed, ABC’s television program *20/20* placed staff employees in two expensive cars and had them park in front of a restaurant in a predominantly white neighborhood at 3:30 A.M. The white male employees were placed in one car and the black male employees were placed in the other car. In moments, police approached the car with the black males and warned them that “people would say they look suspicious.” However, the white males were passed by more than 15 times by police officers without being approached or questioned.⁶⁶

The essence of Nat as a myth is that while normal individuals are dangerous or not based on the record of their individual behavior, black men are dangerous based on their physical characteristics as black men. We see this in the case of Rodney King.

King in fact is at “the apex of a series of current dramas about black men.” If the myth of Nat is that the black male is a

beast then “Willie Horton, the Clarence Thomas/Anita Hill affair, Magic Johnson’s AIDS confession, the O. J. Simpson debacle—all gave real-life corollaries to the myths.”⁶⁷

King’s problem was primarily that he was a “big black man.” His physical characteristics, as two social scientists attempt to rationalize after the fact, correlate with contemporary notions of dangerous individuals.

The biological factors whose traces we see in faces, physiques, and correlations with the behavior of parents and siblings are predispositions toward crime that are expressed as a psychological trait and activated by circumstances. The existence of biological predisposition means that circumstances that activate criminal behavior in one person will not do so in another . . . that . . . crime . . . may . . . reflect constitutional factors.⁶⁸

These constitutional factors are of course the biological traits of size and color. These traits in turn (size and color) are posited as predictors of criminality. Thus, King was “of a size and shape and skin color correlated with a propensity to behave violently.”⁶⁹ Lawyers speaking of “the likes of Rodney King” mobilized this somatypic image of dangerousness. Criminality, in the context of King, in the context of Nat-like figures, is here defined not in terms of moral blameworthiness—what a black person has done—but in the speculative terms of what he might do. As Thomas Dumm explained, “King’s responsibility extends not only to what he does, but to who he is in [a] constitutional sense. His body might be said to have informed on him to the police.”⁷⁰

Given this phenomenon of transparency, blacks do not have to act as individuals to frighten whites, nor act as individuals—beyond violating traffic laws—to “provoke” violent and often fatal attacks.

In the 1980s Arthur McDuffie, a Miami insurance salesman, was beaten to death by policemen when he, like King, failed to yield to police officers pursuing him for speeding on a motorcycle.⁷¹ Clifton Lloyd was shot by a police officer who heard a radio run that a black male was speeding on a motorcycle.

In other instances it is the mere fact that black males are out of place when they leave the confines of the urban ghetto. The Yusuf Hawkins case is a good example.

A 16-year-old black youth was shot to death Wednesday night in an attack by 10 to 30 white teenagers in the Ben-

sonhurst section of Brooklyn, the police said. The whites, the authorities said, were lying in wait for black or Hispanic youths who they thought were dating a white neighborhood girl. But the victim was not involved with the girl, the police said, and had come to the predominantly white neighborhood with three black friends to look at a used car. Brooklyn had previously been the site of other racial assaults.⁷²

In December 1986, a mob of whites in Howard Beach, Queens, attacked and beat three black men, eventually causing the death of one of them. The men had come to Brooklyn to buy a car.

More recently, Amadou Diallo, a West African immigrant, was killed while standing on the steps of his home.⁷³ The police first claimed they thought he was a rape suspect. Ultimately they claimed he appeared dangerous because he was “peering” down the street. The police approached with their guns already drawn. Diallo reached for his wallet and the police shot him nine times.

This theme that runs through these stories is a deep consensus that each black male is a potential Nat. Each of these atrocities is the moral and the modern equivalent of a lynching. They are efforts to reconstruct racial myth through performances of racial violence on the blue-lit stage of our modern scene. If there were not broad consensus that the old myth was true, then how could the murderers of Yusuf Hawkins, of the hapless visitors to Howard Beach, of Clifton Lloyd, of Arthur McDuffie, of Amadou Diallo, all have been acquitted?

Nat appears within a million microaggressions in which black males are peculiarly targets of social control, from being stopped on the basis of what many civil rights lawyers now refer to as “driving while black” to rejections for apartments and jobs. Recently, I came to my law school dressed in all black. I had on black pants, black shoes, black socks, and a black shirt, all contrasting textures. Over all this I wore a camel-colored wool and silk sport coat. All this, by the way, was and is sanctioned by the authoritative text of *Gentleman's Quarterly*. I wore my *GQ* clothes much the way a knight in the past wore a suit of armor. I felt that being *GQ* would deflect stereotypical thinking and allow me entry into the citadel of the “polite society” of the academic world—or at least that at my law school. I went to a faculty meeting where another faculty member laughingly said that I looked “like a cat burglar.”

Our debate about race and the criminal justice system stalled a long time ago, as a chasm developed between those who believe that the overwhelming disproportion of black males in the criminal justice sys-

tem was due to social or economic factors and those who believe it is due to the black male's own proclivity to violence. This debate assumes that the relevant terms for discussion are largely present racism or present internalized despair. We need to historicize the discussion. Much of our difficulty lies in the fact that we always stand in a river of our own social experience, in which the past continues to flow through us like the blood in our veins.

Those preconceptions, which are rooted in our racial memory as a people, are not always accessible to us. Racism that is rooted in these preconceptions is not always accessible either. It is invisible.

We think we have gotten rid of myth and racial fantasy by no longer thinking bad thoughts about black men. Most whites do consciously reject racism. But this type of thinking assumes that racism is rooted in bad thoughts and can be controlled like illicit desire. This is the empathic fallacy. This fails to understand that race is rooted in our history and culture and that our thinking and our identity is constituted by this experience. Nat, like Willie Horton, reposes within our ideas of what crime is, of what a dangerous person is. As O. J. Simpson now personifies domestic violence—it is possible to say “he O. J.’d me”—so the black male personifies certain social evils. Nat is part of the baggage of preunderstanding that decision makers within the criminal justice system, from the street-corner bureaucrat of the police officer to the judge, from the legislator to the president, bring to the problem of crime.

Even if blacks were more prone to crime, this objective fact would not determine or explain their status as targets of choice for arrest or social control: the status of the other is always determined within the subjective, ideological realm in which we decide what social evil is. The white serial killer who may live down the street is often not suspected despite copious evidence that he has committed crimes. The white-collar criminal crying greed is good, the paranoid subway rider who shoots down four teenagers in cold blood, or the Los Angeles police officer who beats a Los Angeles motorist almost to death for failing to yield, are examples of criminals who have committed terrible crimes, some of which were televised, and who were not jailed or even viewed as criminals.

Black males are in jail in the numbers that they are, they are targets of violence in the disproportion that they are, not because they have a wolflike desire for creating disorder but because we still think of them, through the prism of myth, as the wolf, red tongue lolling, in our social life.

Sambo anchors the opposing idea that blacks are capable of assimilation, but only if they are deployed in childlike roles.

Sambo is a resilient figure in American life and law. Up until the 1960s, one of the characters in a television series entitled *The Little Rascals*, was named Buckwheat. He never spoke, and he wore his hair in androgynous plaits that stood up when he was afraid. Sambo could be any age. Until 1953 CBS ran a famous show called *Amos and Andy*. Each of them represented Sambo-like figures. Amos, called the Kingfish, was a dishonest swindler, always smoking a cigar. Andy was the amiable unsuspecting victim of the Kingfish's con man schemes. Andy was so naive he bought a facade of a house from Kingfish. Each time Andy walked through the house he stepped into the back yard. When Andy asked where was the rest of the house Kingfish replied, "Holy mackerel there Andy, you walkin' too fast!"

The Sambo figure continues to be yoked to sales today. There is Uncle Ben, a figure of an elderly, North Carolina farmer deployed after World War II.⁷⁴ The kindly Uncle Ben, reminiscent of Harriet Beecher Stowe's loyal, ultrapassive Uncle Tom, is designed to evoke feelings not merely of southern life but life on the plantation. Uncle Ben's servile, smiling face connotes domesticity and order, but only by representing himself and black men by proxy as happy servants.

Moreover, the staggering unemployment rate for black males is objectively a waste of human capital. We find this acceptable in part because of beliefs that are widely shared among blacks and whites: the black men seen languishing on corners, wine bottles in hand, or those who are an absent presence in colleges and graduate and professional schools, are where they are—or are not—because, to paraphrase University of Texas professor Lino Graglia, of a "culture of failure."⁷⁵ In a freewheeling racial Darwinism that has become commonplace, society holds that these black men are inferior due to cultural backwardness. This modern-day image of an inferior black male underclass bears an uncanny resemblance to Sambo.

Sambo, unlike Nat, has a place in society, albeit a subservient one. Sambo appears in literature as Crusoe's Man Friday,⁷⁶ as Ivanhoe's Wamba, as Huckleberry Finn's Nigger Jim.

Sambo never has a voice, never has a mind of his own, and always plays a quasi-feminine supportive role.

Sambo appears in films today as the "magic negro." In *Four Feathers*, Djimon Hounsou stars as a Sudanese native, Abu, who blurs the boundary between Man Friday and guardian angel. Lost and dying of thirst, Abu goes on to serve and even rescue his new white friend,

fighting for him, helping him warn the British of a rebel attack, and—with a special magic potion?—spiriting him out of a Sudanese prison. Abu receives no reward. Once the white male character's need for Abu is over he fades back into the desert.

In *The Legend of Bagger Vance*⁷⁷ Will Smith stars as a caddie who walks literally out of the mist to help an alienated Matt Damon. In the film, set in the World War I era, Damon, a golf prodigy before the war, returns from the trenches as a psychological wreck. Resonating with Freudian symbolism, Damon has “lost his golf swing.” Bagger is a mystical, supernatural being who shows Matt how to overcome his feelings of inadequacy as a golfer and in doing so brings Matt back in touch with himself. As Todd Lothery comments, “Bagger [like Abu] isn't a character. He is a writer's construct, and he uses this power wholly to serve a white man's needs before conveniently disappearing into the mist from which he so mysteriously emerged.”⁷⁸

The “magic negro” also appears in the film *The Green Mile*,⁷⁹ in which Michael Clarke Duncan plays the role of “happy slave” wrongfully imprisoned for killing two white children. In this film, Duncan's character uses his supernatural powers to help Hanks cure his bladder disease and cure the terminal illness of the Warden's wife. “But Duncan's character chooses not to set himself free. Therefore the role is all about sacrifice, and while there are elements of religious allegory it [is] the story of a black man whose sole purpose is to help the white man and not ask for anything in return.”⁸⁰

There are a spate of movies that unfold as variations on this theme. One example is the film *The Family Man*⁸¹ with Don Cheadle. Cheadle appears as some sort of angel who shows Nicolas Cage the importance of love and family. His only role is to serve the spiritual needs of the character played by Cage.⁸² Another example is *What Dreams May Come*.⁸³ (I loved the title.) Cuba Gooding, Jr., stars as an angel helping Robin Williams find his wife.

If the essence of Sambo is that he dutifully and loyally serves the interests of white males, this defines the approved parameters of black male aspiration. Blacks are often accepted as police officers, witness Denzel Washington in *Training Day*,⁸⁴ Eddie Murphy in the *Beverly Hills Cop*⁸⁵ series, Danny Glover in the *Lethal Weapon*⁸⁶ films; or as soldiers, Cuba Gooding, Jr., in *Men of Honor*,⁸⁷ or as athletes, witness Gooding again in *Jerry Maguire*.⁸⁸

Sometimes Sambo plays no social role but only serves as a clown as in the days of minstrelsy: witness Chris Rock as Pookie in the classic

*New Jack City*⁸⁹ or, more recently, Chris Tucker in the *Rush Hour*⁹⁰ movies. Black conservatives seem to function in a similar vein.

Sambo's role is to legitimate the privileges of whites through performances of racial tropes. A cottage industry has developed in which blacks, presenting themselves as intellectuals, write books in which they affirm for their white target audiences that blacks themselves are primarily to blame for the continuing socioeconomic gulf between blacks and whites. Whatever one thinks about the merits of these arguments, they play no discernable role in the shaping of public debate or public policy. That is, they introduce no new ideas, no solutions to problems, they urge no action on the part of government. The only objective function of the black conservative discourse is to legitimate the privileges of whites. The mechanism of this legitimation involves performances in which tropes of inferiority are reified as fact.

Thus, for example, Ward Connerly catapulted himself to national fame by championing a measure called Proposition 209.⁹¹ The proposition was rhetorically couched in the language of neutrality as something prohibiting "preferential treatment." Its target was minority admissions in higher education in California. With the acceptance of Proposition 209 by the California legislature blacks of course still got into state colleges. However, where before they might have gotten into Berkeley or one of California's better colleges, "What you have is (that) your two flagship campuses (Berkeley and Los Angeles) will be sort of reverse ghettos, with Asians and whites, and a lack of color. That's not good for those institutions."⁹² In effect, Proposition 209 has been a vehicle for the resegregation of higher education. Connerly's premise is that blacks themselves are responsible for their own situation.⁹³ Clearly there are objective differences between blacks and whites in terms of their performance. As a group blacks score lower on college admission tests like the SAT, for example.⁹⁴

What is outrageous about much of this is the extent to which it suppresses any inquiry into the source of the disparity between black and white educational outputs. It is certainly true that blacks are weaker in objective terms than whites vis-à-vis admissions standards. It is also true, at least in many inner city areas, that public schools are disaster areas. In the spring of 2000 I represented the National Association for the Advancement of Colored People in a battle against Jeb Bush's One Florida plan. This plan is similar to Connerly's idea. Bush got rid of race as a permissible criteria in college admissions. In its place he created a top 20 plan. Under this system, which requires all applicants

to go toe to toe on objective criteria, a point seems to be missed. In Florida most inner city schools have few if any college preparatory courses.⁹⁵ The inner city schools lack the resources to prepare students for college. If blacks are not producing the SAT scores and other objective measures that whites are producing, it is also true that at the elementary and high school level, at least in many counties in Florida, there are two very different school systems: one urban, black, and poor, and one suburban, white, and affluent.⁹⁶

But blacks are not victims of institutional racism, people like Connerly go on to say. Rather, whites are innocent victims of racism when affirmative action is used to exclude them (qualified whites) from jobs or university seats. The figures of the innocent white victim and the unqualified black affirmative action applicant are a part of a larger narrative of black social inferiority. This is a narrative that becomes explicit in books like *The Bell Curve: Intelligence and Class Structure in American Life*.⁹⁷ When Richard J. Herrnstein and Charles Murray trot out images of blacks as inferior in intelligence this is racism. It is presented, oxymoronically, as “reasonable racism,” but it is simply racism. When black males like Connerly purvey these same images, it is minstrelsy.

By serving to enhance the privilege of white males and doing so by performances that rely on racial tropes, Connerly and his fellow black anti-affirmative action fellow travelers follow a star that leads back to Sambo.

In our so-called modernity the ideology and images of our racial past continue to hold vast sway over our social life.

In our image of the Negro breathes the past we deny, not dead but living yet and powerful, the beast in our jungle of statistics. It is this which defeats us, which continues to defeat us, which lends to interracial cocktail parties their rattling, genteel, nervously smiling air: in any drawing room at such a gathering the beast may spring, filling the air with flying things and an unenlightened wailing. Wherever the problem touches there is confusion, there is danger. . . . It is a sentimental error, therefore, to believe that the past is dead; it means nothing to say that it is all forgotten, that the Negro himself has forgotten it. It is not a question of memory. Oedipus did not remember the thongs that bound his feet; nevertheless the marks they left testified to that doom toward which his feet were leading him. The man does not

remember the hand that struck him, the darkness that frightened him, as a child; nevertheless, the hand and the darkness remain with him, indivisible from himself forever, part of the passion that drives him wherever he thinks to take flight.⁹⁸

Gangs of New York: The Story of the Jogger Trial

“Wilding,” the game was called. That meant running in packs and beating up everyone in sight. . . .
Quickly jailed, the punks whooped and hooted and swaggered and strutted and loudly sang a streetcorner hit called “Wild Thing”—That’s what happen when bodies start slappin’ / Doin’ the wild thing. . . . I get paid to do that wild thing. . . .
—Jay Maeder, “Wild Thing: Turning Out Koch”

In *The Armies of the Night*, Norman Mailer used newspaper articles as the content of a novel. To paraphrase Mailer, his was a work of fiction imitating journalism. The story that I have recovered here—the story of the jogger trial—is of journalism imitating a work of poor fiction: the so-called objective sources were a parody of neutrality. The media recruited the black males in the story as figures in an antebellum-style narrative. Black teenagers were cast as vicious beasts and in their viciousness as a metaphor for urban crime. I want to tell the story of this particular instance of identity construction. The imagery, mood, and perspective of the jogger story are drawn entirely from the so-called objective sources. The racial drama of the trial nonetheless becomes an allegory about our racial situation.

The plot in this racial reality play is complete with an ironic twist. Matias Reyes, a serial rapist, admitted he committed the rape and testified that he acted alone. His identity as the rapist was confirmed by DNA evidence. After weeks of trying to connect Reyes to the youths, the police were unable to establish any link. In a real sense this turn of events put the police and prosecution on trial. I am reminded of Shakespeare’s Edmund, who cries out “Thou hast spoken it aright. . . the wheel has come full circle I am here.”¹ At the urging of the district attorney’s office the court threw out the convictions in their entirety.² Then the New

York district attorney, Robert Morgenthau, went so far as to publicly exonerate the youths. Tellingly, the district attorney went a step further to publicly discredit a backlash campaign by the police that insisted that the youths, “the Jogger five,” as they came to be called, might still be guilty of something. There never was physical evidence, only confessions. Given the police practices and the circumstances surrounding the confessions, they were “unreliable,” the district attorney admitted.

We now know—given the hindsight of 10 years of improvements in forensic science—that whatever else the jogger defendants might have been, they were innocent of rape.³ In the afterglow of this explosive revelation the news reports, the objective sources, no longer have much to tell us about what actually happened in April 1989 in the park. But the reports do open a window onto our racial consciousness—or really, our unconsciousness.

I have said that the problem of race is a problem of language. The news reports, hyped as they were, were *received* as perspectiveless. At the same time, the language of these same reports is drenched in racial tropes. New Yorkers—that is, white New Yorkers—received the mainstream media accounts as fact. Yet, as we shall soon see, the very appeal of these news accounts is to race-coded rhetoric and a widely shared sense that in this war against the inner city gangs it is *us versus them*.

This doubleness in our thinking captures the paradox of “color blindness.” One must always deny an awareness of race that one has already perceived. This case opens a window onto how the utopian trope of color blindness can be easily yoked together with the trope of a subhuman, mindless, black male.

In this duality we are able to move without noticing between the facts and an almost nineteenth-century essentialism in our thinking about race, between racial imagery and what is received as justice. It is the fear of the black male and the need to repress it which sets all this in motion. Check me on this; listen to the narrative of the jogger trial.

PART I—THE “WILDING”

New York, April 19, 1989—Under cover of darkness, 17 black and Hispanic boys slouched down—from the Robert Taft Houses in East Harlem.⁴ Heading south and west, the cloud of youths hovered for a moment at the Schomberg Plaza on 5th Avenue and 110th Street.⁵ There they drank a little, smoked weed, and stared across the street at Central Park.⁶ Like a gathering storm, the gang grew larger as 16

more youths joined them.⁷ Over the driving beat of rap music someone exhorted, "Let's raise a little hell, and let's go get some joggers."⁸

Their minds teeming with the violent images of the streets and the movies, they crossed over into the park with one goal: to smash, hurt, rob, stomp, and rape.⁹ Some had weapons, one a 12-inch iron pipe.¹⁰ They were a ragtag army of the night, soldiers without a flag, rebels without a cause, lost children at war with anyone they could find in the park.

Designed in 1858, Central Park is 1.3 square miles of idyllic wooded hills, rocky outcroppings, ponds, and broad meadows.¹¹ An unspoiled Forest of Arden in the middle of New York, it came to represent a refuge from everything urban. As one writer put it, "Olmsted and Vaux designed it as they did in the 19th century precisely because there were ruffians about. New York City has always been a rough-and-tumble social experiment in which the overclass and the underclass live cheek by jowl and tooth by claw."¹²

It was in this space, ironically built and consecrated to safety and peace, that the wilding erupted in force.

Like something out of *A Clockwork Orange*, the gang of teens sought pleasure through mayhem:¹³ They terrorized nine people in two hours. They descended first upon a homeless man, pouring beer on his head and stealing his "nasty" sandwich around 8:55 P.M. Then, random as lightning, they set upon a 52-year-old jogger, punching him; tried to assault another male jogger, in his 30s, who outran them; and threw rocks at a couple riding a tandem bicycle, who fled. Pranks escalated into rampage as they savagely attacked two other joggers, one a man in his 40s. The pack of youths surrounded him and struck him in the head with a metal pipe. This was not enough, they wanted more fun. Yusef Salaam, one of the group's leaders, then said, "Let's get a white girl."¹⁴

Nearby, on that cool moonlit evening, a young woman ran alongside the cars on the park's east drive. Her name in this story is Paula Harris.¹⁵ She turned left at 102nd Street to head down a road where cars are not allowed. The 102nd Street transverse where she ran is the upper limit of "posh" New York: all that represents affluence, safety, and sophistication. Beyond that it's downhill to the black, Hispanic, polyglot ethos of East Harlem. On one side were the awnings and doormen of the Upper East Side, on the other "a world of crack, welfare, guns, knives, indifference and ignorance, a land with no fathers...the anarchic province of the poor."¹⁶ As she ran along the

transverse, she ran, perhaps unknowingly, along the frontier that separated two realities, two “continents.”¹⁷

“Through the budding trees on her left the 28-year-old investment banker could see the illuminated blue spire of the Empire State Building, the red neon RCA logo atop Rockefeller Center, the glittering silver Art Deco crown of the Chrysler Building. The only sound was the gentle whoosh of the city’s traffic, like surf on a far-off shore. Street lamps lit the roadway but on her right the embankment fell . . . away into darkness”¹⁸ and danger. It was 10:00 P.M.¹⁹

In the underbrush beneath the roadway, the pack waited in ambush. “Let’s get her!”²⁰ She ran, but they chased her down, knocked her to the ground with a foot-long pipe, and then pounced on her.²¹ “Leave me alone!” the woman shouted “over and over.”²² The small, feisty blonde fought bravely for her life.²³ But this is an objective universe. And she was as defenseless as, in the words of one woman, “Bambi in hunting season.”²⁴ Like an animal that has caught the scent of blood, buoyed by the excitement of the chase, the mob got out of control. Ignoring the woman’s cries, Steve Lopez, videotaped confessions would reveal, “ripped her pants with a knife.”²⁵ Other gang members tore her clothes off, bound her hands and gagged her with her sweatshirt.²⁶ They rained down a hail of blows with rocks and bricks, and with the metal pipe.²⁷

Then the mob dragged her unconscious body 200 feet into a wooded area, where she was gang-raped by at least 4 of the 12 boys.²⁸ The orgy of violence continued for a long half hour.²⁹

Then they just marched away, leaving their victim, broken and bleeding, to die³⁰ on the darkling plain.

She was found at 2:00 on Thursday morning under the trees.³¹ Passersby heard moans; the cops turned on the high beams from their patrol car. They saw something thrashing helplessly in a sink of mud. The jogger had lost three quarters of the blood in her body by the time she was found. She had lost so much blood that doctors at Metropolitan Hospital could detect no blood pressure. She owed her life to the mud. The woman suffered multiple skull fractures, severe head bruises, facial injuries, swelling of the brain, and multiple cuts and bruises on the arms, legs, and chest. Her skull injuries were so severe that it was only the cool mud of Central Park, acting as a natural compress, that prevented her brain from swelling and kept her alive.

All anyone could remember about the victim was her charm, her grace. Brought up in a prosperous suburb of Pittsburgh, and educated at Wellesley and Yale, she spent two years assuaging her affluent con-

science in Zimbabwe before she joined the world of financial high-fliers. She lay in a coma, on a respirator, hovering on the featherline between life and death, for almost two weeks, fighting again for her life. Charged in the attack were Kevin Richardson, 14; Antron McCray, 15; Clarence Thomas, 14; Michael Briscoe, 16; Steve Lopez, 15; Kharey Wise, 16; and Raymond Santana, 14, all of Manhattan.

Like something out of *A Clockwork Orange*, the gang of teens showed no remorse,³² according to published reports. During their first night in jail the suspects, aged 14 to 17, joked and sang a rap song called “Wild Thing.” The song became their anthem of violence. As they were locked up behind bars they explained their actions as “just wilding.”

“She wasn’t nothing,” said one of the 15-year-olds charged with the crime. Yusef Salaam, 15, told the police that he whipped the woman with a lead pipe about the head “because it was fun.”

Only one youth, Kharey Wise, expressed regret: “So we was looking at her, and I felt kinda bad,” said Wise. “This is my first thing I did to any type of female in the street. This was my first rape.”³³

Another youth gave the spree of violence a more psychological spin: “I ain’t going to say it’s fun,” one of their friends explained. “It’s getting your anger out at somebody. It’s like stealing fruit—it’s not ’cause you’re hungry.”³⁴

New Yorkers were not “feeling” this explanation. “I no longer want to understand their anger,” said Donald Trump.³⁵ “I want them to understand our anger. I want them to be afraid.” Said one editorial, “This society has flaws. It always has. But I don’t know of any policies, official or informal, that encourage young men to hide in bushes and mutilate innocent women.”³⁶

These comments reflected the fact this was no ordinary offense; this was a kind of metacrine.

Of the 3,254 other rapes reported that year, most of which were of black women, this one fitted more perfectly than any the favoured tabloid headline in which the victim was young, white, middle-class and attractive. A sample of newspaper banners from the time ranged from *Teen Wolf-pack Beats and Rapes Wall Street Exec to Rape Suspect* . . . and *Rape Suspect’s Jailhouse Boast “She Wasn’t Nothing”*. The victim’s courage was heralded by civic officials, by her company, by newspapers. She became an example to society, and more particularly to a section of it which, in the Eighties,

found its lifestyle under siege. The city found a vehicle for its public woe, locked in battle against the forces of *darkness*.³⁷ [Italics added.]

The horrific explosion of lust and violence awakened a consciousness among New Yorkers of the gulf between the New York of the joggers and the New York of the gang that attacked on April 19. First of all, not only was the attack especially violent, but also the victim was one of “us.”

Like background noise, crime is always present here, but New Yorkers console themselves that murders, of which there are four a day, typically occur in poor communities, among people already known to each other. There is a popular myth that a street-wise attitude is all that is needed to stay out of trouble. The woman who went jogging on her own after dark, in the northern reaches of Central Park may have believed such a myth.³⁸

The attack exploded the myth. This was personal.

“This is our home and I just feel it has been invaded, and it is happening more and more,” said Sylvia Asch, a schoolteacher who jogs regularly around the reservoir in the park, near where the assault occurred. “The 2.6-kilometer (1.6-mile) track is used by tens of thousands of people, including former first lady Jacqueline Kennedy Onassis and singer Madonna. . . . There is no punishment that is suitable for them. They are animals, no doubt about it,” Asch said of the attackers.³⁹

Similarly, *Newsday* warned ominously, “It reminded the rest of us of our own vulnerability. The fact that a gang of youths was involved raised the spectre of society with no restraints, one that might be open to an invasion at any time.”⁴⁰

The proximity of the violence amplified the violence which occurred to epic proportions. This allowed the prosecutor to say, “This was the most brutal attack in City’s history.”⁴¹ A wave of *anger* began to grow, consuming New York, a city notorious for its indifference. Thus, one newspaper stated, calling the gang a “wolf pack” was libelous to wolves.⁴²

They were animals. One story seemed to be that the perpetrators were psychopaths. “Some of them had to definitely be antisocial types

for something like that to happen,” said a professor of child psychiatry at Harvard University. “It’s not some kind of rite of spring, like a panty raid, when you bash a woman’s head in with a pipe.”⁴³

But most people agreed that this was a terroristic act aimed at whites.

Because the woman was white and her assailants black, it seemed to many to be a racial incident at first, like a reverse of the infamous Howard Beach case in which a pack of white youths severely beat three black men and chased one into traffic where he was killed, all because the victims were in “the wrong neighborhood.”⁴⁴

The violence removed a lid on a pot of anger about crime that had a racial ingredient. “In that race,” said the white detective, “in that society, rape is no big deal. It’s only a big deal when she doesn’t get her five dollars.”⁴⁵ Calls flooded newspaper offices by whites looking for blood. Manhattan Criminal Court judge Charles Solomon ordered all eight youths jailed without bail on charges of attempted murder, first-degree rape, and assault, after listening to the remorseless admissions investigators obtained from the youths.⁴⁶

Miraculously, two weeks after the atrocity in the park the victim regained consciousness.⁴⁷ “She was Sleeping Beauty who woke from a hospital cot, who recognized the words ‘yes’ and ‘no’ on big cards, to the applause of her doctors and court.”⁴⁸

Her survival and subsequent appearance in court had the impact of someone coming back from the dead, larger than life. “She has taken on mythic proportions, this woman who was found with more of her blood on the ground than in her body, whose face was shattered like a china cup. Her survival became a resurrection, and she became an archetype: The Central Park Jogger.”⁴⁹

“To the jury, she had been a set of horrible photographs a few days before, a jagged and bloody thing, and now she walked into the courtroom—walked off-balance like some shattered soldier, her hands trembling, her left eye and cheek scarred, but walked.”⁵⁰

“Her evidence was limited to what mattered in law. She had to describe her contraceptive practices, because her habit of using a diaphragm meant that the semen found in her uterus could not be the result of consensual sex.”⁵¹

The boys had a fair trial, as fair as possible under the circumstances. True, there was no physical evidence:⁵² no hair, no semen at the scene, matched that of any of the youths charged;⁵³ there were no fingerprints, no blood on the clothes of any of the boys who committed the

rape, no telltale skin under the fingernails, no footprints in the mud, and no identification by the victim—she had no recollection of the attack.

Semen was found on the rape victim's tights, her sock, and inside of her. The semen on the tights could have belonged to her boyfriend.⁵⁴ The semen found inside the victim was untestable.⁵⁵ The semen on the sock, according to DNA tests, did not belong to any of the defendants.⁵⁶ "The FBI reported that, unlike the semen in the victim . . . the DNA pattern in the sock was strong enough to identify. But it didn't match any of the suspects. Worse, in one respect was unlike the semen on the tights, it didn't match the boyfriend either."⁵⁷

But this just proved that one of the perpetrators got away.

The prosecution had found a brick and rock with blood on it near the scene of the crime.⁵⁸ The brick was embedded in the dirt at the rape scene. It had no blood on it. But it was close to the victim. It likely was one of the weapons used, the prosecution would say. *Newsday* ran a color photo of the brick the next day. And the prosecution had found a rock with blood on it and a hair stuck to it! Two more hairs were found: head hair found in Richardson's underwear and the pubic hair on his shirt. No, DNA testing could not conclusively match the hairs but the hairs found were similar to that of Paula Harris, the prosecution would say.⁵⁹

It was finally the underwear that clinched it. At first the jury was deadlocked.

Finally, Ivette Naftal, a young woman who had been arguing for conviction, turned Richardson's underpants inside out and found what appeared to be dirt and grass stains. She reached across the table, holding the underpants out. "Richardson said he fell in the mud with his pants on," she said. "But he has mud on his underwear, not his pants!"⁶⁰

Anton McCray, Yusef Salaam, Raymond Santana, and Kevin Richardson were all convicted of rape.⁶¹ Kharey Wise was convicted of sexual assault. Society's jurors sent a different message from Central Park. This time they didn't get away with it. Something will be done to them—and to everybody else who finds his "fun" in savagery and brutality.

EPILOGUE

Newsday (New York)

Evidence Is Now 'Useless'; Secret NYPD Report Sees Flaws
By Karen Freifeld and Rocco Parascandola. STAFF WRITERS
October 13, 2002 Sunday QUEENS EDITION

New York—After more than six months re-investigating the Central Park jogger case, authorities have turned up no new evidence to contradict a serial rapist’s claim that he alone committed the crime for which five teens served years in prison. . . . In fact, a confidential police report obtained by Newsday concludes “All forensic evidence used at trial . . . [to convict the five] has now been determined to be useless.”

Instead, the NYPD report indicates that retesting of evidence supports the idea that Matias Reyes, 31, committed the April 19, 1989, rape and near-fatal attack on the jogger.

PART II—A HUGE CHASM REMAINS: THE MEANING OF THE JOGGER NARRATIVES

A huge racial chasm remains, and there are few signs that the coming century will see it closed. A century and a quarter after slavery, white America continues to ask of its black citizens an extra patience and perseverance that white have never required of themselves. So the question for white Americans is essentially moral: is it right to impose on members of an entire race a lesser start in life, and then to expect from them a degree of resolution that has never been demanded from your own race?⁶²

Violence takes many forms. There is the violence of crime, of robbery, rape, and assault. But there are other forms. The relegation of human beings to ghettos—Douglas A. Massey and Nancy A. Denton’s warning that 85 percent of American neighborhoods are “segregated” comes to mind here—is a form of violence. Thirty years after the Kerner Commission warned us of deepening racial polarization—we were becoming two societies, one black, one white—the gulf between the inner city and the suburbs seems to have crystallized as a cultural as well as an economic divide.

A celebrated 1960s activist named Huey Newton⁶³ argued that the relationship between black communities and the larger society was similar to that between colony and mother country.⁶⁴ This colony–mother country analogy was implicit in Hacker’s *Two Nations*.⁶⁵ Thirty years later a Stanford law professor offered a similar thesis about “racial geography” in a law review article.

It is now *passé* to speak of racial segregation. . . . But even as racial segregation has fallen from the national agenda, it has persisted. Even as racial segregation is described as a natural expression of racial and cultural solidarity . . . segregation continues to play the same role it always has in American race relations: to isolate, disempower, and oppress.⁶⁶

The boundaries that separate a black America and a white America are inscribed by police practices in which we are at war with crack cocaine and heroin but rarely with the drug culture that has pervaded the chic upscale parties of South Beach, Beverly Hills; in which inner city schools—in Miami for example—sweltering under low tax-base systems, have no college preparatory courses; in which a kind of economic caste system is still visible with an American underclass of tenements and subsidized housing.

The boundary line, painted equally with pigments of race and class—dictates as to where people may live, what kind of education they are likely to get, what kind of treatment they are likely to receive—is an expression of violence as brutal as that seen in the nineteenth-century turf battles in New York. The violence of a late-twentieth-century color line was underscored in 1986, when whites chased a black man to his death in Howard Beach. In August 1989, 30 white teens from Bensonhurst, Brooklyn, surrounded 4 black youths who had wandered into their Italian-American neighborhood to buy a used car. One of the boys shot 16-year-old Yusef Hawkins dead. Many thought, even expected, that black teens would seek revenge.⁶⁷

Two Americas, one predominantly white and affluent, one predominantly black, glare at each other like rival gangs across a socioeconomic divide. The boundary line is of course invisible to the naked eye. But no one denies it is there. The debate, which took place at a deep level within the story, is over how it is drawn. The black underclass claims in effect that some of the wealth and privilege that white America enjoys belongs to them. The affirmative action debate—which at this writing took the form of the Supreme Court case of *Grutter v. Bollinger*⁶⁸—draws on a story that the lines separating haves and have-nots have been drawn on the basis of race, and that these lines are therefore unjust. This narrative of victimization is met by narrative of imposition: whites are innocent victims of reverse racism.

The same machinery that produces twenty-first-century segregation produces a double consciousness. In this double consciousness the problem of race is as apparent as it is in Trent Lott.⁶⁹ But the ob-

vious is obscured by the ungrounded yet seemingly unmovable assumption that things have changed. Thus, in the jogger trial the defendants' attorney, Colin Moore, argued that the defendants were being railroaded for racial motives. The black jurors later reported that they were offended by this "racial paranoia."

The assumption that things have changed—the assumption that we have indeed "overcome" in the main—depends on the story that the line between the tenements and the Upper East Side persists because of choices. "Crime-prone" and "inner city" are yoked together in the treatment by the mainstream news media.⁷⁰

This vote to convict the youths synchronized with the story about how unredeemable black youth really is. These kids had the advantages of all the programs. The black male traveling in wolf packs is still the wolf within our social life.

The claim that black males are savages or animals and the story about white innocence are two sides of a single coin. The touching story of this brave, helpless, beautiful woman at the mercy of a crazed gang of inner city thugs was a metaphor for the image of white innocence under attack.

White innocence in turn is associated with social refinement and moral superiority. The trial proved the existence of reverse racism and the need to police the border that separated civilization from modern-day savages.

Thus, the violence of relegating blacks to ghettos intersects with the violence of portraying black men as animals. Whether for sensationalism or to whet the appetite of whites for racial spectacle, the media consciously nurtured this image of two civilizations at war.

City editors pitched in and drafted a powerful story line on the order of "Heroic Woman vs. Feral Beast." David Krajcek, who covered the rape as police bureau chief for the *Daily News*, recalls that reporters were under tremendous pressure to stay true to the top-down narrative. And in the competitive frenzy surrounding the story that narrative took on a life of its own, ultimately slashing the city into two angry parts—white and black, Wall Street and Harlem, law-abiding adults and barbaric youth. There was little room for nuance.⁷¹

Of course, the story rested on a smug, arrogant, completely ungrounded confidence that the black youth really were guilty of rape.

But there was never any physical evidence. Apart from the dubious confessions there was no evidence at all.

The starting point in talking about the confessions is the fact that the suspects were so young. I am reminded of the words of the Supreme Court in a 1948 case:

A 15-year-old lad, questioned through the dead of night by relays of police, is a ready victim of the inquisition. . . . We cannot believe that a lad of tender years is a match for the police in such a contest. He needs counsel and support if he is not to become the victim first of fear, then of panic. He needs someone on whom to lean lest the overpowering presence of the law, as he knows it, crush him.⁷²

Now the claim that the confessions were coerced in the objective interpretation:

Juvenile experts watching the tapes now, however, see disturbing inconsistencies. Although the details they provide about the muggings of other victims that night are in harmony, the boys' descriptions of the rape are conflicting stories. They identify different places, different times for events, and have different descriptions of the crime scene. . . . One suspect keeps changing his story, clearly to please the prosecutor. First, he said the jogger was punched. Then, with prompting, it was a rock. Then, with prompting, it was a brick.⁷³

As Colin Moore argued forcefully, the evidence of the confessions was contrived in part through beatings and in part through sheer intimidation. The confessions, which everyone now knows were false, were a function of power relations. The teenagers said the words the prosecutor led them to say. In a real sense the jogger defendants accepted their place, doing what they perceived they were being told in response to perceived powerlessness. Al Sharpton, whose favored protests were unceremoniously dismissed as "paranoid," was prophetic; it was the media which was not in touch with racial reality.

"The case shows how unfair and awful it is to be poor and black," says the Reverend Al Sharpton, a well-known black activist who organized demonstrations outside the courthouse in 1990. "To be black and rich in this country, you

can buy the best defense, just like O. J. Simpson. I don't know if these young men are innocent, but I do know they were railroaded. The case helped to make all African-Americans more wary of the police."⁷⁴

The godlike power and privilege of the dominant society, or more exactly, the need to legitimate it, led people to need, want, and expect these convictions. The trial became a means to a collective psychological end. This is not to say that the prosecutor or the judge intentionally lied. I don't know. The function of racial ideology is to make lying unnecessary.

Ideology differs from a lie only in the sense that the person under sway of ideology is not aware that they are lying. Racialized thinking is a form of ideology. Every ideology is driven by a set of political or historical narratives. In the McCarthy era people were jailed, blacklisted, and ruined on the idea that America was mortally threatened by communists who were lurking in the shadows getting ready to pounce. The communists in the story were violent, evil, and in disguise. Later in the twentieth century, the jogger case witnessed a kind of racial McCarthyism in which not only rational people but newspapers wallowed in the fear that inner city gangs were out of control, hunting whites, mindlessly marauding under cover of darkness in the streets, alleys, and parks. The threat of the gang was synonymous in subtext with the threat of the black male. The mindlessly violent black male replaced the cunning communist. Here, as in 1950, this demonization released hysteria. Chezia Canoway runs the New York State Task Force against Sexual Assault. She says flatly, "They were convicted on hysteria. It's hard to believe that a case with this lack of physical evidence was winnable. And if it had been a regular Jane Doe case, it would have been unwinnable."⁷⁵

This didn't matter. The media posited the guilt of the defendants in the jogger case as a fact. The drawing of the line, the social construction of objectivity, is always the privilege of the powerful.

An invisible man would be discernible in terms of his effects. We would see the door open, find footprints in the snow. If the line that separates black America and white America is invisible, the phenomenon of racial ideology on which it rests can be nonetheless identified by its irrationality, by the way it twists and distorts reality. The trial of the jogger defendants was twisted and distorted by the rhetoric of race. Louis Brandeis, commenting on a historical instance of persecution, speaks of the time we "hunted witches and burned women."⁷⁶

Here we hunted beasts—a “wolf pack”—and destroyed the lives of black kids. Racial hysteria shines through every line in this story. This hysteria is the footprint of ideology and myth.

The jogger trial was a national referendum on the legitimacy of our racial dividedness in the late twentieth century. As told in the mainstream media, it is a story about the continuing need to guard the border that separates, along lines of race and class, two civilizations, two nations. It is a story anchored in fear about the violence that happens when the inner city gangs step over the line.

This is not the story of Antron McCray, Yusef Salaam, Kevin Richardson, Steve Lopez, Kharey Wise, or Raymond Santana. This is a story about race, about the cruelty and soul-murdering violence involved in its construction. This is the story of an imaginary figure that still incites us, still lurks in the underbrush of our thinking; it is the story of the black male.

What's My Name: The Politics of Reception, and the Politics of Rap

In 1839 Spanish slavers herd a group of kidnapped Africans aboard the schooner *Amistad*, bound from Havana, Cuba, to another Cuban port, Puerto Principe.¹ Miraculously, the Africans escape their bonds. Led by the now-famous Cinque,² they steal long-bladed sugarcane knives and take control of the very ship in which they were held as cargo.³ But why did Cinque fight? Slavery involved uprooting of indigenous people from family, soil, and culture. It was not merely an act of physical brutality, but a process of systematically erasing the slave as an African or even a person at all. The hold of the slave ship, where hapless Africans were laid spoon fashion in blood and filth, was the moral opposite of the womb: from the belly of the slave ship nothing human emerged.⁴ What emerged was received as a slave who by definition was stripped of everything that counted as human identity.⁵ Henry Louis Gates tells a story about a slave who was asked about his “self.” The slave replied, “I ain’t got no self.”⁶ As I see him, Cinque fought to cross back over a line that separated home and alien territory, freedom and oppression, and having a name and an identity and being nameless. In a sense Cinque fought to keep not only his body but also his self—his sense of who he was—from being stolen, lost, or erased.

Although they wrest the power over the ship, they lack the navigational skills to find their way home. They spare and come to trust a Spanish navigator named Montes,⁷ who then promptly tricks them by sailing east by day and north or west by night, zigzagging up the American coast.

Objectively, Cinque’s struggle resonated in terms of values Americans had inscribed in blood into their own story of origins. But eventually these Patrick Henry-like rebels landed on Montauk Point, Long

Island.⁸ Of course, Cinque and 38 surviving Africans were promptly captured and indicted for murder.⁹ Although the indictments were later dismissed, the Africans were still held to determine whether or not they were properly denominated as cargo or people.

In the Spielberg film¹⁰ that attempts to retell this story, a venerable American sage, John Quincy Adams, comes to the rescue. He rescues not only the Africans but the American legal system from the indictment of history, representing the Africans as kidnap victims who had a right to be free by all necessary means. While the film provides a storybook ending, with Cinque clothed in white robes of innocence returning to his native shores, the return home was not quite so simple a proposition for the Africans. Although they have been freed by a Supreme Court decision—that affirmed dryly only that they are free Negroes and not slaves¹¹—the Africans do not go home for many months. This is where Spielberg’s story trails off. In order to pay for the voyage back to what is now Sierra Leone, Cinque and the others must raise money. He does this in part by giving speeches in the Mende language, by doing tricks, and by presenting himself to be gawked at, much like an animal in a menagerie or zoo.¹²

Throughout the story Cinque’s every act is seen through a lens. It is this lens that refracts Cinque’s quintessentially human act of rebellion into an act of murder for which he is indicted. Through this lens Cinque is not, and never becomes, an individual endowed with inalienable rights, but may appear as a slave who killed his master. Cinque places himself squarely within the confines of the dominant majority’s stereotypes, doing tricks, performing as and conforming to a reverse image of himself in order to make money. As Cinque and the other Africans were placed on display in a church in Farmington, Connecticut, by their abolitionist “friends,” “[m]others held tightly to their babies—making sure they would never become tempting morsels for tattooed cannibals.”¹³

In performing as he does, it is an interesting question whether Cinque does not trade for money the very quantity of identity that he fought originally to retain.

This lens creates a peculiar politics of reception: I would refer to it as a dominant perspective. The dominant perspective is simply an attribute of power. Power is the ability to define or name phenomena.¹⁴ Whites have more power than blacks; therefore it is their prerogative to universalize their perspective as truth, not just truth for themselves but truth for all “Americans.” I still remember skin-colored Band-

Aids: they were pink, which contrasted sharply with my own brown skin. Pink, flesh-colored Band-Aids were an expression of a defining other.

Power to create the world from one's point of view is power.... The...[defining other's] epistemological stance, which corresponds to the world it creates, is objectivity: the ostensibly noninvolved stance, the view from a distance and from no particular perspective, apparently transparent to its reality. It does not comprehend its own perspectivity, does not recognize what it sees as subject like itself, or that the way it apprehends its world.¹⁵

That defining other, as the flesh-colored Band-Aid story illustrates, is obviously white.

The dominant perspective as revealed by the skin-colored Band-Aid phenomenon has an Alice in Wonderland-like quality. It transports us to the other side of a looking glass that separates the realm of fact and myth, reality and social construct, and does so imperceptibly. It functions also to disguise the world it constructs as the only possible world.

W.E.B. Du Bois implicitly referred to this dominant perspective through his metaphor of the veil.

Then it dawned upon me with a certain suddenness that I was different from the others; or like mayhap in heart and life and longing but shut out from their world by a vast veil.... The shades of the prison house closed round [me]: walls strait and stubborn to the whitest, but relentlessly narrow, tall and unscalable to sons of night who must plod darkly on in resignation, or beat unavailing palms against stone, or steadily, half hopelessly, watch the streak of blue above.¹⁶

Like a veil, the dominant perspective hides or obscures the human face of the person who wears it. Unlike a veil, the mechanism of the dominant ideology embedded deeply in culture, which is to say language, within our very understandings of race, remains invisible.

Through the dominant perspective ideology crystallizes into a filter of perception through which the black artist is seen as a trope even as he strives with all his spiritual and mental resources to present himself as an artist.

Art, like religion, has represented for blacks the possibility of freedom. Through art, particularly its musical forms, blacks within the slave ship of American legal and political culture attempt to find a way to return homeward, to a place of spiritual and psychological integration. From the perspective of Hegelian dialectics, black identity itself represents negativity, a rejection of European universalism in favor of a sense of cultural integrity and distinctiveness.

[H]e has his back up against the wall of authenticity: having been insulted and formerly enslaved, he picks up the word “Nigger” which was thrown at him like a stone, he draws himself erect and proudly proclaims himself a black man, face to face with white men. The unity which will come eventually, bringing all oppressed peoples together in the same struggle, must be preceded in the colonies by what I shall call the moment of separation or negativity.¹⁷

Against this background let us consider the issue of identity as it plays out in the popular cultural form of rap music. Rap music has been understood as black culture at its most authentic.

The black rappers swaggering across the stage in baggy pants, their hair in dreadlocks, using black vernacular, represent an image of rebellion and freedom. Here is a strand of the black power movement’s rejection of white middle-class values in their rejection of Standard English in favor of Ebonics.

Rap music seeks to find and revel in “cultural practices, motifs, and political agendas”¹⁸ that comprise and unite the mosaic of black urban life.

Rap music abounds with images of black men stepping out of and into limousines and Lamborghinis, fur-coat-wearing Macs with beautiful women at their side or in bed with them, of gun-toting gangstas grimacing through lyrics proclaiming their sexual potency, or their prowess in earning money or beating down their opponents.

In rap music, as Paul Gilroy has noted, “an exaggerated and amplified masculinity has become . . . [the] special symbol of the difference race makes.”¹⁹

These performances, for all their supermasculinity, are intended at a deep level as counternarratives, as resistance in the context of a marginalized people attempting to represent themselves as potent, large, and in charge: predators rather than victims in a society where they

have found themselves jobless, powerless, social victims languishing on street corners and in jails.

But for all rap's claims to represent something authentically black, to in fact be the naked expression of defiance, black rappers implicate the ways in which, for the black male, identity becomes a prison.

I would argue that the black gangsta strutting on a video with a nine-millimeter stuffed in his baggy pants, for all his efforts to represent himself as authentically black, as the perfect expression of the black urban zeitgeist, still appears as simply a thug through the lens of the dominant perspective. He is indeed received as an authentic image of black identity. But black identity through the lens of the dominant perspective is by definition alien and savage. He is received not as subject, but as an object onto which whites may project their fears. They do not hear a counternarrative, they hear the drum beats; they gaze at the spectacle and consume a cultural experience, as they would a trip to Africa, with a voyeuristic relish, but without empathy for the people who produced it.

The black rapper not only sells his cultural capital, but wittingly or unwittingly trades in tropes of himself. Whether portrayed as a Mac with a fur coat and a Lamborghini, as a "cop killa" in Ice T's video, as a thug in a skullcap, as Treach often portrays himself, he is both a joke and a trope to spice up the bland gruel of the larger American culture. He is a commodity in a way similar to the way in which Cinque was a commodity. Not yet an autonomous individual or a human being. He has not removed the veil.

I want to explore the politics of reception as it implicates the gangsta's efforts to represent himself as a version of the authentic black culture. I want to explore the way in which the black male is shackled by his race and gender within the realm of representation, as securely as Cinque was shackled in his slave ship by chains of steel. Through the lens of the dominant perspective the black male is captive even at the apotheosis of his struggle to resist, to break free and find his way home.

I will begin by identifying the strategies of resistance within rap music. I will then explore how these strategies of resistance are subverted by the politics of reception as it occurs through the lens of race. Finally, I will try to speak to the question of whether and how it might be possible for the black male to succeed in entering into discourse.

STRATEGIES OF RESISTANCE

Language, for the individual consciousness, lies on the borderline between oneself and the other. The word in language is half someone else's. It becomes 'one's own' when the speaker populates it with his own intention, his own accent, when he appropriates the word, adapting it to his own semantic and expressive intention. Prior to this moment of appropriation, the word does not exist in a neutral and impersonal language (it is not, after all out of a dictionary that the speaker gets his words!) but rather it exists in other people's mouths, in other people's contexts, serving other people's intentions: it is from there that one must take the word and make it one's own.

—Henry Louis Gates, *The Signifying Monkey*,
quoting Mikhail Bakhtin

At a dramatic moment in his trial, Cinque exclaims, "Give us free!"²⁰ Cinque's predicament in the courtroom, of being forced to make a plea for freedom in the language of the colonial regime, echoes within our present situation. As Toni Morrison notes in *Playing in the Dark: Whiteness in the Literary Imagination*,²¹ Robinson Crusoe is empowered to have a sense of who he is, because he has a language. The African native Crusoe finds on the island, however, has no access to language and cannot speak. Crusoe teaches the native the name for things, including himself. The native becomes Man Friday, whose name—or really, his namelessness—connotes the existential limbo in which the native finds himself in the "new world."²²

Implicitly recognizing this, the primary strategy of hip-hop culture has been to find a voice in which to speak. The quest is for a "black voice" that connects between geographically dispersed communities within the black diaspora, as well to cultural traditions harking back to shared African origins. Like the negritude poets, the project of hip-hop is not merely to posit an authentic blackness but to perform it. In a sense rap artists must proclaim their cultural independence but do so in the language of the other. As a French philosopher once warned, "When the Negro declares in French that he rejects French culture, he accepts with one hand what he rejects with the other; he sets up the enemy's thinking-apparatus in himself."²³

Taking a page from Cinque, as he appropriated the long-bladed sugarcane knives of the slave master to his own uses, hip-hop culture appropriates the master's tools as well. Rap artists engage in a free-wheeling appropriation of language. They speak not in Standard En-

glish but in Ebonics, in the black vernacular. Black vernacular itself represents a strategy of limning out a separate identity.

In the vortex of New World slavery, the African forged new and different words, developed strategies to impress her experience on language. The formal standard language was subverted, turned upside down, inside out, and sometimes erased. Nouns became strangers to verbs and vice versa; an accentuation took the place of several words at a time; rhythms held sway. Many of these “techniques” are rooted in African languages. . . . the havoc that the African wreaked upon the English language is, in fact, the metaphorical equivalent that coming to the New World represented for the African.²⁴

The use of black vernacular is a way of transmitting racial memory through rhyme, of attempting to retrace one's path, much as Cinque attempted to retrace the path of the ship that brought him to a foreign land.

To write as a complete Caribbean woman, or man for that matter, demands of us the retracing of the African part of ourselves, reclaiming as our own, and as our subject, a history sunk under the sea . . . it means finding the art forms of these of our ancestors and speaking the patois forbidden us. It means realizing that our knowledge will always be wanting. It means also, I think, mixing in the forms taught us by the oppressor, undermining his language and co-opting his style, and turning it to our purpose.²⁵

This act of radical reclamation represents a knotting together of race and class, two categories that have been kept apart. That is, historically the antinomies of Standard English and Black English have defined the boundaries between that which is civilized and that which is primitive, that which is the product of education and that which is the product of ignorance.

In contrast, the forms of English that have generally been referred to as Black English, Black vernacular English, or African American English are read/heard by many middle- and upper-class Americans both black and white, as a sign of lower-class status, education, or intelligence. The hegemonic system has established, via education and the

mass media, an engine of linguistic assimilation that has marked class difference above all else, and in so doing has forged a barrier that has served to create divisions within communities themselves.²⁶

Black vernacular is used as a sign of black identity, an identity whose roots are equally in Africa and the urban ghetto. The ghetto in its definitional separateness represents a space where cultural assimilation has not occurred, where black is still black. In this move hip-hop culture follows the arc of the earlier black power movements knotting together an authentic blackness with a rejection of white middle-class values.

In breaking the rules of syntax and grammar, the rapper replaces these with the slippage, doubled meanings, with language whose meaning is so local and situated it may change from song to song. He engages in insurrection at the level of language: he seeks, like the Africans aboard the *Amistad*, to reject all authority other than their own.

Songs like “Bling, Bling”²⁷ create a mantra out of a seemingly meaningless sound. The meaning is in the rhyme, the beat, and the loosing of inhibition.

The gangsta proclaims, “I’ve got the power.” He becomes in the space of signification and doubling of language the defining other. In the process the erstwhile slave becomes the master.

“When I use a word,” Humpty Dumpty said, in a rather scornful tone, “it means just what I choose it to mean—nothing more nor less.” “The question is,” said Alice, “whether you can make words mean so many different things.” “The question is,” said Humpty Dumpty, “whom is to be master—that’s all.”²⁸

Defiantly, hip-hop artists attempt to create their own moral and aesthetic universe within the creative space of a song or poem:

[T]hus, to an even greater extent than has been the case with earlier African-American art forms, hip-hop constitutes itself as knowledge, complete with its own discursive forms, both citing and sitting its own tradition(s).²⁹

The problem of race, Cinque’s problem, has been understood as a problem of subject-object positionality.³⁰ The dominant perspective posits a hierarchy in which white is the color of the subject. The black male other is always and already an object. Cinque stretching out his

arms imploring “Give us free!” is still merely a spectacle: a cannibal that speaks. As Michel Foucault points out, speaking is an event that takes place at the locus not only of lexical meaning, but also at the intersection of social setting, and status.

Who is speaking? Who, among the totality of speaking individuals, is accorded the right to use this sort of language [in what settings and with what effects]? Who derives from it his own special quality, his prestige, and from whom, in return, does he receive if not the assurance, at least the presumption that what he says is true? What is the status of the individuals who—alone—have the right, sanctioned law or tradition, juridically defined or spontaneously accepted, to proffer such a discourse?³¹

One can speak only when one is privileged by status and social setting with the power to do so. So long as Cinque is situated at the locus of the other on the map of racial ideology he cannot be heard, regardless of whether he learns English grammar and syntax.

The project of gangsta rap is nothing less than to reconstitute the black male as a subject. But where to begin? Subject-object relations turn on issues of power. Taking a page from the film *Scarface*,³² the theme of the gangsta seems to be “First you get the money, then you get the power.” It is money that talks in America, the gangsta seems to say. Or, said another way: “It’s all about the Benjamins, baby.” Rap music is woven out of a master narrative of ascent that seems to have a porous relationship with the narrative of Horatio Alger. The notion in rap music seems to be that one tear down the walls of the prison house by conscious effort at self-determination. If one can get enough “paper,” one has the means to pull oneself up not only from economic lack, but also up from the lack of status or personhood, up from the namelessness that has haunted the black experience, up from the ghetto itself.

Thus, the primary figure in this narrative is the situating figure of the ghetto itself. The ghetto is a metaphor for “the black community.” Like black identity itself, the urban landscape of the inner city that features prominently in the videos of gangsta rap is situated within duality. The figure of the ghetto represents both the true “cultural home” of all black people, and it represents a killing ground. It is a place of vibrant African ethnicity and a place of hopelessness. Borrowing from James Baldwin, gangsta’s depict the ghetto both as “another coun-

try”³³ and a more dangerous one. Thus, Treach of Naughty by Nature says in a rhyme, “If you ain’t never been to the ghetto, don’t come to the ghetto.” Spatially the ghetto is in the United States, but culturally and morally it is separated by a vast gulf.

Here in the inner city there are no shopping malls, no manufacturing plants, no hotels—not anymore. Here the police drive through with their own windows closed and their doors locked. Self-respecting whites come here only if—like Tom Wolfe’s Sherman McCoy—they take the wrong exit off the freeway. Here in this abandoned place, where unemployment may exceed 68%, virtually the only legitimate businesses are liquor stores, funeral parlors and junkyards. The hood as it has been called has increasingly been a dumping ground for drugs, AK-47s, and for people society has thrown away.³⁴

This deep sense of racial isolation in the lyrics of Treach reflects three decades of abysmal failure of formal equality to address the concentration of blacks and poverty in inner cities. As Douglas A. Massey and Nancy A. Denton have written:

Among the oldest and largest northern ghettos...there was virtually no sign of progress in residential integration. In Boston, Chicago, Cleveland, Detroit, Gary, Philadelphia, Pittsburgh and St. Louis, the decline in the segregation index was 4 points or less, and in two metropolitan areas (New York and Newark) segregation actually increased over the decade.³⁵

In some cases the concentration of poverty has gotten worse. In Watts, the site of urban conflagration in the 1960s and the original focus of the famous Kerner report, the percentage of families on government assistance has increased from 23 percent in the 1960s to over 57 percent. These ever-present ghettos are not only places of poverty, but also places where the life chances of children growing up there are dramatically lessened. In Harlem the death rate for black males exceeds the death rate for people in Bangladesh. Ice Cube refers to the ghetto as “concrete Vietnam.”³⁶ He stated what was implicit in *Boyz in the Hood*, with helicopters always whizzing overhead much as they did in Southeast Asia. From the dank, squalid hold of the inner city the gangsta seeks to break out into the light.

But in the cosmology of the ghetto, Sierra Leone in the east is replaced by the image of the deluxe apartment in the sky. In the cosmology of the gangsta, if one can somehow cross the economic boundary between the ghetto and the larger society, then one crosses the limiting boundaries of the color line itself.

The film *Across 110th Street*³⁷ takes its name from the fact that the slums of Harlem are separated from an affluent area of Manhattan by 110th Street. In the film the protagonists, the forebears of the gangstas who follow, attempt to cross 110th Street by robbing a bank. One-hundred-tenth Street defines the distance between the primitive and the modern, between the economic and psychological desert and a promised land, between white and black social reality.

Using this dividing line as a map we can locate the gangsta himself. He is like Cinque, a prince in exile, living on the edge, within the ruins of modernity. And he is angry. The gangsta, 9mm in his waistband, the “Bad Boy Killa,” as Tupac Shakur called himself, is a vehicle for expressing the frustration of a generation of black youth with the unfinished nature of the civil rights movement, with a deeply felt betrayal by American society of its promise of equal rights.

In the guise of the Cash Money Boys, modern-day manchildren seek to cross 110th Street as well. They do so by stealing pillowcases full of money while being chased by a gaggle of hopelessly overweight police. Similarly, Ice Cube portrays himself as a black version of Scarface in “Fear of a Black Planet,” seizing his destiny mafia style.³⁸

Again gangsta rap is a place of doubled meanings and signification. Gangstas portray themselves as members of “posses” and “bad boy killas” in order to limn out a line between themselves and the forces that have branded them as outlaws and pariahs in the first place. The gangsta means to assault the values of the white world, and the legitimacy of the barricades between blacks and America’s economic and social life.

The people make use of certain episodes in the life of the community in order to hold themselves ready and keep alive their revolutionary zeal . . . the gangster who holds up police set to track him down for days on end, or who dies in single combat after having killed four of five policemen . . . these types become heroes. . . . If the act for which he is prosecuted by the colonialist authorities is an act exclusively directed against a colonialist person or colonialist property, the demarcation line is manifest.³⁹

The gangsta comes finally to bear witness.

Rap in fine is a testimony to the intraracial class division which has been in the process in African-American communities for the last thirty years. The increasing social isolation, economic desperation, political degradation and cultural exploitation undergone by most underclass communities in the past few decades, then, has given rise to a form of musical expression which captures the terms of underclass experience.⁴⁰

As Paul Gilroy has noted, race is a game played on the terrain of gender. Thus, the classic put-down of a black man was to call him a “boy” regardless of his age—both denying that he is a man and commenting on his racial inferiority.⁴¹ Thus, bell hooks quotes a white slave owner as saying, “The black man is a woman of the world.”⁴² Race and gender have been knotted together in a single context of oppression. The gangsta seeks to appropriate this symbology by exaggerating masculinity to signal authentic negritude.

An amplified and exaggerated masculinity has become the boastful centerpiece of a culture of compensation that self-consciously salves the misery of the disempowered and subordinated. This masculinity and its relational feminine counterpart become special symbols of the difference race makes.⁴³

Thus Ice T, who often appears as a Mac, or pimp, at one point says he is no Bryant Gumbel.⁴⁴ Gumbel represents not only a rejected choice of diminished masculinity but cultural capitulation. The gangsta wears his supermasculinity as a sign of his unadulterated blackness.

In many ways the blues functioned for another generation of blacks in a way similar to how rap functions for young blacks today: as a source of racial identity; permitting forms of boasting and machismo for devalued black men suffering from social emasculation; allowing commentary on social and personal conditions in uncensored language; and the ability to transform hurt and anguish into art.⁴⁵

The gangsta is finally the perfect metaphor for the black male himself, a figure of contradiction and irony, a construct woven out of the

politics of black experience in our postindustrial urban scene. He is often misogynist, not always coherent, but he represents a powerful artistic impulse to define his relationship with himself. For all his conflicts and doubled consciousness, he represents an effort by a genre of artists to enter into discourse with the larger white world. The effort is filtered through powerful forces of commercialization that distort and dilute his project, but it is unquestionably an effort by self-identified black artists to enter into discourse about who the black male is. Gangsta rap is an effort to be heard.

However, as Michael Potter writes, "The central trope of white[ness] is, I think, the luxury not to think doubly, to see the world through one-eyed vistas of privilege, rather than having to account for one's identity against a fundamentally multiple culture."⁴⁶

Thus whites, confusing the dancer and the dance, tend to see rap one dimensionally, as a glorification of violence.

Thus Tipper Gore wrote an editorial in which she described rap music as a form of hate speech that facilitates the rape of women:

In America, a woman is raped once every six minutes. A majority of children surveyed by a Rhode Island Rape Crisis Center thought rape was acceptable. In New York City, rape arrests of 13-year-old boys have increased 200 percent in the past two years. Children 18 and younger now are responsible for 70 percent of the hate crime committed in the United States. No one is saying this happens solely because of rap . . . music, but certainly kids are influenced by the glorification of violence.⁴⁷

Through the lens of the dominant ideology, the violent image of the gangsta becomes the moral equivalent of Willie Horton in baggy pants. The gangsta, the very vehicle for cultural resistance, is appropriated in the service of the ideology of race to become a source of what Russell Potter refers to as a moral panic.⁴⁸

A close examination of the reactions rap causes in certain elements of American society reveals a terror that rap may lead to racial insurrection—not the sort of social unrest witnessed during the 1960s, but chaotic gang warfare and rape. The frequent juxtaposition of rap and rape in the media justifies this postulate. Tipper Gore's *Washington Post* editorial, "Hate, Rape, and Rap," is the first evidence of this linkage. It occurs again in a *Newsweek* editorial titled "America's Slide into a Sewer," in which journalist George F. Will juxtaposes the rap lyrics

of 2 Live Crew and the explicit testimony of legal defendants regarding the attack of a jogger in New York Central Park in April 1989. In another newspaper article it was reported that during sentencing, one of the males convicted in the case swaggered through a rambling, rap styled poem he had composed in jail.⁴⁹

As Michael Potter has written, a moral panic is a primary means by which ideology broadcasts and replicates itself.

Just as the stigma of otherness muffled the eloquence of Cinque as he exclaimed, "Give us free!", so the same appearance of otherness pervades society and mediates between the gangsta and the doorway to social discourse.

Not only has the gangsta failed to destabilize stereotypes, he becomes one in the minds of whites. The No Limit Soldiers of the hip-hop nation not only fail to tear down the walls of racial ideology, but they themselves are captured, turned out, and appropriated as objects for the projection of white fears about rape, about crime, about black men.

Thus, despite the equal vulgarity of Andrew Dice Clay, the members of 2 Live Crew are arrested for obscenity.⁵⁰ Not only does the dominant perspective reject their work as art; it portrays it as threatening, dangerous, and evil.⁵¹ The group itself became a figure in an old story about black men as agents of moral corruption, indecency, and the unbridled sexual urge.⁵² Circle up the wagons; black males from the ghetto have gotten loose, inserted their primitive cultural values into a CD, and now want to insert this into the innocent hearts and minds of white youth.

We live in a world where pictures of religious figures sprayed with cow dung spark debates about funding, where Robert Mapplethorpe's exhibitions land him in the headlines, and where hip-hop poets land in jail for their submissions on cultural relativity. It is not merely that 2 Live Crew's music is evil, the band members themselves are bad and should be put in jail. In context the moral distance between Clay and the 2 Live Crew, between Mapplethorpe and *Me So Horny*, is the distance between them and us.

In context, the problem is not their trashing of traditional norms, it is their identity itself, their stubborn desire to stand out as unassimilated black men in a society that demands that blacks assimilate and surrender their blackness at the altar of universalism. Universalism, in turn, is white essentialism masquerading as neutrality.

2 Live Crew sought to make a figure out of sex in order to celebrate an image of generational, cultural, and racial difference. In the end

they were appropriated for a continuing story about the dangers of cultural miscegenation.

But in the realm of art, America has always bought what it has most feared. Whether it was the “devil’s music” of the blues, as it was called, or gangsta rap, these art forms of the other appear as spectacle as objects of what is both an imperialist and commercial gaze.

From the minstrel shows of the nineteenth century, through the “swing” jazz cover bands that cashed in on the Jazz craze of the '30's, to the white musicians who appropriated jump Blues and called it rock-n-roll, African American arts have always been dogged by the backhanded compliments of exoticization and commodification. A great deal of value has been placed on black arts, but this value has been largely negotiable only in terms of white dollars.⁵³

Further,

For every musical form that black culture has produced has been appropriated and commodified by white culture in the name of a very particular kind of spectacle, whether it be a minstrel show, a big band concert, or a rock-n-roll extravaganza. Black Americans, having experienced the violence of slavery’s subjugation have had the singular historical experience of having their blackness made into a spectacular commodity of great value, even as they themselves have been denied the profits of such commodification.⁵⁴

In the end I have no answers. I only seek to pose a question, the question of a dominant ideology to the project of blacks engaging in discourse. I ask this question in the context of rap music. It is a question freighted with racial intersubjectivity, in which every cultural production becomes political, in which the racial essences of the past continue to noisily intrude upon the calm of our modern day universalism. While the skin-colored Band-Aid is gone, everything about our cultural situation suggests that the hegemonic power that created it remains.

The question is whether black voices can ever be heard above the roar of their own identities. This is Henry Louis Gates’s question:

Can writing [or rapping], the very difference it makes and marks, mask the blackness of the face that addresses the text

of Western letters, in a voice that speaks English, in an idiom that contains an irreducible element of cultural difference that shall always separate the white voice from the black:⁵⁵

I wonder.

Guess Who's Coming to Dinner

And if a stranger sojourn with thee in your land,
ye shall not do him wrong.
The stranger that dwelleth with you shall be unto you as one
born among you,
and thou shalt love him as thyself.

—Leviticus 19:33–34

Here, then, is the dilemma, and it is a puzzling one, I admit. No Negro who has given earnest thought to the situation of his people in America has failed, at some time in his life, to find himself at these cross-roads; has failed to ask himself sometime: What, after all, am I? Am I an American or am I a Negro? Can I be both? Or is it my duty to cease to be a Negro as soon as possible and be an American? If I strive as a Negro, am I not perpetrating the very cleft that threatens and separates Black and White America?

—W.E.B. Du Bois, *The Conservation of Races*,
in *W.E.B. Du Bois: A Reader*

The black man has two dimensions That this self-division is a direct result of colonialist subjugation is beyond question No one would dream of doubting that its major artery is fed from the heart of those various theories that have tried to prove that the Negro is a stage in the slow evolution of monkey into man.

—Frantz Fanon, “The Negro and Language,”
Black Skin, White Masks

In *Guess Who's Coming to Dinner*,¹ Sidney Poitier portrays a black male who attempts to break through the barbed wire of an age-old racial taboo: he wishes to marry a white woman.

Poitier, the Denzel Washington of his day, portrays John Prentice, a young black doctor in love with Joey (Katherine Houghton), the beau-

tiful, color-blind daughter of old-line liberals Matt (Spencer Tracy) and Kristina Drayton (Katharine Hepburn). Wearing a Brooks Brothers suit and a smile as his armor, Prentice comes to the white family's dinner table both as guest and as would-be harbinger of the modern age.

The film thematizes not merely the moral anxiety over the sexual designs of black males. It poses dramatically the social and political question of the place of the black male in the new world order following the dismantling—officially at least—of segregation and the racial ideology on which it rested.

Prentice is affluent, culturally hip, and doomed. Striving to be American and black, a rugged individualist and a representative of his race, Prentice lives split between worlds, and split inside himself.

Prentice is, as the black male in the white mind always is, an abstraction: in this case the embodiment of a modern liberalism. This liberalism, rising like a phoenix out of the ashes of World War II—a war against Nazism—dreamed in the colors of the rainbow. This new liberalism rejected the idea that race in a biological sense determined who one was.² The popular liberal impulse released by the catharsis of war converged with other streams. Anthropologists like Franz Boas and Otto Klineberg began unbuilding the myth that intelligence and other mental characteristics had anything to do with heredity: “Culture not racial inheritance was the principle shaping force in determining mental characteristics of a people.”³ Where classical sociology had attributed the poverty of blacks to innate laziness and instability, scholars like E. Franklin Frazier and Charles S. Johnson, standing on the shoulders of W.E.B. Du Bois, began to trace black economic inferiority to environmental causes involving racism. Of course, the most pivotal work here was that of Gunnar Myrdal, whose postwar bombshell of a book, *An American Dilemma*, was cited in the *Brown v. Board of Education*⁴ decision. Myrdal argues that the practice of segregation was inconsistent with America's own creed and in effect was an obstacle in the road of America's national destiny.

The historical moment of the Harlem Renaissance was nourished by, and itself fed into, this liberal impulse. As Toni Morrison has stated, Daniel Defoe's Robinson Crusoe is “the man” because he had access to language. Man Friday, who lacks access to language and cannot speak, never becomes fully a person, hence he is “Man Friday.” Through the writers of the Harlem Renaissance blacks had begun to find their voice, radically transforming the image of blacks as they transformed themselves through their art.

These streams of liberal thought converge on one point: American culture, language, and shared values—varying like the colors of the rainbow—define the boundaries of the American community.⁵ These newfound streams of liberalism fed into a larger river, the legitimating myth of America as melting pot.

In a ritual of Americanization Henry Ford had foreign workers enter one end of a giant clay pot wearing their national costumes and come out the other in American business suits.⁶ The talisman of belief in the American creed—in this case, the creed of capitalism symbolized by the business suit—had given them a new identity as Americans.

If the black male is always merely a product of the white society's gaze, Prentice is its product, as it looks at the black male through the lens of the melting-pot story.

Through this lens the image of Prentice looks “right.” He is well dressed, meticulously pronouncing all the endings on his words, trying heroically to overcome in his behavior the degraded image of his phenotype. Prentice is a doctor, who happens to be a black male. Thus, it was not Prentice's race or gender that defined him. It was the values he had chosen, as reflected by his Ivy League degrees and his Brooks Brothers suit.

In these terms Prentice's character personified a social proposition: race was like a national costume and could be taken off and exchanged for an American identity. It was axiomatic of cold war liberalism—this was the essence of the *Brown* decision I think—that the assimilation of blacks was not only possible, it was a moral imperative. As Myrdal wrote in his classic *An American Dilemma*: “If America in actual practice could show the world a progressive trend by which the Negro finally became integrated into modern democracy, all mankind would be given faith again—it would have reason to believe that peace, progress and order are feasible.”⁷ Myrdal argued that “the conflict posed between the ‘American Creed’ of equality and the actual experience of racial segregation could be resolved through black assimilation.”⁸ The premise of segregation was black inferiority.⁹ Myrdal accepted this premise,¹⁰ but attributed the problem to culture rather than race. Thus assimilation would cure the “pathological” aspects of black culture by merging it into a “unified national culture.”¹¹

Within this retelling of the melting-pot story the immigrant analogy was implicit: “there are no essential differences—in relation to the

larger society—between the third world or racial minorities and the European ethnic groups.”

It is precisely this story of the melting pot, reinvented as a “table,” that animated Martin Luther King, Jr.’s appeal: “I have a dream that one day on the red hills of Georgia the sons of former slaves and the sons of former slaveholders will be able to sit down at the table of brotherhood.”¹²

But there is a split here. Along the axis of race the split is between what Myrdal referred to as the American belief in equality and its practice. It flounders simultaneously on the axis of American identity itself: between two readings of the American story. One is the story of the America as a great *e pluribus unum*, out of many, the America of Dr. King, or of Langston Hughes in his poem “I, Too.”

The other story of America is the one expressed in *Dred Scott v. Sandford*,¹³ holding that a black man was incapable of becoming an American citizen, the America of the Chinese Exclusion Act, and the America of the World War II internment of the Japanese. It was this story that Henry Pratt Fairchild, past president of the American Sociological Association, had expressed in 1926 when he said, “If America is to remain a stable nation, it must continue a white man’s country for an indefinite period to come.” This story of America as a white man’s country ironically coexisted with efforts to expand the American myth to blacks.

The split between these two stories about American identity—America as the land of the free and America as the land for white people—signifies a deeper psychological conflict: between modern liberalism and the needs of whites to claim racial superiority. As W.E.B. Du Bois pointed out in *Black Reconstruction*,¹⁴ the wages of whiteness consisted of privileges with respect to jobs and social status.¹⁵ The legal and intellectual orthodoxy of blacks as just another ethnic group floundered on deeply ingrained cultural norms that required that white skin remain a badge of privilege.

Thus, through the color-blind lens of the film’s orthodoxy Prentice comes to dinner as an American, the very fact that he does so a living witness that in America all can sit at the family table so long as they have the right moral credentials. But the orthodoxy of liberal intellectuals does not dissolve ideology that has been deeply entrenched.

Antonio Gramsci in his *Prison Notebooks*¹⁶ observed that after the official apparatus of fascism had been overthrown, he discovered the government was only in effect an outer ditch and that behind it, deeper and stronger, was an ideology of fascism that was untouched.

There is a similar story to be told about the overthrow of the regime of segregation in the United States.

Thus, whites in the South, openly, and many whites in the North, covertly, never accepted the premise that blacks were just another ethnic group. As late as 1991 a *New York Times* poll found that 66 percent of whites were opposed to a relative marrying a black person.¹⁷ The meaning of segregation, as Myrdal pointed out in his postwar classic, was that while other ethnic groups could be assimilated, the blacks could not.¹⁸

The anti-immigrant story of America as a white man's country not only continued to resonate but also was knotted together with the antiblack story of "Negro inferiority." As Gerald Early writes, "We Americans seem to have blundered about in our history with two clumsy contrivances strapped to our backs, unreconciled and weighty: our democratic traditions and race."¹⁹

The synergy between these two stories splits Prentice in two. Prentice's project was to transform himself into an American in order to transform himself into a man: no longer a black man but simply a man. He sought finally to be whole, no longer merely a body or a pair of hands. Instead he is split in two.

One of him remains in the world of the colorless individual, one of him does not. He lives in two worlds. In the world of liberal theory, a world that extends to court opinions, official policy, speeches by presidents, and to the conscious thoughts of enlightened people, Prentice is simply an individual, an American.

But Prentice also lives in a world of private thoughts, a world in which the majority of white people still do not want their relative to marry one of "them." In this world America is still "white man's country." Here Prentice's visual image leads to visceral reactions, both for whites and the black male who seeks to "pass":

"Look, a Negro!

Mama, see the Negro! I'm frightened! Frightened!" . . .

I could no longer laugh, because I already knew that there were legends, stories, history. . . . Then assailed at various points, the corporeal schema crumbled, its place taken by a racial epidermal schema. . . . I moved toward the other. . . and the evanescent other, hostile but not opaque, transparent, not there, disappeared. Nausea. . . .

I was responsible at the same time for my body, for my race, my ancestors. . . .

I discovered my blackness and I was battered down by tom-toms, cannibalism, intellectual deficiency, fetishism, racial defects, slave ships, and above all else, above all: “sho good eatin.”²⁰

From this perspective, Prentice at Matt Drayton’s dinner table, surrounded by Matt’s white wife, white daughter, white Irish Catholic priest looks “out of place.”

He is, if not a fly in the buttermilk, still a stranger in the village, much like James Baldwin, if we can picture him, when he visited the Alps. If he is not phenotypically a pariah, he is at least a foreigner.

The black male carries his border with him, in his skin. Neither place of birth, nor acts of Congress, can change the central character in a story about how some groups are simply incapable of being truly American. Jean-Paul Sartre provides an analogy for us.

Sartre noted that despite years of residence and significant economic and cultural achievements, Jews remain “the unassimilated at the very heart of [French] society”:

[The Jew] accepts the society around him, he joins the game and he conforms to all the ceremonies, dancing with the others the dance of respectability. Besides, he is nobody’s slave; he is a free citizen under a regime that allows free competition; he is forbidden no social dignity, no office of the state. He may be decorated with the ribbon of the Legion of Honor, he may become a great lawyer or a cabinet minister. But at the very moment when he reaches the summits of legal society, another society—amorphous, diffused, and omnipresent—appears before him as if in brief flashes of lightning and refuses to take him in. . . . [H]e never encounters any particular resistance; people seem, rather, to be in flight before him; an impalpable chasm widens out, and, above all, an invisible chemistry devaluates all he touches. . . . Everything is accessible to him, and yet he possesses nothing; for, he is told, what one possesses is not to be bought.²¹

As Frantz Fanon has noted, the situation of blacks in a white society is analogous, but worse.

[T]he Jew can be unknown in his Jewishness. . . . His actions, his behavior is the final determinant. He is a white

man, and . . . can sometimes go unnoticed. [But] I am the slave not of the “idea” that others have of me but of my own appearance.²²

No matter where he is born, the black male is an alien. He is alien not in the language he speaks, perhaps not in the values he holds in his heart. He is alien in terms of his mythic essence: his incorrigible sexuality, his propensity for chaos.

The key to assimilation in America—the key to the kingdom—has always resided in the educational process. Asians have complained of white attitudes that Asians are incapable of assimilation. With blacks this attitude was crystallized in the concrete form of segregation statutes and laws. Not only were blacks, as the ultimate foreigners, held to be incapable of assimilation, but they were not allowed to assimilate, in public schools, to begin with.

In *Brown*²³ the Supreme Court decreed that segregated schools had to be dismantled root and branch: the liberal project of assimilation had taken root within the text of law. In counterpoint to liberal orthodoxy, southern resisters like Judge Tom Brady deployed a visceral image reminiscent of Gus—in the film *Birth of a Nation*, used as a recruiting film for the Klan, Gus is the rapacious black man advancing lustily upon a helpless white female.

Gus crystallizes widely shared fears: the black male is dangerous in proximity to the flower of southern womanhood. Thus Yale-educated Mississippi Circuit Court Judge Tom Brady, in his flamboyant 1955 speech titled “Black Monday,” portrayed the dawning of integration in a speech that became a rallying cry throughout much of the South:

If trouble is to come, we can predict how it will rise. . . . The fulminate which will discharge the blast will be the young Negro schoolboy, or veteran, who has no conception of the difference between a mark and a fathom. The supercilious, glib young Negro . . . will perform an obscene act, or make an obscene remark, or a vile overture or assault upon some white girl.²⁴

Against the story that segregation harms innocent black children, segregationists deployed the image of the black male “child” as an agent of destruction. The black male is used to weave a story about segregation as not only reasonable but also a means of self-preservation. Similarly, James Jackson Kilpatrick, in *The Southern Case for School Desegregation*,²⁵ portrays high crime rates and venereal dis-

ease—with the black male as the harbinger of both—as evidence of the reasonableness of segregation.

In a real sense, the largest stone liberalism has stumbled over in its project to assimilate blacks has been the figure of the black male. His ineradicable domination by his sexual urges means that he is always dangerous and forever unfit for intimate social relations. This was the image painted for us in the early days of the civil rights era. It is a picture that has been painted over by years of studied public observance of liberal orthodoxy. But like Lillian Hellman's *pentimento*, the older picture is still there, underneath, and often bleeds through in continuing patterns of racial isolation. As the Harvard Project on School Desegregation has noted, resegregation has increased steadily for the past 15 years; the report called it the "largest backward movement toward segregation since . . . 1954."²⁶ Noting that almost 70 percent of black students attend majority nonwhite schools, the report stated that the twentieth century seemed to be a bridge "leading back into the nineteenth."²⁷

Similar evidence of racial isolation is evident in the Massey and Denton study that noted that in northern cities, over 80 percent of blacks live in neighborhoods that by all objective measures are still segregated.²⁸

One theme that "experts" identify as common to the etiology of racial isolation in both settings is, echoing Tom Bradley, fear of black males, as if crime was a virus that they carry. Another contributing factor to antiblack sentiment among whites is the perception of pandemic levels of black crime, a view that fosters the image of every young black male as drug dealer, killer, or rapist.²⁹

The myth of black male criminality that helped to undergird segregation and the myth of the melting pot share one common element: in both stories American language, values, and language are messianic. Through the lens of the liberal story, the black male's problems lie in his value choices: he does not observe the puritan ethic, he does not postpone gratification, and so on. Only through melting-pot story can Prentice redeem himself by becoming an American. But American here is read "white."

American values—Christianity, the puritan work ethic—are European in origin, with Europe as the center of knowledge and value. In these terms, the melting-pot story exchanges whiteness as race for whiteness as culture—a homogenized, one-size-fits-all set of values.

Prentice represented the aspirations of the civil rights movement and of a generation of middle-class blacks, a generation that, turning

the Harlem Renaissance celebration of negritude on its head, made an ideal out of colorlessness: “judge me not by the color of my skin but the content of my character.”³⁰

As Baldwin wrote,

Aunt Jemima and Uncle Tom are dead, their places taken by a group of amazingly well adjusted young men and women almost as dark, but ferociously literate, well dressed and scrubbed, who are never laughed at, who are not likely ever to set foot in a cotton or tobacco field or any but the most modern kitchens.³¹

Mirroring the split between two competing visions of what America is, Prentice—that is to say, the black male—is split inside himself.

In *Shadow and Act*,³² Ralph Ellison interprets Richard Wright as saying that the Negro has a choice of three roles to play: he can assume the role of passivity and resolve his conflicts through the emotional catharsis of religion; or he can strive for and establish his own middle-class society and become the white man's accomplice in his own oppression; or, finally, he can reject the entire society and become an outlaw—become both an outsider and a criminal. When one considers the case of Henry Lyons—who was still suspected of being a criminal despite his ascendancy to leadership of the Baptist convention—it is clear that religion is no refuge for the black male. This to say that the black male's choices is actually reduced to two.

He must jettison his racial identity, or he becomes a threatening, alien presence—and would not likely be acceptable at the dinner table. There is no middle ground for the black male to stand. Fanon, a psychiatrist, in his seminal *Black Skin, White Masks*, reaches a similar conclusion. The problem is that the black man can only perceive his identity through the reference point of the other: “The colonized is elevated above his jungle status in proportion to his adoption of the mother country's cultural standards. He becomes whiter as he renounces his blackness, his jungle.”³³ Thus, in order to speak the language of the liberal, colorless society, to fit in on a faculty or in a corporate suite, he must speak and dress and think a certain way. The universal colorless individual posited by liberal theory pronounces all the endings on his words and does not say “yo.” There are political parameters as well.³⁴

This deep-seated conflict between two alternating pictures of the black male—one as the culturally homogenized darker brother, and

one as a dangerous alien form of cultural life—may help to explain some of the ambivalence America has been recently having with black males trying to “assimilate.”

This is especially true in the case of black male athletes who have reached positions of prominence. The bottom line seems to be that any respectability the black has is essentially hysterical. As Harlon Dalton has noted, the black male who has achieved highly like Prentice, who has won fame or academic success, is like an ambassador from an African country.³⁵ He is an exceptional African and is entitled to special treatment. Armed with his visa, the black male high achiever enjoys the political status of a virtual citizen: he has full access to all public accommodations and in this case he can even vote.

Like the European Jew evoked in Sartre’s essay, if he plays basketball or appears on television often enough the black male is an acceptable candidate for posters or adulation. The paradoxical quality of this was expressed on the face of one of Spike Lee’s characters in *Do the Right Thing*.³⁶ Buggin Out (Giancarlo Esposito), a black male with wild hair, has just been insulted by the racism of the Italian pizza shop owner and attempts to console himself with his slice of pizza. Just as he opens his mouth to take a bite, his face is frozen in shock: he sees on the shop’s wall of respect pictures of famous black men, including Prince and Mohammed Ali. The same pizza shop owner who idolizes Prince gets in a fight with another black male, Radio Raheem—a fight that leads directly to Raheem’s death.

In a real sense all that separates Prince, or R. Kelly, or Michael Jordan from the fate of Radio Raheem is their visa. With it the black male not only adopts a “white” mindset but also may be seen as white. This attitude is succinctly summed up in the Caribbean expression “l’argent blanchit” or “money whitens.”

It is in the context of intimate relationships, in the context of microaggressions that are sometimes subtle, but never too subtle to wound the soul, that he is still treated as a stranger in the village, as a black male.

A classic case was that of George W. McLaurin. He became a fully matriculated graduate student at the University of Oklahoma.³⁷ He went to the same classes, had the benefit of the same professors, had in a formal sense the same education as his white counterparts.

But McLaurin had access to education without human contact with the community to which he formally belonged. Sixty-eight-year-old McLaurin was made to sit at a desk by himself in an anteroom outside the regular classrooms where his course work was given. In the library,

he was assigned a segregated desk in the mezzanine behind half a carload of newspapers. In the cafeteria, he was required to eat in a dingy alcove by himself and at a different hour from the whites.³⁸ With Thurgood Marshall as his lawyer, McLaurin would compel the Oklahoma officials to allow him to sit inside the classroom, but his seat was surrounded by a railing marked "Reserved for colored."³⁹

McLaurin was treated in a manner symbolic of quarantine. It was as if his identity was itself a disease. A popular film explored the life of a young boy trapped in a plastic bubble due to a rare disease that had crippled his immune system. McLaurin was in a kind of bubble, a fragile bubble of formal equality that gave him access to the privilege of whites, but the bubble was at the same time a prison, a place of quarantine. It was as if his identity itself was a disease.

In a sense, regardless of their credentials, all black males suffer from a racial isolation that has kinship with McLaurin's experience. There remain ideological railings separating black males from the white world of social and economic relations. Lawrence Otis Graham notes when he dined at 10 of New York's best restaurants, this well-dressed, Yale-educated corporate lawyer was often mistaken for a servant and more often treated as one:

I almost always avoid restaurants with valet parking because of the number of times I've been handed the keys by incoming white patrons who assume I'm there to park cars rather than waiting to have my own car delivered to the front door when I leave—During my ten-restaurant odyssey around the city, I was handed five coats while waiting to be seated, given three coats while preparing to leave, berated for not setting a patron's table with the right kind of dishes . . . mistaken for a men's room attendant who had turned the hot water too high, threatened by fellow patrons with the loss of job when I did not get off the pay phone when asked, and offered the table closest to the bathroom seven out of ten times.⁴⁰

The elite black male slips the yoke of being seen as Nat only to fall prey to the trope of a Sambo-like servant figure.

During Reconstruction Senator Joshua Hill argued that there was a private realm of life into which blacks simply had no right to enter.

I object to this great government descending to the business of regulating the hotels and common taverns of this

country, and the street railroads, stage-coaches, and everything of that sort. It looks to me to be a petty business for the government of the United States.

He further argued:

What he may term a right may be the right of any man that pleases to come into my parlor and to be my guest.⁴¹

This private realm of life is an area whose boundaries are defined by the needs of white identity—also a fantasy—to distinguish itself from its opposite. In this unregulated private realm, prejudice and myth are sovereign.

What liberal orthodoxy loudly proclaims as public is an annexation of what historically was, and what whites quietly think still is, the private sphere of life. In this intimate space the black male ends up with access but without welcome. Whenever the black male seeks to come into the whites' parlor, to sit next to them, to live in their own apartment building, to marry their relative, he crosses a border policed no longer by statute but by stereotypical dislike or fear. He becomes a "they" to be shunned, suspected, and avoided.

In 1991 ABC's *Prime Time Live* conducted an experiment. Over two and one-half weeks the program followed two middle-class male testers, one black and one white. They had each been trained to present themselves in an identical manner in a variety of situations. The white tester was named John, the black one Glenn. Ellis Cose describes what happened:

Passersby totally ignored Glenn when he was locked out of his car; John was showered with offers for help. In an automobile showroom Glenn was quoted a price of \$9,500 for the same red convertible offered to John for \$9,000 [with a lower down-payment]. In an apartment complex, John was given the keys to look around, while Glenn was told the apartment was rented. At an employment agency, Glenn was lectured on laziness . . . while John was treated with consideration and kindness.⁴²

This applies to the corporate suite as well. Blacks generally, and black males, in particular, taking these jobs move in an economic realm that is overwhelmingly white and into a social environment in

which they “don’t belong.” This seems to be the moral of the story of Harold Thomas.

At Miller Brewing Company’s upstate Fulton, New York, plant . . . black managers complained of whites filling black employees lockers with chicken bones and erecting mock gravesites—with named markers—on the property of black workers. One black supervisor, Harold Thomas, had been taunted so severely with harassing and humiliating anti-black announcements over the company wide paging system—he was often paged as Harold-the ape-Thomas—that he sought psychological counseling. . . . Upon his return, the paging system announced to all two thousand workers at the plant, “Welcome back, Harold, but you’re still a Nigger.”⁴³

In a similar vein, the black male may win the master’s tournament but he will be made to feel as if he does not belong. Tiger Woods did not find chicken bones in his locker, but “food” was metaphorically thrown at him through crude, derogatory references to his ethnic incompatibility.

“He’s doing everything it takes to win. So, you know what you guys do when he gets in here? You pat him on the back and say, ‘Congratulations’ and, ‘Enjoy it’ and tell him not to serve fried chicken next year.” Zoeller then snapped his fingers, turned to walk away, and added, “Or collard greens or whatever the hell they serve.”⁴⁴

The visa of wealth that permits the black male entry into the haunts of the upper class does not come with a presumption of innocence. The black male’s mere proximity to crime—even a mere hint of suspicion—will prick his fragile bubble of celebrity and cause it to disappear. Then the curse of his identity takes hold and he appears evil and frightening.

This is perhaps the significance of the *Time* magazine cover featuring an image of O. J. Simpson. Before Simpson was suspected of a crime he enjoyed spokesperson status. He flew through airports with the greatest of ease. What buoyed him was not only an athletic grace but also his almost universal acceptability by white America. He was in the bubble. Once the accusation of the murder of his wife—his white

wife—was popularized, the bubble burst and he appeared on the cover of *Time* in an altered photograph.

The editors explained the picture by saying they had given a police mug shot to an artist and asked him to interpret it. He did so by computer manipulation of O. J.'s skin tone and facial hair. He made O. J. darker and added more facial hair. Out of the bubble, O. J. literally changes color. He is blackened—and this before any charges are even filed.

There was an obvious correlation between O. J.'s blackening and loss of social status, as well as a correlation between the blackening and association with “evil” or “sin.” The *Time* magazine O. J. becomes the evil twin of the smiling, well-dressed Prentice, an O. J. analogue of the past.

Juxtaposed against the earlier picture of O. J. the graceful, hurtling ad spokesman, the *Time* magazine cover represents a claim of knowledge about O. J.'s true nature and identity.

We have been deceived. We thought he loved us. Now we know that everything we saw was false. Each purposeful gesture, the welcoming smile, the instant understanding of what we felt and needed. He gentled us toward our finer instincts...all with the most charming good nature—joy even. So obvious was his fidelity we had no doubt he would lay down his life for us. It seemed inherent in his nature. It was what he was born for.

It was not so. Not only did he not love us; he loathed us and despised us. All the time he was planning to kill us. Why? Because he is an animal?⁴⁵

There is a lurking essentialism here. That is, the 1990s story line of the black male unmasked is linked—as part of a single mythic narrative—to a much earlier one.

[T]he survivors of the *San Dominick* could have pondered along those lines over the trial of the Senegalese man who, with a dagger and ferocious single-mindedness, took by murder control of a vessel in order to reverse his fortune, and who, in so doing, disrupted for a little while the routine business of the trade that bought and sold him. That trial took place in 1799 at the close of the eighteenth century, but an end-of-century population of watchers had similar thoughts concerning the case of...Simpson.⁴⁶

The two stories, one from the eighteenth century and one from the twentieth, share a common theme. It is not merely that both are stories about “the sudden transformation of the unbelievable into belief,”⁴⁷ but both are stories about the incorrigible cunning of black males: that they merely fake “it,” and that sooner or later the “fulminate” of their true dangerous nature will come out. As one commentator remarked, “I guess it was a Jekyll-Hyde thing.”⁴⁸

The mistake is to think that the *Time* magazine picture is a picture of an individual. It is a composite picture. It is a picture of O. J. as *Time* magazine perceived him. It is equally a picture of Michael Irving, as Dave Anderson perceived him when he called for Irving's firing on the basis of a bald, not-yet-investigated allegation of rape. It is a picture of Amadou Diallo, the unarmed West African immigrant who appeared to police as a rapist and felon and was shot on his own doorstep 19 times. It is picture of Yusef Hawkins, as perceived by the angry suburban mob that murdered him on the suspicion that he was coming to see a neighborhood white girl. The *Time* magazine cover is a picture of the man in the rumpled jogging suit. It is my own picture taken with the camera of myth.

Time magazine found the ideological arc that began with D. W. Griffith's film *The Birth of a Nation*. Cultural representations like this, whether that of Gus or of *Time*'s O. J., contain no truth about the group being demonically portrayed. That *Time* magazine picture is a kind of Freudian slip, revealing the image not of a real person but of America's deepest fears. James Aho writes, “one of the pivotal dimensions of any human world is the enemy that which is responsible for the bad things in life.”⁴⁹ In America's racial nightmares, the face of this enemy is still the face of the black male.

What the O. J. portrayal seems to say, against the background of the stories of Rodney King and Amadou Diallo and Abner Louima of L. Otis Graham, and Ellis Cose, is that there are realms in which America has yet to wake from this nightmare.

Perhaps there is here an answer to the question that eluded Du Bois. I rephrase it as: “Am I an American, or am I a black male? Can I be both?” That answer peers out from cold, sinister eyes across the pages of *Time*.

Will You Let the Tiger Loose? The Rhetoric of Race in American Criminal Trials

In 1915 D.W. Griffith's *The Birth of a Nation*¹ flashed its gritty black and white figures across the screen of our national memory. A cinematic effort to retell the story of the Civil War, the film portrayed race relations through the dark glass of racial tropes. The freed slave, Gus, appears as a cartoonlike figure—played by a white male in blackface. Grinning with lust, Gus chases a white woman, Flora, through the forest, with sunlight intermittently shining through the leaves. Flora scrambles up a rocky cliff and threatens, wide eyed with fear, “Stay away or I’ll jump,” as Gus approaches closer. To avoid being raped, Flora resorts to suicide by leaping off the cliff. The white subtitle exclaims: “She found sweeter the opal gates of Death!”² This overt demonizing tracked an arc of racist imagery that in the twentieth century began with a book by Charles Carroll. Just as in Charles Carroll’s earlier book, *The Negro a Beast*,³ the black male is represented as an animal. Where Carroll sought to adorn his racism with pseudoscience, Griffith made his dramatic point without science, without evidence, without spoken words. His film moves to the same point on the map of ideology, driven solely by the juxtaposition of racial images. The figure of the black male lustfully closing in on a diminutive white woman opened a door within the cultural imaginary, leading back to fears as old as slavery.

The moral economy of the film, in which white supremacy is represented as justice, was a Manichean struggle between forces of darkness and forces of light. Through the prism of these racial stereotypes, the Ku Klux Klan in their cross-burning and lynching were represented as heroic defenders of civilization. That is, by allegorically transforming freed slaves into rapacious beasts, white violence is transformed into the stuff of redemption.

After all, not only did the rapacious black male threaten white women, he threatened civilization itself: the white gene pool was at stake. As the racial Darwinists had sermonized a few decades earlier:

This dark, swelling, muttering mass along the social horizon, gathering strength with education, and ambition to rise, will grow increasingly restless and sullen under repression, until at length, conscious through numbers of superior power, it will assert power destructively and bursting forth like an angry, furious crowd avenge in tumult and disorder the social laws broken against them.⁴

The struggle over the meaning of race goes on in every century. Through that struggle each century defines the spirit of the age. In its demonizing of the black male as lust-crazed, rapacious beast, Griffith's film served to put the old wine of the black male as a menace to civilization into the then-new bottle of twentieth-century thought.

Thus white violence against blacks is not immoral but natural and inevitable. As Jan Mohammed writes, when the European eye reduced the black man to merely part of nature, a thing outside of history or civilization, he became a "fact of life before which those who have fashioned the colonial world become spectators in a mystery not of their own making."⁵

The context of this iconographic foray into racial myth was a climate of racial hysteria, prompted by the beginning of the great migration of blacks from the rural South to the urban North. In a real sense the film reflected fears of strong, defiant black men threatening to penetrate the political and economic realm of the urban North. By making an illicit linkage between strong black men and sexual menace the film assuaged growing racial anxiety. This racial angst took the form of violence not only on the silver screen, but, in the form of race riots in America's streets as well. Set off by a rumor that a black man, George Richardson, had dragged a white woman from her bed and raped her, right in Springfield, Illinois, erupted in a thunderclap of indiscriminate rage against local "Negroes." By the time the incendiary allegations were proved to be false, "the mob...raided second hand stores...destroy[ed] Negro businesses and...dr[ove] Negroes from their homes.... [A] barber was lynched behind his shop and the mob...dragg[ed] his body through the streets."⁶ Allegorically, the real violence that occurred, like that

in Springfield in 1908, is transformed and rationalized by Griffith's film as well.

As Daniel Goldhagen has suggested in his study of World War II Germany,⁷ even intelligent, liberal-minded people are often blind to the racism of their own era. Thus, a breathless President Woodrow Wilson remarked of the film, "It is like writing history with lightning and my only regret is that it is all so terribly true."⁸

From the time of the trial of Marcus Garvey, firebrand black nationalist charged with stock fraud, to the trial of O. J. Simpson, this "lightning" of depicting black men as beasts has struck repeatedly in American courtrooms. The courtroom takes its place beside the theatre as a site where racial identity is constructed. The black male of the criminal courtroom is as fictional an image as Gus in the film. Here again the image of the black male is deployed as the apotheosis of bestiality. Our current historical moment is one in which we formally share a political narrative that race doesn't matter now: we are all Americans.

Prosecutors, I'm sure, would go on to argue that any reference to a black defendant as a beast or animal is racially neutral: it reflects revulsion at the crime, not the person's race. The beast is a metaphor for the brutal criminal, not the black man. Reasonable minds would keep these two very different images apart. This ignores two things. If we lived in a color-blind culture this would be coherent. It is critical to my argument, however, that we live in a culture with a deep history of racism. The legacy of this history is that it produces images that retain meaning in our language.

Race is no ordinary lake. It is a reservoir in which a variety of institutions, from popular culture to literature, and from science to religion, have deposited their streams.⁹ Alas, there is no archeologist of culture who could excavate the different layers of this lake. On the surface we would find pictures of doctors, some like Heathcliff Huxtable, and lawyers mixed in with those of rap artists and urban gangstas. At a deeper level we would find images of slavery and lynching.

The figure of the beast is here. It was this figure of the black man as a beast that linked the black man to crime, particularly to rape. In turn it was this figure of the black man as a beast that was used historically to justify lynching. To juxtapose the image of a beast and a black male defendant draws upon this reservoir of racial images in which the black male and rape are intertwined, with history itself as a siphon.

The second point is that we live in an era in which people seem to be struggling with the question of "whether the stereotypes are true."

The postintegration moment rests upon the story that racism is irrational. This liberalism is a corollary of our modernity. Modernity is also associated with science. Science ironically brings racism back in. As Mayor Ed Koch notes in the statistics on black crime quoted in the introduction to this book, the incessant images of black males arrested on our screens, the scapegoating of black men in the Willie Horton affair, all point to a competing story within our thinking that seems to say “racism against black males is reasonable.”

The black male as a beast is a central figure in this story about the stereotypes being true. How do we resolve the tension between these two stories: the liberal narrative of color blindness and the narrative of reasonable racism?

When the state legitimates the depiction of black defendants as beasts, it conjures up latent images reposing in the reservoir of race. The image of the criminal as beast is quickly conflated with the image of the black man as a beast. The lurking essentialism in our thinking about race makes this conflation virtually inevitable. Griffith’s lightning strikes again: we rebirth images reminiscent of Gus.

One way to test the power of this imagery is to consider the results in trials where the imagery is deployed. In at least two cases that I know of, there was virtually no evidence against the black males on trial, yet the black men were convicted. In each case the rhetoric of race, the rhetoric of the black male as a beast, was deployed. I argue that the mere injection of this imagery into the trial derailed the process of reason. The image of the black male as a beast, once deployed, seems to open a door within our cultural unconscious, leading away from individual rights deep into the realm of essences. Consider the case of Marcus Garvey.

“WILL YOU LET THE TIGER LOOSE?”

Harlem of 1923 witnessed a “great migration” when blacks boiled out of the rural South to the smokestack-dotted cities of the North.¹⁰ These destitute immigrants from Georgia, Alabama, and Mississippi, so earnestly in search of a promised land, found themselves instead in blighted urban ghettos. John Hope Franklin writes that due to “extreme congestion,”¹¹ some lived in tenements there, others under bridges, and the lucky few in “small unsanitary homes.”¹² While the source of the great migration was a war-induced need for labor, the numbers of blacks pouring into the North exceeded the numbers white northern society was ready to absorb. The masses of blacks lived

not only on the ragged areas of town but on the “ragged edge of industry,”¹³ where many “white industrialists . . . refused to hire them because of objections by . . . [unions] or white employees.”¹⁴ August Wilson describes the picture this way:

From the deep and near South the sons and daughters of newly freed slaves wander into the city. Isolated, cut off from memory having forgotten the names of the gods . . . they arrived dazed and stunned, their hearts kicking in their chest with a song worth singing. They arrive carrying Bibles and guitars, their pockets lined with dust and fresh hope, marked men and women seeking to escape from the narrow, crooked cobbles and the fiery blast furnace a way of bludgeoning And shaping the malleable parts of themselves into a new identity as free men. . . .

Foreigners in a strange land, they carry as part and parcel of their baggage a long line of separation and dispersement which informs their sensibilities and marks their conduct as they search for ways to reconnect, reassemble, to give clear luminous meaning to the song which is both wail and whelp of joy.¹⁵

It was on this stage that Marcus Garvey, an immigrant from Jamaica, made his entrance. Armed with the slogan “One God, One Aim, One Destiny!” Garvey founded the Universal Negro Improvement Association, which at its zenith had more than two million members. He exhorted its members to conceive of themselves as a government of exile representing a black nation whose base was in Africa. As John Hope Franklin wrote, “The basis of Garvey’s wide popularity was his appeal to race pride at a time when Negroes generally had so little to be proud [of]. . . . He exalted everything black. He insisted that black stood for strength and beauty, not inferiority.”¹⁶

Garvey still beams from lithographs dressed in regalia befitting a king or head of state, which to the community of those who followed him he was. More importantly to the case, Garvey was the founder of the Black Star Line. This fleet of ships was to be the means by which blacks as a group could become captains of industry and engage in trade with foreign nations.

Now is the time for the Negro to invest in the Black Star Line so that in the near future he may exert the same influ-

ence on the world as the white man does today. . . . The Black Star Line corporation presents to every black man, woman and child the opportunity to climb the great ladder of industrial and commercial progress.¹⁷

The Black Star Line was more than a vehicle for economic gain, it was to be a vehicle for race redemption, a vehicle for restoring the dignity of the glorious past to blacks seeking out existences in urban slums without economic power.

After selling over three-quarters of a million dollars worth of stock, the line invested in several battered ships, upon the counsel of one Captain Joshua Cockburn.

The ships were so decrepit that they virtually leaked capital and had to be left to rust in foreign ports. In the aftermath of the collapse of this enterprise, Garvey was charged with mail fraud. The government accused Garvey of continuing to sell stock after he knew that the financial condition of the line was hopeless. Garvey, a would-be black Moses, was labeled a simple con man.

While the trial proceeded the press portrayed Garvey literally as an animal.

A Jamaican Negro of unmixed stock, squat, stocky, fat sleek, with protruding jaws, and heavy jowls, small bright pig-like eyes and rather bulldog-like face. Boastful, egotistic, tyrannical, intolerant, cunning, shifty, smooth and suave, avaricious.¹⁸

Interestingly, for an economic predator Garvey paid himself a surprisingly modest salary and lacked a lavish expense account. The Black Star Line, for all the visionary hopes it carried, had been sunk by a convergence of dishonesty and mismanagement.

As Edmund David Cronon writes:

There was nothing to indicate that the Black Star Line had been formed for anything other than what it purported to be, a Negro improvement venture. . . . Clearly the collapse of the corporation could be attributed chiefly to poor judgment in the purchase and maintenance of the decrepit Black Star fleet, and here the real criminals were the white culprits who had unloaded the rusty hulks on unsuspecting and inexperienced Negroes.¹⁹

The government's theory hung by a shred of paper: after 30 witnesses and hundreds of exhibits, the case depended on tying Garvey to the sale of stock at the critical time. Here the government had a Black Star Line envelope that had been mailed to a Harlem black person on December 13, 1920, but the government witness, Benny Dancy, could not remember what had been in the envelope. Was it a circular advertising the sale of stock?

Ironically, the trial of the century at the time was one in which the only evidence tying the defendant to the crime was left, like the ships of the Black Star Line, adrift—here on the faulty memory of a nervous key witness. There was no tangible evidence that Garvey had sold any stock, much less any evidence that he had done this to defraud. Garvey's real crime was a "crime of identity."²⁰ It was his dual status as a black male and revolutionary. It didn't matter that Garvey's revolution was in terms of how blacks conceived of themselves. Like the Nat figure, Garvey threatened to mobilize masses of blacks. What he wanted to mobilize them for was apparently less important than the fact that they were being molded into an autonomous political force. The case thematizes the vulnerability of black men to claims that to be a black male in revolt against the status quo—regardless of the means used or the philosophy applied—is to be the equivalent of a Nat. I note with interest that J. Edgar Hoover, who would later write the infamous memo concerning the necessity of preventing the rise of a "black messiah,"²¹ targeted Garvey as early as 1919.²²

Perhaps it was with this fear in mind that the prosecutor exploited the same deeply embedded negrophobic images that resonated in the media coverage of the trial. He exhorted the jury, as Garvey sat with his fiery eyes, "Gentleman, will you let the tiger loose?"²³

It was at this point that Garvey disappeared from the courtroom. What remained on the stage of his trial was something feral, sinister, and evil.

The question was no longer whether Garvey had done an act for which he was criminally liable. The question, dripping with appeal to negrophobia, was: "Is this fat, floppy-jowled, fiery-eyed black male on trial dangerous or not?" Racial tropes are amphibious. The tiger trope appeals explicitly to fears concerning Garvey as vicious criminal, but implicitly, and not so subtly, to notions of blacks as beasts. The twist is to associate the image of the beast with economic, as opposed to sexual, predation. The question "Will you let the tiger loose?" transforms the relationship of the defendant and the jury from one of individual relations to subject-object relations. The liberal notion of a

criminal defendant as someone who may invoke notions of the rights of the individual presupposes that the criminal defendant is a person and a fully situated member of our community. The question “Will you let the tiger loose?” rhetorically substitutes the image of a faceless predator for the face of the individual defendant—positing an us-versus-them dichotomy. In relations between people within the same community, issues of justice predominate. In relations between people and faceless predators, who obviously share no community, the question is one of power: how can we control them?

Despite the stunning absence of any tangible evidence of guilt, Garvey was convicted and sentenced to imprisonment in the Tombs prison.

This trope of the black man as a beast or animal has traveled easily down the corridors of our legal history from the time of Garvey’s trial to the present day.

Consider the case of Mike Tyson.

BEAUTY AND THE BEAST

If the black male body represents, in our mythology, a lyric of pure animal potency—and danger—Mike Tyson was its poster child. Rodney King’s body resonated with menace simply lying on the ground. How much more did Tyson’s body contain, with his tree trunk of a physique? Black males respond to group emasculation by cultivating masculinity and aggression.²⁴ On the streets of Los Angeles this dynamic is expressed self-destructively. Tyson’s persona relied on masculinity and aggressiveness in their most unadulterated form. His genius was to find a way to express this supermasculinity in a realm in which it made him a champion rather than a homicide statistic: “When I fight someone, I want to break his will,” he said. “I want to take his manhood. I want to rip out his heart and show it to him.”²⁵ Tyson became the Lion King in a sport in which the goal is not to hit the ball over the fence but to demolish one’s opponent with one’s fists.

In a society where no black body is safe from negrophobic images, Tyson’s vulnerability was supreme. Despite the incredible discipline necessary for him to have achieved what he did, Tyson’s strength and aggressiveness were read as proof he was a beast.

As Richard Corliss wrote,

Tyson is an imposing villain, for he seems beyond evil or humanity—soul-free. Look for the black heart beneath the

black stare, and find the creepiest thing: nothing. Punishment without guilt. . . . Purged of moral compunctions, Tyson is what scholars of the blood sport call a pure fighter. This is atavistic manhood, stripped of all weapons but fists, guile and will. A man-beast-machine: hunter, warrior, conqueror, terminator.²⁶

Tyson was for me less a beast than an uncanny combination of elements. There was an iron determination to succeed that allowed him to climb out of the ghetto, and over other contenders. In addition to this iron, there was also fire: something burned inside of Tyson, a deep anger at a world that consistently stacked the deck against him, first socioeconomically, and later in terms of media portrayals that never went far beyond stock stereotypes. There was finally both a kind of awkward innocence in his inarticulate manner and a prepolitical but unmistakable defiance of the white world. In an age in which Joe Louis, and later Larry Holmes and Evander Holyfield, cultivated the image of the black male boxer as Sambo—unthreatening outside of the ring—Tyson's every scowl exuded the defiance of Nat.

In spite of—or because of—this, Desiree Washington joined Tyson in his gold limousine at 2:00 A.M. on July 19, 1991. The same night found them in Tyson's hotel room at the Canterbury Inn where sex certainly occurred. Washington would later claim the sex was rape. But she would make her statement to the police after a delay of over 26 hours.²⁷ It was too late for the medical doctor to even do a forensic medical exam.²⁸ It was also too late to examine the sheets for bodily fluids or other evidence, because by the time the rape was belatedly reported the sheets had been laundered.²⁹ Also, there were no torn clothes to speak of, despite the fact that Washington claimed that Tyson had, in J. Gregory Garrison and Randy Roberts's words, "ripped" off her clothes.³⁰ Unlike the earlier case of William Kennedy Smith here there was no evidence of semen or bruises.³¹ Washington in fact admitted that Tyson never hit her, or threatened to hit her.³²

Thus there was virtually no physical evidence of rape at all. The case came down, according to prosecutor Garrison and Randy Roberts in their book *Heavy Justice*, to "credibility."³³ Normally an oath-on-oath contest does not become a criminal trial. This is especially true when the complaining witness makes inconsistent statements, as Washington initially did about whether the rape occurred at all.³⁴

With the record as it was, in the normal course of things Tyson would not have even been charged. But here there were different ele-

ments. First, there were Tyson's looks. According to Garrison himself, he made the judgment as to whether to charge Tyson largely on the basis of the way Washington would "look" in comparison to Iron Mike. "I think she's going to make an excellent witness. . . . She's. . . attractive, easy to look at, easy to believe."³⁵

Innocent appearance is easily conflated or confused with innocence of spirit. Angels are beautiful for example. As Lisa Binder writes, "physical attractiveness is foregrounded by the observer (here, the judges and the prosecutors), and the victim's attractiveness comes to represent her moral blamelessness as well."³⁶

Race intersects this symbolic order.

In the context of rape, beauty-beast imagery gives form to popular outrage at violent sexual crimes. At the same time, beauty-beast imagery thrives on racial and gender tensions within society at large, tensions which it exploits and reinforces.³⁷

Let me switch the scene for a moment to reinforce this point. It is 1989. Three youths are on trial charged in the now infamous Central Park jogger case. A 28-year-old investment banker running in the park is found raped, beaten. She now lies comatose in the hospital. The context of the trial was created by the press. The police and the newspapers refer to the youthful suspects as "a wolf pack."³⁸ "Here the wolf pack beat her face, bludgeoned her head, ripped off her clothes, bound her hands and one by one assaulted her,"³⁹ reported one major paper. The emotional appeal of the imagery of the wolf—red tongues lolling—powerfully appealed to the jury to circle up the wagons. The issue is not merely protection from crime, but from ferocious predators who are subhuman, not part human. The references to "savage attack" and "rampage" added to the us-versus-them climate that was created. Each youth was transformed through this story about wolves into a "them." They—these vicious animals—threaten to make our urban centers a jungle. "This is our home and I just feel it has been invaded, and it is happening more and more," said Sylvia Asch, a schoolteacher who jogs regularly around the reservoir in the park, near where the assault occurred.⁴⁰ Of course the jogger defendants were convicted. Yet like the Mike Tyson trial, there was no physical evidence. *Newsday*, the same newspaper that 13 years ago demonized the black teenagers as a wolf pack reported that, "Troubling questions about how police missed crucial DNA evidence have their roots in the

very beginning of the Central Park jogger case, interviews and trial records show.”⁴¹ Now newspapers are asking questions about whether the earlier confessions were coerced. Why now? Why not then? Without the fog of emotion conjured up out of the rhetoric of “wol[ves]” and “animals,” the rhetoric of race, can these convictions be explained at all?

In the jogger trial the image of the beast and the narrative of white innocence threatened by black bestiality was explicit. The same symbolism is powerfully implicit in the prosecution of Mike Tyson.

Thus, while Desiree Washington was not actually white,⁴² her beautiful, starstruck teenage appearance gave her a vulnerability and innocence equivalent to that of Flora, the white woman in *The Birth of a Nation*. There is another strand to this. In the film version of E. M. Forster’s *A Passage to India*, a native Indian, Dr. Aziz, is accused of rape on the flimsiest of evidence. The case is driven, in part, by the conclusion, as stated by the Scottish prosecutor, that “the darker races desire the fairer”—and cannot control themselves—“but not vice versa.” To the extent that Washington played the role of the innocent white woman in the clichéd story the prosecution was spinning—many news reports referred to it as “Beauty and the Beast”⁴³—Desiree’s functional whiteness symbolized not only honesty but also an absence of sexual desire.⁴⁴

Tyson had committed the same offense as Rodney King; he was guilty of being a “big black man.” Despite our claims to modernity, we live in a society where size and color are posited as being linked to criminality; in fact, one school of criminologists refers to these as constitutional factors. Thus Thomas Dumm said of King: “His body may be said to have informed on him to the police.”⁴⁵ Tyson’s own body confessed more. The boxer’s supermasculine black body located him at the scene not of a crime, but of our racial folktales. In a real sense, Garrison told a story that had already been told by Griffith, conflating a black male’s size, strength, and color with unbridled passion. Mike Tyson became Gus and Desiree Washington became Flora.

The story of Beauty and the Beast exploits not only Tyson’s size and strength but his image as, in Corliss’s words, an “atavism.” Tyson appears as an atavism, to Corliss and no doubt to the jury, not only because of what he does in the ring but also because of what he does not or cannot do. Mike Tyson is rhetorically challenged. His inability “to speak” mirrors the way that Robinson Crusoe’s Man Friday is unable to speak. It is the inability to speak English that marks Friday as a savage.⁴⁶ Tyson’s stunning capacity for brute force is easily, if illogically,

conflated with brutishness of spirit. This problem with language, a problem of educational disadvantage, is easily received in evidence as corroboration. Within the synergy between Tyson's physical appearance and his inability to deal in the realm of language, a Cartesian dichotomy is invoked: Tyson appears as a body without a mind. This image is powerfully reinforced by the sign of the black male as it has existed and evolved in our culture.

As Eldridge Cleaver wrote, "In an uncannily effective manner, the society in which he lives has assumed in its very structure that he, minus a mind, is the embodiment of Brute Power."⁴⁷ It was this racial imagery, already there, always there, that anchors the profile. Racial profiles are temptations: they tempt us to abandon individual consideration and simply lump people into essences. All Garrison has to do is suggest that Tyson fits: Tyson's physicality itself completes the seduction.

In his psychological profile Tyson is reduced to primitive, animalistic man, the native missing only the bone through his nose, the natural savage in a pair of Everlasts. Tyson's portrayal as physically like a beast and his psychological profile as an ignorant savage reinforce each other.

The final touch added to this psychological profiling was the portrayal of Tyson as a wolf in sheep's clothing. Garrison sets the scene by pointing out the fact that Tyson wore a button stating "together in Christ." He goes on to quote Tyson as saying to Washington, "You're a nice Christian girl, right."⁴⁸ No matter that Tyson has already been portrayed as a brainless, atavistic throwback. Cunning and stupidity are melded together in a single Frankenstein-like composite figure.

In the prosecution's story, Tyson cynically uses a facade of religious piety as bait to lure in his naïve, unsuspecting prey. Then, away from the cameras, behind closed doors a transformation occurs: he becomes Mr. Hyde. Robin Barnes refers to this kind of Dr. Jekyll–Mr. Hyde story as a "narrative of black deviance." These narratives are typically part of the script in race trials. In the 1980s the most famous race trial was that of Bernhard Goetz, charged with shooting four unarmed black teenagers who were panhandling in his subway car. The acquittal, occurring despite a detailed confession of murder, was achieved in part through agency of the deviance story. The victim's criminal propensities—allegations ranging from rape to robbery—were used . . . to show why the four young men deserved to be the objects of intent to kill. "While the victims were characterized as social deviants—violent and dangerous street punks—Goetz's defiance of

the law, which jurors rewarded with an acquittal and requests for his autograph, was deemed an act of heroism.”⁴⁹

Similarly, in the Rodney King case, King was accused of being crazed on cocaine, which medical evidence refuted. In the O. J. Simpson case references were made to O. J.’s life in the slums of the Portebello projects and his history of juvenile delinquency. The concept of deviance, according to Michel Foucault, in his essay *The Birth of the Asylum*,⁵⁰ is an instrumentality of power. The “deviant” person was a construct—linked to religion—used to promote “moral uniformity.” The goal of labeling someone a deviant is to objectify those so labeled and erase them as individuals, to limn out a line between them and us.

The narrative of black deviance deployed in the Tyson case was designed to make the courtroom into a racialized version of the asylum inviting the jurors to sit in judgment of Iron Mike, not only about whether he was guilty but whether he was normal enough to walk around free. This black deviance narrative based on the Dr. Jekyll–Mr. Hyde notion exploited the idea that all black men, however tame they may seem, are beasts deep down. It confused the legal issue of Tyson’s guilt with the racial issue of essences.

Like D. W. Griffith in film, Garrison consciously sought to juxtapose two images, images that brought with them copious baggage of racial symbolism. In painting his caricature of Tyson as a beast, Garrison did draw on Tyson himself. Garrison’s depiction also drew on our deeply embedded image or archetype of a rapist. But this cultural image of rapist and our stereotype of the black male are not entirely distinct.

Thus, the story drew as well on an image of the black male that goes much deeper. Garrison in a sense simply drilled down into our cultural strata to dredge up these images. Inevitably, the story of Beauty and the Beast involving Mike Tyson drew on D. W. Griffith’s film, and on Dr. Gilliam’s tirades about black men as would-be rapists; it drew on age-old fears of Nat, the archetypal black rapist—it drew upon race itself.

Why was there no outpouring of outrage at the vulgar way in which these vicious historical narratives were deployed? Not only was Tyson transformed into the image of race, but also the courtroom became a place of race production, a place where ugly, antiquated images of identity were unearthed, contemporized and released into our “modernity.” Iron Mike’s trial was merely the latest episode in a continuing soap opera whose theme, running through the cases of Rodney King, Willie Horton, O. J. Simpson, and Bernard Goetz, seems to be that the stereotypes about black men are true.⁵¹

Why was there no outrage?

Why did Roosevelt say of *Birth of a Nation*, “it’s all too true”? How could Willie Horton’s face, the face of a black male, so easily be made synonymous with rape? Our own racism is always invisible.

The black male who is a beast, like race itself, is always a myth. According to Roland Barthes, myth is that which converts beliefs into facts, historical events into natural ones, speculation into truth.⁵² By invoking the image of Mike Tyson as a beast, Garrison released the genie of myth to translate the snarled ambiguities and airy speculation surrounding the events at the Canterbury into the “truth” of shared prejudgments about black males. This occurred at the level of stories, like *Beauty and the Beast*, that are deeply embedded in our unconscious—in our language and culture. “As the workman’s tool becomes part of his arm,”⁵³ so the race-coded cultural cues embedded in these stories have become part of us—so implicit, so natural that we cease to be aware of them.

When people confuse the mythical with the natural, the negrophobic image with real living people, we have what I refer to as the transparency effect.

Myth attaches to the black male’s body as a permanent shadow. Transparency occurs when the shadow of myth comes to enshroud him altogether, so that only the shadow is visible and the individual disappears. In a real sense, the story of Mike Tyson and Desiree Washington became an allegorical extension of myth.

The image of race we continue to have represents a kind of black hole within our liberalism. Racial images have a centrifugal force drawing even rational, fair-minded people—like President Roosevelt proclaiming the racism of *Birth of a Nation* as “all too true”—into the vortex of racial ideology that is their source.

When black defendants become transparent, other cognitive and logical distortions result. The focus shifts from looking at individual behavior and character to a brooding meditation on racial essences.

Given this phenomenon of transparency, blacks do not have to act as individuals to frighten whites, nor act as individuals—more than violate traffic laws—to “provoke” violent and often fatal attacks. Individual black males are often attacked not because they have done anything, but because of their “transparency,” which leads people to assume they are up to no good.⁵⁴

Because he cannot be seen as a real individual, because he cannot slip the cloak of transparency, to be a black male is to be a proper target for attack.

A 16-year-old black youth was shot to death Wednesday night in an attack by 10 to 30 white teenagers in the Bensonhurst section of Brooklyn, the police said. The whites, the authorities said, were lying in wait for black or Hispanic youths who they thought were dating a white neighborhood girl. But the victim was not involved with the girl, the police said, and had come to the predominantly white neighborhood with three black friends to look at a used car. . . .

The victim of the attack, Yusef Hawkins of the East New York section of Brooklyn, was shot twice in the chest and died shortly afterward at Maimonides Medical Center. A companion suffered a slight graze wound, possibly from a bullet.⁵⁵

No physical evidence was necessary in the Mike Tyson case, any more than it was necessary in the case of Yusef Hawkins. Of course the setting of a criminal court is different from the streets of Bensonhurst. A criminal court is elaborated with the great seal of the state, with the aura of law as something sophisticated and rational, with the halo of neutrality that the state carries with it. Yet once the image of the black male as beast is deployed, the halo becomes as artificial as the clothes hanger ones worn by children in Christmas plays. The centrifugal force of racial images draws us back to Bensonhurst, back to 1915, back to thinking and worrying about Nat.

I have no idea whether or not Mike Tyson committed rape. Tyson's actual guilt or innocence has nothing to do with my discussion. My point is that when racial images are deployed, the question of what an individual—whether Tyson or Yusef Hawkins or Rodney King—has or has not done vanishes. The individual vanishes. Once these images are deployed we think about our fears, about dangerous kinds of people. A jury injected with these toxic images tends to think in statistical terms, not moral terms, in terms of essences and probabilities not the actual facts. The question is not how guilty he is, but how much are we afraid of him? To paraphrase one writer, these fears are powerful enough to reduce actual innocence to the merest of technicalities.⁵⁶

In light of the images and narratives deployed, the jury would not have been able to see whether Tyson was guilty or not. All they could see was a tiger. And who would let a tiger loose?

Crimes of Identity: The Birth of the Racial Profile

We wear the mask that grins and lies,
 It hides our cheeks and shades our eyes,—
 The debt we pay to human guile,
 With torn and bleeding hearts we smile,
 And mouth with myriad subtleties.
 Why should the world be otherwise,
 In counting all our tears and sighs?
 Nay let them see us, while
 We wear the mask
 We smile, but O great Christ, our cries
 To those from tortured souls arise,
 We sing, but oh the clay is vile
 Beneath our feet, and long the mile;
 But let the world dream otherwise,
 We wear the mask!

—Paul Lawrence Dunbar, “We Wear the Mask”

Henry Bibb tells a story about how, in 1837, he boldly escaped from the plantation in Kentucky and crossed the border into Canada.¹ Soon after, Bibb returned in disguise—he put on false whiskers—to get his wife and child. Once back in the “occupied territory” of the slavocratic Kentucky, he took work digging a cellar for “the good lady where I was stopping.”² Of course, the whiskers did not hide “who he was.” I remember during the O. J. Simpson trial hearing that O. J. had allegedly committed the murders wearing a sailor’s watch cap and a blue blazer with gold buttons. Johnnie Cochran, ridiculing the suggestion that such a costume could conceal O. J. in all his celebrity, exclaimed, “This is no disguise!” An antebellum Johnnie Cochran might have exclaimed the same thing about Henry Bibb’s efforts to mask his own identity. The slave catchers soon “recognized” Bibb and, treating

him like a nineteenth-century public enemy number one, surrounded the house in force.

He tried to proceed on his way but was arrested at gunpoint. In the story he asks his captors poignantly, “What crime had I committed?”³ His question, which went unanswered, still echoes to us down the corridors of history.

In asking his question Bibb invoked Lockean⁴ notions of the natural rights. John Locke postulated that all men are by nature free and enter society with their natural rights. Thomas Jefferson’s notion that “all men are endowed by their creator with an inalienable right to liberty”⁵ imported this natural law thesis into the American scene. The social contract that emerges from this confers the right to liberty—to freedom—subject to the condition that the individual does not break the law. Bibb implicitly invoked both Jefferson and Locke, both natural law and the social contract, in his question to his abductors. If he is a man, and if all men by nature are free, then he, Bibb, was also free—unless he had done something wrong. The issue becomes, what is Bibb’s crime? He is innocent not merely of the crime of harming others; by the very act of thinking and writing, he is innocent of being the native or savage associated with slavery.

Yet despite his radical innocence he is hunted and chained as a prisoner and criminal.

Bibb claimed his freedom by rhetorically situating himself within the circle formed by the liberal narrative not merely of the American Revolution, but of the Enlightenment itself—a narrative of individual autonomy and freedom. This story of the Enlightenment is eclipsed by an older story. This was the narrative of racial essences, a narrative that was given voice by Chief Justice Roger B. Taney in *Dred Scott v. Sanford*:

They had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior, that they had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit. He was bought and sold, and treated as an ordinary article of merchandise and traffic, whenever a profit could be made by it. This opinion was at that time fixed and universal in the civilized portion of the white race. It was regarded as an axiom in morals as well as in politics, which no one thought of dis-

puting, or supposed to be open to dispute; and men in every grade and position in society daily and habitually acted upon it in their private pursuits, as well as in matters of public concern, without doubting for a moment the correctness of this opinion.⁶

As I read Taney's opinion, the social contract applied only to those who were white. Blacks were not only persons without rights to a social contract, they were not persons at all. Bibb, in invoking the notion of "innocence," crossed the moral line between subject and object, self and other. In the mirror of his imagination Bibb saw himself as a free man unjustly chained. Bibb simply posited that he was free. In so doing, in his mind, he tore away the veil of race. But this subjective image was as distant from objective reality as heaven was from the terrain of the plantation. The dreamer physically remained imprisoned behind the iron curtain of the slavery—behind the veil. The slave was forced to recognize that regardless of what moral transformation he might achieve, no matter how he came to view himself, this did not affect his objective status. For the slave his identity was defined by how whites saw him. He is both blessed and cursed by what W.E.B. Du Bois calls a "double consciousness."

The Negro is a seventh son born with a veil, and gifted with 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 . . . measuring one's soul by the tape of a world that looks on in amused contempt and pity.

Thus, as Sterling Bland writes, "African-Americans are limited by the exterior manifestations of social response and are thus able to be seen only through the 'revelation of the other world.'"⁷

The reason Bibb's mask of whiskers didn't work is because Bibb's appearance as a threat was not linked to any set of features that could be seen—and therefore disguised—but to a faceless prototype of a racial other that could not be seen. Bibb matched the prototype regardless of how he changed his features. He fit the profile.⁸

This prototypical image, the image of the racial enemy, however invisible to the naked eye, is nonetheless visible in the reactions of whites, mirrored in their fear, loathing, and obsession with controlling him. It was this mask, the mask of the racial identity itself and only this

mask, that the slave catchers saw. “The stereotype—the mask—defined the African American as white Americans chose to see him; outside the mask he was either invisible or threatening.”⁹

What, indeed, was Bibb’s crime? His crime was his appearance. His appearance as a criminal and his identity were superimposed on one another by the socially constructed “gaze”¹⁰ of slave society.

The notion of the “gaze” is familiar to anyone who has seen old films. Take the Tarzan series, for example. In the Tarzan films black savages, with bones through their noses, capture genteel British explorers, truss them up, and put them in the cooking pot. In the nick of time, Tarzan, a white man raised by apes, comes to the rescue of the whites, typically leading a herd of elephants as a surrogate for the cavalry. Everyone cheers when Tarzan and his rampaging elephant cavalry come crushing the natives’ flimsy straw huts and trampling them underfoot.

In portraying the Africans as savage aggressors and the British as helpless victims, the Tarzan stories turn the moral reality of colonialism upside down. Worse, they portray the British—and Tarzan—as civilizing forces in an uncivilized jungle.

The films implicitly justify colonialism. One’s enjoyment of the film depends upon taking the racial perspective of the colonizer. This racial perspective and the mechanisms associated with it to make it seem natural constitute the “dominant gaze.”

Bibb, as a black male loose, appears to the dominant gaze as dangerous and evil as Tarzan’s natives. Bibb is seen as a criminal because slave society needed psychologically to see him this way: either in chains or as an enemy of the state.

For the Greeks the image of otherness was the foreigner who was also a barbarian, and for Michel Foucault the image of the other was the mad person, but for slave society the quintessential image of the other was the racial other, particularly the image of the black male.

This racial other has always been represented as the enemy to be subdued—much like a dangerous animal. “The point is there are some Others who are excluded from among us and are actually perceived in less human terms, below human beings, dangerous animals that can and must be killed.”¹¹ Only if the racial other is a dangerous animal/criminal could slave society justify the practices of cruelty and constant surveillance.

Racism is traditionally understood as irrational. On the contrary, it is a perverse expression of rationality.

[R]acism is not simply a stupid hatred. It may be based on ignorance that breeds hatred, but it is every bit as dependant upon a form of knowledge. That knowledge, sometimes wittingly used, sometimes unwittingly, operates to reinforce the fear and hatred of others by providing rationales for hierarchizing differences.¹²

Treating Bibb in this way, within the gangster logic of the slave regime, made sense. It satisfied deep psychological needs. The psychological needs of the slave regime mirrored political necessity. The bloodhounds, the constant surveillance and checking of papers, the looking under houses, the hunting and the chaining of black men, were all based on a claim of knowledge. Whites claimed to know, with some justification, that black men had to be systematically surveilled and controlled if their regime was to last and if they were to sleep the night. They went after the black males not based on what they had done, but what they knew black males were likely to do.

This claim of knowledge is the underpinning both to the ideology of the slave regime and the ideology of racial profiling. Take the case of Bernhard Goetz.

On Saturday afternoon, December 22, 1984, Troy Canty, Darryl Cabey, James Ramseur, and Barry Allen boarded an IRT express subway train in The Bronx and headed south toward lower Manhattan. The four youths rode together in the rear portion of the train. Two of the four, Ramseur and Cabey, had screwdrivers inside their coats [but Goetz couldn't have known that]. Defendant Bernhard Goetz boarded this subway train and sat down on a bench towards the rear section of the same car occupied by the four [black] youths. . . . Canty [then] approached Goetz . . . with Allen beside him and stated "give me five dollars." Neither Canty nor any of the other youths displayed a weapon. Goetz responded by standing up, pulling out his handgun and firing four shots in rapid succession. The first shot hit Canty in the chest; the second struck Allen in the back; the third went through Ramseur's arm and into his left side; the fourth was fired at Cabey, who apparently was then standing in the corner of the car, but missed, deflecting instead off of a wall of the conductor's cab. After Goetz briefly surveyed the scene

around him, he fired another shot at Cabey, who then was sitting on the end bench of the car. The bullet entered the rear of Cabey's side and severed his spinal cord. . . .

Goetz stated that he knew from the smile on Canty's face that they wanted to "play with me." Although he was certain that none of the youths had a gun, he had a fear, based on prior experiences, of being "maimed."¹³

There was no display of a weapon, no verbal threat, no moves indicative of an assault. Yet for Goetz the youths deserved to be shot. What crime had they committed? Goetz too was making a claim of knowledge. The youths' appearance established their identity as criminals. They fit a profile of the racial other deeply embedded in our national psyche.

Sometime between the narrative of the Enlightenment and the modern framework of formal equality, black males became citizens. Citizenship involves birthrights. As citizens they claim, like Henry Bibb, their birthright as heirs both to Lockean notions of freedom and to more recent rulings under modern civil rights laws. But between this abstract realm of freedom, celebrated and affirmed at every Martin Luther King's birthday dinner, and their lived experience, black males are also heirs to the legacy of fear built out of the social construction of identity.

America's national memory tracing back generations of treating the black male as wild beast to be constantly watched does matter. To be treated in this way over time gives credence to the notion that one ought to be treated this way.

The stream of social construction of identity runs into the stream of liberal notions of crime fighting. Ironically, the same liberalism that Henry Bibb claimed in his argument for his freedom is intimately involved in the genealogy of the racial profile.

The spirit of the Enlightenment unerringly led to equal opportunity laws. The same spirit of reason led to notions of social Darwinism. This social Darwinism pointed to normal people and those who were "dangerous." A new approach to crime emerged.

The old [idea] is rooted in a concern for individuals and preoccupied with [catching criminals] . . . as well as diagnosis and treatment of the individual offender. . . . [I]ts central aim is to . . . hold the guilty accountable. . . .

The new [idea] has a radically different orientation. It is concerned with identifying, classifying and managing groups assorted by levels of dangerousness.¹⁴

The profile, for all its felt stupidity, is conceived as predictive device. Rooted equally in the surveillance practices of the slave regime and a “liberal” impulse to identify pathological groups, the profile quickly aligns itself with scientific racism. Listen to James Wilson and Richard Herrnstein.

The average offender tends to be constitutionally distinctive, though not abnormally so. The biological factors whose traces we see in faces, physiques, and correlations with the behavior of parents and siblings are predispositions about crime that are expressed by psychological trait and activated by circumstances...[T]he distribution of crime within and across societies may, to some extent reflect the distribution of constitutional factors.¹⁵

Explicitly, Wilson and Herrnstein seem to identify the “essential criminal” by body type, by genetic factors relating to size, shape, and muscularity. “According to them, those more likely to be criminals are those having such masculine traits as a broad chest flaring toward the shoulders, low waist, relatively large arms, prominent muscle relief, large bones and joints.”¹⁶ But the genetic factors of size and shape are implicitly associated with race. As Thomas Dumm explains, “their theory... focusing on racial variations in violent crime rates, implicitly suggests that people of color are more likely to be violent than white majorities.”¹⁷ They attempt to place imprimatur of science on Rodney King-like images of the “essential criminal” as a big, muscular man with a black face. Thus, in the case of Rodney King, King was struck despite the fact he had no weapon, that he was prone on the ground, that he made no threats. Utilizing the reasoning of Wilson and Herrnstein, “Even if the criminal does not speak on his own behalf, even if his motives are not explained by investigation and confession, the body of the criminal speaks the ‘truth’ of the criminal’s character.”¹⁸ In essence the black male’s size and shape—his body itself—informs on him to the police.

It is this kind of pseudoscience that shackles the black male together with images of criminality. Again it is a faceless, prototypical image marked not by individuality but by size, shape, skin color—by the black male body itself.

The figure of the black male exists only metaphorically. This figure can exist only in the way a figure in a film or movie can exist: by performances that exemplify and inscribe it as real. Racial profiling is a

performance of the received meaning of identity. It is a performance of how the “black male” appears through the dominant gaze. The practice of racial profiling presupposes that race and criminality are knotted together. This practice itself in turn becomes an argument for its own legitimacy: by treating and making black men appear to be dangerous, it suggests that the black male is in fact a “dangerous character.” Not only does the racial profile inaugurate a new regime of surveillance and social control of black males, it reinscribes in our own era images of the dangerous “black male” that are as old as the story of Henry Bibb.

Under the regime of the profile, it is not a question of what the black male as an individual has done, but instead of his membership in a group whose characteristics are “predicted” to be associated with crime. More specifically, the black male is profiled not on the basis of what he has done, but what he might do.

Its practices range from arresting black males for driving while black to incarcerating, arresting, surveilling virtually an entire generation of black youth. Ultimately, the racial profile is the alter ego of the racial other. The quintessential racial other has been and is the black male. The racial profile is a sign that signifies not only race but gender. The racial profile is a code word: be on the lookout for the black male.

The regime of the racial profile is a great leveler. Within its net police have swept “high crime” areas of the inner city, and arrested black millionaires and celebrities.

Men such as Christopher Darden, the prosecutor in the O. J. Simpson case; Salim Muwakkil, Chicago academic and journalist; and Wade Henderson, NAACP lawyer and lobbyist, all say they have been stopped for DWB—driving while black. Muwakkil claims he has been stopped so many times on driving trips in the Midwest that he computes the time spent in traffic stops into his overall travel time.¹⁹ One black celebrity, Lenny Kravitz, was apparently stopped for walking while black.²⁰

Perhaps the most famous incident involving the racial profile is the instance of the New Jersey police. In 1999 state police commanders admitted they used racial drug-courier profiles to stop motorists on the New Jersey Turnpike and the Garden State Parkway.²¹

State police used racial profiles to target black motorists during traffic stops along the New Jersey Turnpike, a former trooper testified Monday. Kenneth Wilson said he was trained to look for black motorists during his 2–1/2-year

stint as a trooper. Wilson, 30, of Willingboro, said the racial profile was used for potential drug arrests. "I was taught to look for young, black males," said Wilson, who is also black. "I applied it all the time, as much as possible."²²

After this stunning admission, Colonel Carl Williams of the same New Jersey police attempted to defend this racist policy as reasonable. He was quoted as saying, "cocaine and marijuana traffickers were most likely to be members of minority groups." Governor Christine Todd Whitman fired Williams for his statements. Her firing reflects an official truth: this kind of public essentializing will not be tolerated. But official truth aside, Williams's statements resonated in claims of knowledge widespread in American political culture. His view reflects a "still-dominant gaze." Our criminal justice system runs much like a Tarzan movie in which the action only makes moral sense if one sees the intersection of being black and male as an intersection of danger and menace.

SCENE ONE.

Panoramic view of Baltimore's inner harbor. Pan to black stone fortress just behind. The sign says "Baltimore City Jail." Focus on the still-tender face of a black male somewhere between the ages of 16 and 25. The camera pulls back, revealing bars and a small cell. As it pulls out further we see that virtually the entire jail is populated by black men rapping, chattering, some yelling out. The screech of brakes drowns out the chatter. Buses are rolling up. A warden is speaking. "This goes on like an industry," he says.

After one set of buses rolls up another comes, each, like a twenty-first-century slave ship, releasing a new wave of black men in handcuffs and leg irons. The camera turns to the prison yard where black men are lifting weights or playing basketball behind prison walls. The scene dissolves from one major city to another, where the scene is repeated over and over. It is as though an entire generation of black men is being bused in chains into urban gulags. With this panorama of incarceration as background, statistics roll in the foreground across the screen. Black males make up 6 percent of the population, but 46 percent of those are in U.S. prisons and jails.²³ Here in Baltimore "on an average day, 56 percent of all African-American males [from 18 to 35] are in prison, jail, on probation/parole, on bail or being sought on arrest warrants."²⁴ In California 75 percent of adult black men have ar-

rest records, with fully one-sixth of them (104,000) being arrested every year. Despite the stereotyping very few—in Baltimore less than 10 percent—are arrested for violent crimes. Ironically, 92 percent of those arrested are released for lack of evidence.²⁵ The camera fades to black.

I still remember walking in my neighborhood in East Baltimore, now admittedly infested with drugs, and watching a police officer roll up to a black youth standing on the corner. Without a word being said the officer jumped out and motioned for the youth to turn around and searched him, apparently for drugs. This encounter had all the earmarks of a familiar ritual. This only makes sense if race plus gender plus youth equals probable cause.

Over the past 10 years literally millions of black youth have been arrested and jailed, the overwhelming majority, according to Jerome Miller, without just cause.²⁶ Like modern-day Henry Bibbises, it is not necessary that they commit a crime as individuals to become the focus of suspicion. In a real sense they are all “usual suspects” in a drug war waged almost exclusively in the ghetto against the nation of black males. Whole communities are under suspicion and under siege. Arrest has become so routine that the clothing styles of prisoners—baggy clothes, stocking caps as headgear, camouflage pants—have become high fashion in the inner city.²⁷ How did we get this far?

From the 1980s to the 1990s there was a massive shift of resources from social programs which occurred in tandem with vastly increased policing, surveillance, arrest, and imprisonment of black men. As government investment in social and employment programs in the inner cities was held stable or cut back during the 1980s, the criminal justice system was ratcheted up to fill the void. Federal, state, and local expenditures for police grew 416 percent; for courts, 585 percent; for prosecution and legal services, 1,019 percent; for public defense, 1,255 percent; and for corrections, 989.5 percent. Federal spending for justice grew 668 percent; county spending increased 710.9 percent; state spending surged 848 percent. By 1990 the country was spending \$75 billion annually to catch and lock up offenders. For the white majority, it was a popular way to go—particularly as it became clear that these draconian measures would fall heaviest on minorities in general and African American males in particular.²⁸

This new army of policemen were released into a political culture in which race and criminality were linked as a matter of “common sense.” Animated by this perverse logic, the racial profile concept leads unerringly to a racial mapping of the urban terrain. The racial

profile allows police to draw an imaginary line between the suburbs and the inner city as a boundary between two very different worlds. One world has some measure of freedom, the other bears a disturbing resemblance to the colonial regime.

SCENE TWO.

Palm trees sway in the breeze as a Porsche Carrera cruises by on South Beach. In the background neon lights glow along a street lined with art deco hotels. The camera view floats up and snakes westward along the causeway. As it zooms in again we see a sign that reads “Nu Lounge.” A red Cadillac, paint peeling, passes in front of black men in baggy pants standing on the corner. Stereotypically, one has a wine bottle in his hand. This is Overtown, one of Miami’s ghettos. Through the machine of our collective memory we are now back in the day of January 16, 1989, Super Bowl week.

The sound of a motorcycle arrives first, then the picture of Clement Lloyd zooming mischievously through his neighborhood on a Kawasaki Ninja motorcycle. It is a bright sunny day. A police car is giving chase, sirens wailing. The scene switches to a picture of officer William Lozano, in full police uniform. The white Columbian immigrant,²⁹ neat, with his hair slicked back, is sitting in his police cruiser reading the newspaper. Hearing a call he picks up his radio lying on the seat beside him.³⁰ The dispatcher’s voice crackles that a motorcycle is heading his way at 70 miles per hour.³¹ At that point Lozano steps out into the street.³² It is at this moment we must freeze the frame. Social observers have attempted to understand such moments and the brutality that follows in terms of hatred.

Police brutality is conduct that is not merely mistaken, but taken in bad faith with the intent to dehumanize and degrade its target. It is described as “conscious and venal, . . . directed against persons of marginal status and credibility,” and “committed by officers who often take great pains to conceal their conduct.”³³

I find these kinds of accounts simplistic. They feed into the notion that these kinds of incidents are the aberrational behavior of extremists, a bigoted, if not lunatic fringe on the margins of an otherwise egalitarian society. I think the problem is more pervasive and much deeper. The script that Lozano is following is less one that involves ha-

tred than it does stories about urban life that have twisted law and order into a hierarchy of racial order. The central character in these stories is, of course, the imaginary figure of the black male. Lozano's fault was that he took literally and made transparent through violence vicious assumptions—implicit in the stories—that are normally kept hidden.

So what happens when Lozano steps into the street? We have spoken of the regime in which we think about the rights of man, about democracy, about justice. In this regime of formal truths, police officers engage in a calculus in which the force they use bears some relationship to the offense the individual is suspected of. Speeding on a motorcycle is not a capital offense. It is normally punished by a ticket, not a death sentence. When Lozano stepped into the street he did so without reference to notions of proportionality, he stepped out of the realm of rights altogether. He stepped across a line that separated between this realm of rights, and a realm in which unequal power relations between groups are rationalized. These rationalizations take the form of stories. The first story is a story about the inner city.

To the dominant gaze Clement Lloyd appears against the background of the inner city ghetto. In an old Spike Lee film, *Do the Right Thing*, in which Radio Raheem is killed in an act of police brutality, a fictional policeman refers to the ghetto as “Planet of the Apes.” Marvin Dunn, a Miami sociologist, openly refers to the ghetto as the “jungle.”³⁴

Operating under the code words “high-crime area,” the inner city is constructed as a place on the fringe of all that is familiar and rational. In Joseph Conrad's *Heart of Darkness*, the deeper one went into colonial Africa, the farther one was from the source of light and civilization (Europe). There is a similar narrative at work here splitting between the ghetto and greater America, as between self and shadow. The contrast between the inner city and the suburbs is of course not merely the alterity of an urbanized African culture in the midst of the predominantly European culture of the “greater America”; it is a contrast between a historically powerless community and the politically dominant community. The ghetto in its economic marginalization and squalor is a monument to a kind of continuing colonialism. The symbolism of the ghetto as a jungle is to suggest the disorder we find there is something that goes with the territory: a fact of life.³⁵ The jungle metaphor thus dehistoricizes the colonial relationship between the ghetto and the larger society. The territory: When Lozano stepped out into the street he stepped across a line that separated between this

greater America and the untamed jungle of the inner city. In greater America individual rights are paramount. Within the framework of the colonial analogy the individuality of black males dissolves into fear of the native, of a prototypical, alien enemy who is as dark and as dangerous as the inner city itself. The black male is racially profiled after the fact of a racial profile blanketing the black community as a whole.

The second story is about “the man.”

In the iconography of our urban culture, “the police” are always a masculine image—they are in street vernacular “the man.” The figure of the man is a personification of a notion of power. One is powerful when one is able to dominate others. The figure of the man is creature of hierarchy. He is king of the hill. His authority is hysterical: his status depends on being able to crush anyone who challenges his authority: To be powerful one must demonstrate that power on the bodies of any who challenge your authority. Thus, whether we speak of the Wyatt Earps of the West, or police heroes of the action dramas—figures like Clint Eastwood’s erstwhile Dirty Harry—to be the man you had to be able to deal decisively with anyone who stepped out of line. This image of the man is urban fantasy, but as Hannah Arendt writes, “the ideal subject of totalitarian rule is not the convinced Nazi or the convinced Communist, but people for whom the distinction between fact and fiction . . . and the distinction between true and false . . . no longer exist.”³⁶ Lozano apparently had difficulty distinguishing between these primitive, violent images of authority and himself.

When Lozano stepped into the street I believe he stepped out in a heroic effort to prove he really was the man. Like a Columbian version of Dirty Harry, he would stop the “bad guy” from getting away.

But Lozano was the man in a different sense—the “sense” of our racial mythology. We engage in freewheeling denial on issues of race. During the era of segregation things were more explicit. It was not the lunch counter but “manhood” that was the segregated space. Only white males could enter. It was not merely “the man” but the “white man” who wielded the power in society. This power is signified by privilege. Thus, the segregation of this psychological space was reflected by interlocking laws and customs that reserved actual physical areas, like lunch counters and certain activities—such as relations with white women—for white men and white men only. The border to this psychological space of privilege and power was guarded linguistically by references to black men of whatever age as “boy.” When black men crossed the line, whether to whistle at a white woman or eat at a lunch

counter, the white man vindicated his power through violence. This is the paradigmatic case in which law and order and racial order were confused. This same confusion was implicit in the actions of Lozano. By brazenly speeding and eluding the police Lloyd challenged more the legal power of the police. His actions threatened more than the prospect of harm to pedestrians. "Catch me if you can!" he implied. He seemed to say by his actions that he was more the man than were his pursuers. He challenged a hierarchy that was explicitly legal and implicitly both gendered and raced. He threatened white males' sense of who they were. This upset the "moral" equilibrium in 1989 as surely as walking on a forbidden side of the street in 1959. Lozano raised his 9mm weapon to put the moral universe back into balance.

Lozano took dead aim and stopped the "bad guy" with one shot to the head. Clement Lloyd died at the scene. His passenger, Alan Blanchard, died the next day in the hospital.³⁷ Fade out.

Despite this cold-blooded shooting Lozano went free. William Lozano was tried twice. The first trial occurred in October 1989. Lozano was convicted in January of the following year. However, the case was overturned on appeal.³⁸

At the second trial, moved to Orlando, William Lozano was acquitted. He argued that he had fired in self-defense as the motorcycle swerved in his direction.³⁹ Lozano's account was powerfully contradicted by three witnesses. Lonnie Vickers, a longshoreman, testified that the motorcycle was traveling at approximately 40–45 miles per hour. The motorcycle was going too fast to have swerved toward Lozano, he testified.⁴⁰ Similarly, Robert Fountain testified, "I never saw the motorcycle swerve in the direction of the policeman."⁴¹ The *coup de grace* was the testimony of a fellow police officer against Lozano: "Minutes after shooting a passing motorcycle driver, Miami police officer William Lozano showed a colleague how he did it. At Lozano's manslaughter trial Thursday, the fellow officer reluctantly likened it to 'sighting a target.'"⁴²

Lozano was represented by Roy Black. The key to Black's case was to paint Clement Lloyd as drug user and criminal. While race was not explicitly deployed, it lurked implicitly, in its infinite layers, at every level of Lozano's defense. If an all-white jury in Simi Valley—a conservative, mostly white enclave near Los Angeles⁴³—could acquit police officers videotaped in acts of brutality against a defenseless Rodney King, the verdict in Orlando is no surprise. Orlando here is to Miami as Semi Valley (where an all-white jury acquitted the offi-

cers videotaped in acts of brutality against Rodney King)⁴⁴ is to Los Angeles.

In response to this profiling the jury was invited to think in terms of a racialized narrative in which police are a thin blue line standing between us and the drug users, us and the unassimilated outback of the urban scene. The outcome had little to do with the local narrative of what happened that fateful day. Instead, it reflected the larger narrative of a struggle to keep this other America—the America of the ghetto—at bay.

“WE OWN THE NIGHT”

SCENE THREE.

February 3, 1999.⁴⁵ 10:00 P.M. Waves of cars ebb and flow along New York City’s East 14th Street, beneath mountains of glass and steel. But the human tide of people on the street has subsided this winter’s night.⁴⁶ Dark hands fold up a table, fold socks, and put away CDs. Before leaving the man enters the back of the store, where he kneels and fold his hands in prayer. “Allah is great, there is no God but Allah.”

Mixed in with the piety is hope, hope that America is what it has been cracked up to be: a place where there is still space for an immigrant’s dreams to take root. This is a Horatio Alger story with a West African twist. Amadou Diallo,⁴⁷ a native of Guinea, is selling his wares to earn money so that he can “learn computers.”⁴⁸ 12:44 A.M.⁴⁹ Images of burned-out buildings, empty lots planted thick with broken bottles and the carcasses of old cars. In front of and beside the building trash cans are set alight like torches by homeless denizens of this nameless street in the Bronx. Everything is very still, except for a horn honking in the distant background. Nearby the weary black immigrant trudges across the threshold of his apartment building at 1157 Wheeler Avenue.⁵⁰

Suddenly a battered Ford Taurus⁵¹ turns the corner on a rendezvous with death. It heads down Wheeler Avenue. It careens ominously to a stop. Four men wearing jeans and sweatshirts jump out, their automatic weapons already drawn. The four men, Kenneth Boss, Sean Carroll, Edward McMellon, and Richard Murphy, are members of the infamous Street Crimes Unit, a kind of roving patrol that stopped and

searched more than 45,000 blacks in two years to make 9,000 arrests.⁵² The motto of the Street Crimes Unit is “We own the night!”⁵³

A command of “halt!”⁵⁴ shatters the stillness. The officers, still with their guns drawn, approach within five feet of Diallo. Diallo, in the half-light of the vestibule, reaches for his wallet,⁵⁵ presumably to establish his identity—his innocence. Officer Sean Carroll yells, “Gun, he’s got a “gun!”⁵⁶ Forty-one explosions follow in the deadly space of eight seconds.⁵⁷ Some of the bullets find the wooden door, which splinters from the force of the fusillade. Intermittently sparks fly as other bullets find the stonewall and ceiling of the apartment house. Nineteen of the bullets explode into the skinny body of the unarmed man.⁵⁸ One of the explosions shatters Diallo’s spinal cord.⁵⁹ Even after Diallo falls to the ground the four police officers continue to fire shells into Diallo’s now paralyzed body.⁶⁰

The scene dissolves. The killing cries out for answers.

All day long trains run on rails, day passes into night, and with a similar regularity in the Bronx, in Harlem, in South Central Los Angeles, in East Baltimore—in the inner city with almost predictable regularity—black men are beaten or shot by police. These street encounters are so ordinary and so routine that rarely do they make national news, and even more rarely do they result in public outcry. The shooting of a poor black man by police in the ghetto is within the range of events accepted in our political culture as the norm. The ordinary cases are not questioned closely. They are part of the already read text. What made the Diallo case stand out was that here was a man who was not only innocent but radically innocent, even naïve, blasted apart in an incredible barrage of 41 shots. The sheer intensity and volume of this exchange with an unarmed man dredged up this nightmare from the murky recesses of our political unconscious up to the surface level of our waking knowledge.

“Why was Diallo stopped in the first place?” a reporter is asking Stephen Worth, the lawyer for the police.

The lawyer, who does not explain the basis of his knowledge, if any, says authoritatively, “Mr. Diallo resembled the rapist in a generic way.”

“Why were so many shots fired at an unarmed man?”

Worth replies, “Mr. Diallo did not fall at any point during the incident and that’s why the number of shots that were fired were fired.”⁶¹

The screen dissolves again.

In many ways, the story the lawyer for the police tells about Diallo recalls the story told about Rodney King, a black, male Los Angeles motorist. King was stopped by the Los Angeles Police Department for

failing to yield. He was subsequently “beaten half-to-death” by the more than 20 officers who surrounded him: “King was hit between 53 and 56 times by officers wielding their batons. The bones holding his eye in its right socket were broken and he suffered broken bones at the base of his skull.⁶² In addition to “clubbing him wildly,”⁶³ one officer, Tom Briseo, “stomped on King’s head.”⁶⁴ To explain the severity of the beating, the LAPD stated that King was, like a modern-day Mr. Hyde, “oblivious to blows and tasing.”⁶⁵ They went on to suggest that he was in a “trancelike” state.⁶⁶ King was portrayed as a kind of mutant impervious to blows, while Diallo was described as being impervious to 9mm ammunition fired at point-blank range. Perception is always an interplay between the observer’s eye and the observer’s imagination. In these cases the racial imagination is engaged: in both stories the perceptions of the police and the projection of racial fears seem to blur into each other.

Now Officer Carroll is sitting on a witness stand.⁶⁷ He says that the officers confronted Diallo because he “peered at them suspiciously.”

The way he was peering up and down the block. He stepped backward, back into the vestibule, as we were approaching, as if he did not want to be seen, and I am trying to figure out what is going on. You know what is this guy up to?⁶⁸

The scene bears a striking resemblance to the one reported by Bernhard Goetz. In both stories the danger is somehow implicit in the eyes of the black males themselves. The way the black males “peered” at them gave the warning.

Goetz explained:

I looked at his face, and, you know, his eyes were shiny. . . . [T]hey wanted to play with me. . . like a cat plays with a mouse before, you know, it’s horrible. . . . [I]t’s the confrontation, that was the threat right there. It was seeing his smile and his eyes lit up.

Yes, the officers in the Diallo shooting had gone to the wrong house. They fired because in the exigency of the moment they thought Diallo’s wallet was a gun.⁶⁹ Yes, the motto of his police unit was “We own the night.” In the next scene, after this incredible atrocity has unfolded in the testimony, the jury comes in and passes the verdict form to the judge. The judge, deadpan, reads it and asks the foreman to publish the verdict. “Not Guilty,” says the foreman to

count after count of the indictment. A hush descends over the courtroom.

It didn't matter that the officers had no probable cause whatsoever to confront Diallo on his own doorstep. It didn't matter that they had gone to the wrong house. It didn't matter that prosecution experts testified that several of the shots were fired while Diallo was paralyzed on the ground. The sheer overkill of 19 bullet holes in a single body didn't matter. It didn't matter that the police told an incredible story about Diallo as a man who "did not fall" at any time during the eight seconds it took to deliver the 19 shots.

The scene dissolves into a headline.

Four Officers in Diallo Case Return To Work⁷⁰

The camera fades to black.

Why didn't it matter? Why couldn't the jury see that this was the moral equivalent of a lynching in the Bronx?

In film the relationship between background and foreground is important. For me the background of the Diallo case is the stories of Clement Lloyd or Rodney King. Lesser known but in the background is the 1980 case of Arthur McDuffie, a black insurance man on his way to work who was speeding on his motorcycle. Like King, he "failed to yield" when signaled by police in pursuit; when he was caught, police beat the unarmed man to death with their nightsticks.⁷¹ In the foreground, following the shooting of Clement Lloyd, there is the 1997 case of Abner Louima, a black man raped by a policeman who used a toilet plunger for penetration while other police officers watched.⁷² Also in the foreground is the case of 16-year-old Donovan Jackson, beaten while handcuffed by police: "In the Inglewood case, in July, 2002 Jackson can be seen in the video as he is thrown face-down against the hood of a police car and punched in the face while handcuffed. Jackson is black. The officer shown shoving and hitting Jackson, Jeremy J. Morse, is white."⁷³ These stories form a pattern: the atrocity of the Diallo case is a single star in a huge constellation of injustice.

But juries and courts "tend to portray incidents of police brutality as anecdotal, fragmented, and isolated rather than as part of a systemic, institutional pattern. It seems clear that courts cannot or do not choose to see systemic patterns for reasons that transcend [legal] explanations."⁷⁴ The reason is that they see these cases against the background of a different set of stories. In the Lozano case much was made of the

fact that following the autopsy traces of cocaine metabolite was found in Lloyd's system. He was a criminal, the autopsy implied.

But what was Diallo's crime? What was the story used to rationalize the shooting? Diallo's crime was the crime of Henry Bibb. His crime was his appearance. He resembled a rapist in a generic way—he fit the profile. He fit the profile as Earl Graves⁷⁵ fit the profile: the publisher of *Black Enterprise Magazine*, Earl Graves was neatly dressed in a suit and tie, stopped by police as he was trying to catch a train. Police said he fit a description of “a black man with short hair.”⁷⁶

He was a black male.

Worse, he was a wild-looking black male lurking in the shadows. The question is not what crime has he committed—it is the danger his presence represents. Police can afford to take no chances. It comes down to common sense—instinct, to paraphrase the attorney for Lozano. This is the same common sense that causes white women to clutch their pocketbooks when a black male enters an elevator. This common sense is of course racial myth masquerading as objectivity, racism masquerading as reason. The root of this story and this so-called common sense is widely shared fear of the black male on the basis of how he “looks.” The jury did not see Diallo “peering down the street.” Nor did they need to. They did not need to see Diallo at all. Our culture provides a prototypical image of the black male as the archetypal criminal. The image of the black male and a social paranoia are fused together. It is this incendiary image that ignited the 41 shots. It is this same image that produced the verdict in the Diallo case.

If individual rights are the sign of democracy, the practice of racial profiling is the sign of a regime at war with the very idea of democracy. As Justice Taney rejected Jefferson's liberal universalism, “all men are created equal,” the practice of racial profiling rejects it as well, and for like reasons, planting the seeds of Taney's worldview in the soil of our modern political culture. Against the claims of equal justice Taney posed the figure of race; the racial profile poses the figure of the essential criminal: the figure of the black male. Where Taney felt that the inferiority of blacks placed them in a realm of otherness beyond the scope of democratic norms, racial profiling simply substitutes dangerousness for inferiority.

We live between the two regimes. The boundaries are not merely between the suburbs and the inner city, although these do represent very different worlds. They are regimes of the mind, doorways between different ways of thinking about the world.

When the officers were indicted this satisfied the regime of rights. When the officers were acquitted it reflected the ability of the jury and the system to return in their thinking to the regime of myth—the myth of the black male. In the regime of rights, facts are important. In the regime of myth the power of images is sovereign over all.

This phenomenon has been referred to as a function of the “mythic mentality.”

In mythic consciousness the nuances of significance and values which [empirical] knowledge creates in its concept of the object, which enables it to distinguish different spheres of objects and to draw a line between the world of truth and the world of appearance, are utterly lacking. . . . instead of the dialectical movement of thought, in which every given particular is linked with other particulars in a series and thus ultimately subordinated to a general law and process, we have here a mere subjection to the impression itself and its momentary “presence.”⁷⁷

The mind, like a rushing river, is drawn down, through the primitivism of racial symbology from the experientialist conceptions of truth down a more ancient path.⁷⁸

The mythic mentality and the racial profile are thus intertwined. The myth of the black male is performed through the act of racial profiling—profiling that was performed both by the police and the jury in the Diallo case. This was not senseless or irrational. It served an important psychological purpose. We start with our racial common sense that the stereotypes are true: black men are dangerous. By watching, arresting, beating, and shooting them we push back the threat that the jungle will engulf us. We not only maintain a sense of law and order, but we create also a sense of racial solidarity, of community of identity itself.

As Vilho Harle writes, the formation of identity relies equally upon a notion of self and a notion of the other.

Otherness is definitely required for self-identity just as one cannot know what large means without a sense of the small, one cannot comprehend oneself fully if one has no appreciation of who and what one is not. In particular, one cannot experience oneself as righteous in all the significance of this

word without an unrighteous alter ego against whom to compare oneself.⁷⁹

We move to two regimes through what one writer calls an amnesiastic process: we remember and forget conveniently as we move between the two regimes.

Political spectacles operate through a process of remembering and forgetting. They display “enabling myths of American history” that the culture can no longer unproblematically embrace,” including the organization of U.S. politics around racial domination. The display of these myths affords powerful satisfaction of collective social desires for “meaning giving order.” But these myths must also be forgotten because forgetting allows the repetition of pleasures that, if consciously sustained in memory over time, would have to be called into question.⁸⁰

How is it possible that a society officially committed to equality could incarcerate virtually an entire generation of inner city youth? How could such a society both produce the Declaration of Independence and believe in it, and at the same time produce the spectacle of the cases of Rodney King, Bernhard Goetz, Earl Graves, Lenny Kravitz and Diallo: black males set upon because of the close connection in our society between notions of dangerousness and notions of race? How is it that our society can look at this and not recognize itself as morally ill?

Rich and poor, young and old, from Lenny Kravitz to Christopher Darden, from Sean Puffy Coombs to the boyz in the hoods of East Baltimore and Harlem, there is something all black men have in common. We have all been conscripted to play the role of the racial other in a long-running cultural production. We have no lines, we do not speak. Our role is just to “assume the position,” the position in which our very presence makes us a legitimate target for official violence and attack. We are trapped here on the stage of history, caught in the spotlight of the dominant gaze.

Don't Hate the Player, Hate the Game: The Black Male As Athlete

Racial images of athletic aptitude. . . . Address qualities of the body and mind that are believed to determine the fates of nations.

—John Hoberman, *Darwin's Athletes: How Sport Has Damaged Black America and Preserved the Myth of Race*

In the HBO special “When It Was a Game,” giants like Babe Ruth and Ty Cobb walk again in gritty black and white. Like the baseball greats resurrected in Kevin Costner’s *Field of Dreams*,¹ the sports heroes return to life as the old newsreels play on the screen. They return to pay homage to a golden age of sports where fair play wore a baseball uniform and masters of the game gave lessons in courage and strength. This story is designed as a story of origins, a way of saying that baseball, a metaphor for America itself, has its genesis in something pure and noble. This story appears, however, only through a race-tinted lens. “When it was a game,” the immortals of baseball walked on a segregated field. Back in the day of Babe Ruth only white men could play.²

The field of dreams was always a field of myth, an Eden-like space of moral innocence. But on the tension bridge between the myths of American fair play—symbolized by the golden age of baseball—and America as it truly was stood the black male. For the black male the fix was always and already in: both sports and a larger society played by the rules of racial caste.³ This privileging of white male identity was achieved in part through violence and threats.

We the undersigned do hereby warn you not to put up Walker, the Negro catcher, the evenings you play in Richmond as we could mention the names of 75 determined men who have sworn to mob Walker if he comes on the

ground in a suit. We hope you will listen to our words of warning so that there will be no trouble; but if you do not there certainly will be. We only write this to prevent bloodshed, as you alone can prevent.⁴

From 1915 to 1937 no black held the heavyweight title or was allowed to fight for it.⁵ In the 1920s African Americans were phased out of the professional football ranks much as they had been in heavyweight boxing. For a 12-year period, from 1934 through 1946, no African Americans played or were allowed to try out for teams in the National Football League.⁶ From approximately 1899 to 1946 there were zero or virtually zero blacks on the field of baseball.⁷

How to resolve the deadly duality between the purity of athletic performances and the iniquity of Jim Crow as practiced on the same field? Part of the game became how to create the illusion that what happened on the sports field was fair despite the play of racial caste.

Creating this illusion involved no ordinary magic. This is true because the usual rationale for exclusion—the black male is lazy, or stupid, or inferior in ability—did not work here. The black male's physical prowess is legendary. In fact, the fear of the black male's physical ability in the realm of sports paralleled the fear of his sexual prowess in the social realm.

New strategies—read a new racial mythology—were necessary to preserve the power and place of the white male within sports while at the same time maintaining the social fiction that what occurs in the power structure of sports is fair play. It is about power. Sports here are merely a space where the larger society is represented in microcosm.

The black male's achievement could not be erased. But the black male could be. The larger strategy was to make the black male invisible as an athlete.

The black male first appeared on the field of sports as property. According to Kenneth L. Shropshire, black males dominated the sport of horse racing before the Civil War.⁸ However, the black male champion was almost always a slave. As a slave, as property he had a status similar to that of the horses he rode. At the height of his athletic dominance in the antebellum South the black male jockey riding to victory did not achieve anything for himself. He belonged not to himself but his master. Thus, the black male's victories were attributed to his owner. The black male during this period was erased as an athletic competitor.

The first step in making the black male athlete invisible was thus to transform the black male into a commodity, chattel like a prize stallion. The second move was to make it seem natural that the black male was commodified in this way. From tall tales about John Henry—the steel-driving man—to pseudoscience claiming that black men are biologically different, the dominant culture manufactured stories of black men as brawny but brainless. Yes, the black man could outperform his counterparts, but his performance was more akin to that of a racehorse than a man.

It was from behind this screen of myth that black athletes performed. Thus historically blacks excelled in sports to send a message about their humanity: to demonstrate their courage, discipline, and character.⁹ This message was one way or another intercepted by denigrating images of who these black athletes were. The more they excelled in demonstrations of strength and speed, the more the dominant society perceived this as proof that the black male was an animal.

As such, the black male could never be a true champion. It was thus natural for him to be nameless in victory. It was natural for him later to be segregated off the field.¹⁰ But what does this have to do with our present historical moment? Today new giants walk the field. Black males have gone from the status of chattel slave to the status of sports hero. The black male has evolved from the caddy walking behind their master to Tiger Woods's championship romp at the Masters Golf Tournament, from Jackie Robinson's token presence in baseball to the conquering hero status of black males such as Sammy Sosa and Barry Bonds. In virtually every major sports arena, black males are large, in charge, and getting paid. They are not only paid, they are celebrities on a scale Babe Ruth could not have imagined.

In the late 1990's, some forty years after Miles invented ghetto fabulous, Michael Jordan can make a commercial in which two attractive and flirtatious white women openly speculate about the contents of his underwear. If this isn't bad enough, Charles Barkley can openly speculate about being a Republican governor of the state whose refusal to come into the twentieth century once put Martin Luther King on the map.¹¹

Not only have black males become individual superstars as a group black males dominate basketball, football, and, in terms of their pro-

portion of the larger population, baseball as well.¹² They dominate the sport not only in numbers but also in the creative genius that reinvents the game.

As Steven Sailor notes,

Obviously the occasional Larry Bird or John Stockton shows that some whites can master the black game. Still whites seem less often able to meet modern basketball demands for creative improvisation and on the fly interpersonal decision making. As Thomas Sowell notes, “to be an outstanding basketball player means to out-think your opponents consistently in these split second decisions under stress.”¹³

The spectacular performance of the black male on the postmodern field presents a double dilemma. Historically, the white male has had a deep need to privilege his own identity. The institutions of slavery and segregation both expressed and deepened this need.

The mere fact that a man could be, under the law, the actual master of the mind and body of human beings had to have disastrous effects. It tended to inflate the ego of most planters beyond all reason; they became arrogant, strutting, quarrelsome kinglets; they issued commands; they made laws; they shouted their orders; they expected deference and self-abasement; they were choleric and easily insulted. Their honor became a vast and awful thing requiring wide and insistent deference. Such of them as were inherently weak and inefficient were all the more easily angered, jealous, and resentful; while the few who were superior, physically and mentally, conceived no bounds to their power and personal prestige.¹⁴

White males have been especially determined to maintain their privileged identity in sports.

The Anglo-Saxon racial self-confidence of the nineteenth century prided itself on the athleticism of both physique and temperament, and the conquered racial inferior played a role of conferring the masculinity of the explorer or colonialist.¹⁵

And further,

Sport in a colonial context was both an instrument of domination and a field of conflict. . . .

The European colonialist's emotional stake in his own sense of physical vitality made the issue of racial athletic competition a sensitive one. The decline of European empires has been accompanied by the decline of the athletic white male as well, and the world of sport is still adjusting to the psychological dislocations brought on by this loss of prestige.¹⁶

This need is still pervasive.¹⁷ The dilemma is how to maintain the power and place of the white male in the face of the black male's insurgency. This dilemma is resolved again by splitting the black male athlete into two figures. The first is the black male as an entertaining cartoon.

From the National Basketball Association comes Charles Barkley, the frowning clown whose deodorant advertisements play cleverly on tacit racist ideas about the black man's inherent lack of racial refinement. Here too is the self-mutilating Dennis Rodman whose hair dyes and tattoos have turned his entire body into a kaleidoscopic demonstration of how black self-hatred can be marketed as spectacle to white America, which has always embraced variations of the ridiculous black jester.¹⁸

Further, postgame locker-room interviews seem to set their gaze a great deal equally on the struggle, in the interview itself, by black male athletes to grapple with the English language. Each "dem, dose, and dis" is received as confirmation of inferiority.¹⁹ One writer has observed that white male athletes are portrayed differently in print.

And with black superstars spewing Ebonics on television—"We wasn't worried," or "I don't think he seen me," or "When we hits the field, we one team"—race-conscious authors such as Dinesh D'Souza and Charles Murray salivate. For them, Black English, or Ebonics, confirms the biological inferiority of the "muscular Negro," a creature who, as part of the Darwinian struggle of survival, cannot compete with "civilized whites in a modern society."²⁰

The flip side of this caricature of black male as an uneducated, clownish Sambo is the black male as Nat, as wild, crazy, uncontrollable thug.

Here is the young star Alonzo Mourning wearing a "scowling black mask of rage" that could be depthless black anger or just the personality quirk of an "intense competitor." Some magazines confront whites with hard black faces in a safe setting; counterfeit versions of the "bad nigger" of black lore and white nightmare. "You got something to

say?” asks a belligerent Shawn Kemp in a Footlocker ad, presumably thrilling and intimidating insecure white men with his disdain.²¹

Here also is Iron Mike Tyson portrayed biting the ear of his boxing opponent.

In film one of the enduring themes seems to be the essentialist idea that black males are incorrigible by nature. In the film *Mr. Johnson*, set in the 1920s, a Nigerian native boy is sent to school in Britain. He returns to Nigeria to work in positions of responsibility with the white settlers under Judge Rudbeck (Tom Brosnan), who are in the process, among other things, of building roads. The road is meant as a metaphor for progress. It is the infrastructure of empire. Johnson is perhaps the servant, butler, or secretary—it isn't clear to Rudbeck as he oversees the building of the road. Mr. Johnson is resourceful and smart, with a thin veneer of civilized gentility, but underneath he is still a primitive. He abuses the responsibility for minding a store by inviting his native friends to a party there. The white settler-store owner discovers Mr. Johnson's "treachery" and attempts to discipline him. Adding assault to insubordination, the incorrigible Mr. Johnson strikes his own boss and kills him. The person who tries to train a black male, much like a lion tamer, is always in danger of being attacked. Art imitates life. The theme of black male athlete as an incorrigible thug reached its zenith with the story of Latrell Sprewell.

THE AMERICAN DREAM

There's a special lack of restraint best typified in certain black men. They may give him bad names and call him "street nigger," but when you take away the vocabulary of denigration what you have is somebody who is fearless and who is comfortable with fearlessness. It's not about meanness. It's a kind of self-flagellant resistance to certain kinds of progress, that lock-step life, they live in the world unreconstructed and that's it.

—Toni Morrison, *Black Women Writers at Work*

"Some say I'm what's wrong with basketball today, I say I'm the American Dream."

—Todd Boyd & Kenneth Shropshire, *America above the Rim: Basketball Jones*, quoting Latrell Sprewell from his And 1 commercial

Sprewell, his hair braided in the cornrows favored by a hip-hop nation of inner city blacks, still beams defiance from posters advertising And 1 athletic shoes. Sprewell becomes Mr. Johnson in the story as constructed by the media. This story was a mixture of fact and thick description, hyperbole and outrage. It is December 1, 1997.²² In this story P. J. Carlessimo, coach of the Golden State Warriors, is just doing his job: he criticizes one of his ball players, Latrell Sprewell. In an unreasoning rage Sprewell threatens, punches, and strangles his coach. “[H]ere we have an athlete . . . who literally threatened to kill this coach, choked the coach for 15 seconds—that’s a long time. This coach could have been killed.”²³

A key point in this narrative is the sequence of events: After an argument Sprewell is first restrained by members of the team. Sprewell then went to the locker room and took a shower, but then returned to the court to confront Carlessimo a second time. Sprewell admits, “I might have hit him.”²⁴ This sequence of events as recounted by the media is, in context, proof of Sprewell’s “premeditation.”

Sprewell’s violence not only threatened the life of his coach but, if left unpunished, upset the most basic rules of sportsmanship on which athletic tradition depends: Sprewell jeopardized “the most fundamental authority relationship in the game, that between player and coach.”²⁵

Prior to the confrontation Sprewell had a contract for four years at 8 million dollars a year with the Golden State Warriors. The NBA suspended him for one year, resulting in 8 million dollars in lost income for Sprewell.²⁶ He was later fired by his team, losing a balance of 17.3 million dollars on the remaining two seasons of his contract.²⁷ A fitting penalty: anyone who punches and chokes their boss deserves to be fired!

Sprewell challenged his suspension through the players’ union. His complaint went to arbitration. The arbitrator reduced his punishment to, essentially, time served—Sprewell lost 6.4 million for his role in the incident.²⁸ The overwhelming media response—Sprewell’s verdict was the basketball equivalent of the O. J. Simpson case—was outrage on the part of white sports commentators.²⁹

Of course, the parental stance of the sportswriters castigating Sprewell hides blinding rhetorical sleights of hand. Caught between the facts and racial meaning, the sportscasters have blurred the two. The word “choke” is a critical figure in the story during the 15 seconds Sprewell had his hands near or around Carlessimo’s neck. Carlessimo at no time claims he couldn’t breathe. This lends credibility to Sprewell’s statement that “I wasn’t choking P. J. I mean, P. J.—he

could breathe. It's not like he was losing air or anything like that. I mean, it wasn't a choke. I wasn't trying to kill P. J. or . . ."30

For me the story of Sprewell resonates with the story of Frederick Douglass rising up in rebellion against his abusive overseer.

From whence came the spirit I don't know—I resolved to fight, and suiting my action to the resolution I seized Covey hard by the throat, and as I did so, I rose. . . .

He can only understand the deep satisfaction I experienced who has himself repelled the bloody arm of slavery.³¹

Today, resistance like that of Douglass is still celebrated as a profile in courage. Similarly, women who assault their abusers are celebrated. The black male simply does not fit into the standard narratives of innocent victim and powerlessness, which appear as prominent themes in both stories. I would argue that stark though the analogy may seem, traces of the slave regime remain in the form of segregation within the NBA.

The dominant version removes context from view: Carlessimo and Sprewell are not situated equally. The majority of coaches in the NBA are still white.³² So are the owners. The majority of the players are black. "White men don't have to jump, they own the team."³³ The vertical segregation of the NBA as workforce corresponds perfectly to images of black inferiority, which, as we have seen, are rampant in the realm of sports. In the context in which the front office—the seat of power—remains the preserve of white men, the legitimacy of power is in question.

The radical imbalance of power between the black athlete—here Sprewell—and the white coach does not justify Sprewell's violence. But it provides a window through which to understand Sprewell's sense of oppression. Segregation is always about power. To relegate a black man to a certain place is an act of violence in itself. To rebel against that is right. P. J. Carlessimo was not personally responsible for the violence of segregation in the NBA. However, he was in a real sense its representative. Sprewell's act of resistance was not sophisticated or just. But it was an act of resistance to a corrupt hierarchy. Sprewell's act of violence was a response to the violence of institutional arrangements, which created a place—a gilded place of million-dollar contracts—for black men beyond which they could not rise.

The stories about Mourning, Tyson, and Sprewell are part of a web of images attached to sports, which reproduce the old negrophobic

mythology. As Gerald Early writes, “The old racial myth—of blacks depoliticized, trivialized, reduced to the Freudian primitive in the white mind—remains intact.”³⁴

NAUGHTY BY NATURE

If the black male athlete is really “the Freudian primitive,” a biological holdover, it is a short step to say he is also a criminal. “[T]he athlete, the gangsta rapper, and the criminal [merge] into a single black persona...the predominant image of black masculinity in the United States and around the world.”³⁵

[T]he common metaphor that links both worlds is the notion of “ballin” or that of “balla”... [The] term [derives] from the drug culture originally referencing “eight balls” or one-eighth of an ounce of cocaine. Now the term has come to describe status, money, and power in general—the Big Balla, Shot Caller. In other words a man in charge of his own destiny.³⁶

Every headline of a black athlete charged with committing a crime adds a line to a never-ending story that the black athlete is a born criminal. This story in turn puts the black male athlete “in his place” regardless of how many jump shots he makes.

In this vein, one former presidential cabinet member is explicit in the claim that violence against black males is innate.

If you look, for example, at male monkeys, especially in the wild, roughly half of them survive to adulthood. The other half die by violence. That is the natural way of it for males, to knock each other off... Now one could say that of the loss of social structure in this society and particularly within high impact inner city areas, has removed some of the civilizing evolutionary things that we have built up and that maybe it isn't just a careless use of the word when people call certain areas of the city jungles.³⁷

Dr. Frederick Goodwin seems to say, “you can take the black male out of the jungle but you can't take the jungle out of the black male.”

Hoberman argues that this thesis of innate criminality is anchored by the idea that the black athlete, abnormal in terms of size and prowess, might similarly be abnormal in behavior.³⁸ This has commercial poten-

tial, of course. Images of the black athlete as thug create a drama of conflict: the struggle between a civilized, modern society and the primitives in their midst. "Demonizing the muscular Negro offered a Darwinian drama par excellence, in that portraying the black male as an undisciplined savage confirmed his primitive nature and his inevitable failure in competition with civilized whites in a modern society."³⁹

Thus, when Baltimore Raven Ray Lewis is charged with murder; when Houston Rocket Charles Barkley is charged on allegations that he threw a man through a plate glass window;⁴⁰ or when Barkley is fined for "spitting on a little girl"⁴¹; when Philadelphia Seventy-Sixer Allan Iverson is charged with pot and gun possession;⁴² when Sammy Sosa is arrested for assaulting a man in Santo Domingo;⁴³ when ex-Miami Dolphin Tony Martin is charged with laundering drug money;⁴⁴ when former baseball rookie of the year Daryl Strawberry has a spate of arrests⁴⁵ for wife beating and drug abuse; and of course, when former Heisman Trophy winner O. J. Simpson is arrested and tried for the murder of his wife, each story is sensational precisely because each individual story represents something greater: evidence that the stereotype of the black male as deviant is true.

Within this human soap opera of sensational headlines, hype, and hyperbole, fact and race-tinted perspective are sandwiched together. Many black athletes are in fact guilty of what they were alleged to do. However, there is a human context in all of these cases. Where whites are involved, the context is in the background. Where black male athletes are involved there is often little or no human context: the background of the story seems to be pure suspicion.

In 1994 tennis prodigy Jennifer Capriati, "the youngest player seeded at Wimbledon," who "sensationally beat the defending champion Martina Navratilova in the Wimbledon quarterfinal" was found in a "malodorous Florida motel room in possession of marijuana," and reportedly—"one of two young men who were arrested with her ungallantly told police they had been smoking crack cocaine"—involved with hard drugs. Yet according to the press, she "has bounced back as dramatically." "Now we know it was not so much a fall as a bungee jump," said one paper, portraying the incident as some kind of youthful experimentation.⁴⁶

Is Jennifer Capriati treated the same as Allan Iverson?

In the Charles Barkley story, for example, a Hispanic man, Jorge Lugo, threw ice and a glass at or on Barkley's table, causing a drink to spill on Barkley.⁴⁷ Some witnesses say that Lugo, who "hates blacks," hurled racial epithets as well.⁴⁸ Barkley retaliated for this assault by

throwing Lugo into a mirror, which in turn crashed into a plate-glass window.⁴⁹ It is clear that throwing ice and a glass at someone while hurling racial epithets as well is abuse. Within the norms of the inner city, Charles Barkley's actions in response to this abuse were justified: a man does not allow anyone, especially a white man, to humiliate or abuse him. From the perspective of Barkley and the culture he represents, his actions were in a true sense self-defense. "The guy threw ice in my face, and I slammed him into the window," Barkley told reporters after the incident. "I'm not denying that. *I defended myself*. He got what he deserved."⁵⁰ The Hispanic man who assaulted Barkley with the drink later disappears. Barkley's assailant was an illegal immigrant with a criminal record.⁵¹

From the dominant perspective of the media, this was a criminal assault resulting from a hot-tempered, out-of-control hoodlum. Listen to one editorial writer responding to Barkley's defiant comment that "I am not a role model": "In between...throwing bar patrons through plate-glass windows, this is one of the things that Charles Barkley got exactly right. If he didn't do so much tossing, of spittle and the rest, maybe more people would realize it."⁵²

The perspective of Barkley as a hoodlum brutally compresses events into a single accusatory sound bite that lacks all context. As such, the stories sensationalized in the media do not prove that the stereotypes are true. On the contrary, it is clear that the media views the black male through the distorting prism of stereotypes in the first place.

It is the metanarrative about the inherent dangerousness and uncontrollability of the black male that controls. Thus, even if charges are dismissed, the dominant perspective is that the black athlete simply got off.

Recall the story of Bernhard Goetz.⁵³ In the Bernhard Goetz story several black men approached him on the subway and asked him for "\$5.00." Goetz coolly pulled a gun instead, causing the black men to run. He then shot them as they ran. In his later claim of self-defense he made a claim of knowledge. His claim was that he knew how dangerous the black men were and that his actions were rational responses to this danger. Of course there had been no threat and no objective evidence. None was necessary. Goetz's perspective was widely shared among whites and was validated by his acquittal. Goetz's perspective was received as common sense.

The media makes similar crude, Bernhard Goetz-like claims of knowledge about the black male athlete. These are claims of knowledge that exist prior to and independent of any evidence presented, and claims of knowledge impervious to acquittal by a jury.

Let's take the case of Ray Lewis.

It is January 31, 2000. We are in Atlanta. The party is over at the trendy Cobalt Lounge.

Revelers celebrating in the aftermath of Super Bowl XXXIV spill out into the cold of winter. Two men, Jacinth Baker and Richard Lollar, have just been stabbed to death. A limousine speeds away in the night. In the limousine are Baltimore barber Reginald Oakley, 31, a 34-year-old Miami man, Joseph Sweeting, and Ray Lewis, linebacker for the Baltimore Ravens. There was blood in the limo, along with the packaging to three knives.⁵⁴ This much we know. The prosecution's spin is that this was a "thrill killing"⁵⁵ in which Ray Lewis participated. After the killing, this version goes, Lewis swore the limo driver to silence and parties associated with Lewis destroyed his suit, which bore telltale bloodstains. The problem was that in court there was no evidence that Lewis had hit, kicked, punched, stabbed, or hurt either of the victims. One prosecution witness, Jeff Gwen, testified vaguely that Lewis had "tussled" with one of the victims, Lollar.⁵⁶ Yet another prosecution witness, limousine driver Duane Fassett, testified that "when Lewis raised his hand, the Baltimore Ravens linebacker was trying to break up the fight. 'Knock that (expletive) off.' He said Lewis repeatedly tried to get his friends back into the limo before things got out of hand."⁵⁷ A third prosecution witness corroborated the exculpatory testimony of the other two. "A woman who was with Lewis on the night two men were stabbed to death in a street brawl testified yesterday that she saw the Ravens linebacker shoving a man during the fight but said he appeared to be protecting a friend."⁵⁸ This last testimony came on a Friday. On Monday, when the case resumed, the prosecution dropped both the double murder charges and the assault charges. Lewis did plead guilty to obstructing justice. "The obstruction charge is for giving incomplete statements to police and demanding that those in his limousine keep quiet about the fatal fight," said his lawyer Ed Garland.⁵⁹ According to the prosecution, the same witnesses who exonerated Lewis had earlier testified that Lewis had punched one of the victims. But statements made following a police interrogation are often the result of the inherent pressure of a police-dominated atmosphere.⁶⁰ It is not clear what the truth is. What is clear is that there was no evidence against Lewis that he did anything to harm any human being. The contrary is true.

In the aftermath of the dismissal of the murder charges, Lewis went on to play football. Play he did. The Ravens beat the Giants 34 to 7, with Lewis knocking the stuffing out of the Giants' quarterback.

Lewis was hailed as the Most Valuable Player of Super Bowl XXXIV. The dismissal of the charges followed by victory on the field was received as a mockery of justice. This unleashed a firestorm of outrage.

Under the headline “NFL Star Lewis Wears Taint of Corruption,” journalist David Bonham conjured up the image that the result was just a “deal” and a “miscarriage of justice.”⁶¹

Ray Lewis became an O. J. Simpson–like figure: a man who simply beat the system and “got off.” Pursuing this theme, Wallace Matthews of the *New York Post* made his livid emotions plain with the headline, “This MVP A Most Vile Player: Lewis Now a Hero—Need More Proof World is Twisted?” Stuck with a record that included little in the way of evidence, the writer seized upon allegations that were made, but never substantiated, in the past.

After all, these were only the second and third murders Lewis has been connected to in his 25 years. His college roommate at Miami somehow came up dead after his head collided with a baseball bat. Many times. Lewis didn’t know anything about that one, either, and by the way, the murder weapon disappeared.⁶²

The argument substitutes accusation for evidence. Matthews went on to refer to Lewis as a “gangsta linebacker.”

Lack of evidence is just not a problem in the case of the black male athlete on trial. Rick Reilly of *Sports Illustrated* took the tack of painting the men who were killed as supremely innocent victims. When one compares the portrait of the victim with facts known to the record, it is clear that a lens of amazing power has been deployed.

Witnesses said that Baker and Lollar ran toward the car Lewis was riding in shouting “expletives.”⁶³ The two victims also had an involvement with drugs and illegal weapons. As editorialist Gregory Kane pointed out,

[T]he mainstream media account made no mention of their drug and firearm convictions, or of their friends’ testimony that the two were part of a group that had consumed alcohol and several blunts—cigar wrappings filled with marijuana—that night. No mention of the at least five bags of marijuana police found on Baker. Not even a hint that these two walked toward Lewis’s limousine shouting expletives and challenges to fight.⁶⁴

Unlike Richard Jewel, the white Olympic Park security guard who was publicly declared innocent after a three-month investigation,⁶⁵ Ray Lewis can never be exonerated. He will always be guilty. His guilt has nothing to do with whether he participated in the killing of Lollar and Baker. His crime is who he is.

THE X-MEN

The portrayal of the black male athlete as “the Freudian primitive” resonates in a parallel discussion, fueled by modern pseudoscience, about the genetic physical superiority of black males.

[B]lack dominance in basketball is seen, principally though not exclusively by whites, as the result of something genetic or character related in blacks or . . . a freakish endowment that has fortuitously found an outlet as a virtue or as a socially acceptable skill.⁶⁶

This flight into race as biology revives latent narratives that trace back to the slave regime. First there is the “middle passage” theory:

When one recalls that it is estimated that only one Negro slave in five was able to live through the rigors of the “Middle Passage,” and that the horrible conditions of slavery took a toll of many slaves who could make biological adjustments to a hostile environment, one finds the Darwinian survival of the fit operating among Negroes as rigorously as any selective process ever operated among human beings. There is just a likelihood that some very vital elements persist in the histological tissues of the glands or muscles of Negro athletes.⁶⁷

Similarly, there is the idea that blacks were bred, like race horses, to excel in athletics:

The difference between blacks and whites goes all the way back to the Civil War when during the slave period the slave owner would breed his big black [man] with his big [black] woman so that he could have a big black kid—that’s where it all started. The black is a better athlete to begin with because he’s been bred to be that way because of his thigh size and big size. [They] jump higher and run faster.⁶⁸

Constructing the black male athlete as a genetically enhanced mutation of sorts operates both as a commercial hook to attract audiences to sports—to see the twentieth-century-version racial mythology validated—and a hegemonic device to anchor an older, pre-civil rights movement, Nazi-like premise that blacks and whites are not the same under the skin but biologically different groups. Ideas about the “natural” physical talents of dark-skinned peoples, and the media-generated images that sustain them, probably do more than anything else in our public life to encourage the idea that blacks and whites are biologically different in a meaningful way. Prominent racial theorists of the 1990s such as Charles Murray and Dinesh D’Souza have declared that black athletic superiority is evidence of more profound differences. The world of sport has become an image factory that disseminates and even intensifies our racial preoccupations.⁶⁹

Ironically, the integration of sports has thus breathed new life into our racial folklore, reviving nineteenth-century ideas about racial division.⁷⁰ For some time scientists have offered to rationalize this racism through so-called science.⁷¹

In the 1770s a Dutch anatomist, Peter Camper, looking at “facial angle,” found in his collection of skulls a regular gradation, from apes through Negroes to Europeans.⁷² The science at that time was phrenology, roughly, a study of skull size, which held that blacks had smaller brains and that small brains were necessarily inferior in “basic organization.” This led in the 1840s to Dr. Samuel Morton’s book *Crania Americana*, which argued that modern skulls from one race were similar to ancient skulls of the same race but skulls from different races consistently differed.⁷³ Morton established the world’s largest collection of human skulls.

From Peter Camper in the eighteenth century to Al Campanis,⁷⁴ whites have pursued a love affair with biology as a basis for confirming the objectivity of their image of race.

In sports the modern era of this mythology seems to begin in 1992. That year, *Runner’s World* magazine printed a story titled “White Men Can’t Run” that cited a variety of scientific studies—most of which found physiological differences between racial groups—that may explain why blacks dominate both sprinting and long-distance running.⁷⁵ No reed was too slender to grasp as a factor to explain the black male’s athletic dominance. The most infamous of these so-called scientific theories of black athletic superiority was the “fast-twitch muscle” theory. “[S]ome studies have suggested that Black athletes may possess longer legs and arms relative to overall body size, less

body fat, greater muscle mass, narrower hips . . . more fast-twitch muscle fibers.”⁷⁶ This seemingly childish explanation was seriously and nonchalantly “put out there” by the press when Linford Christie, a black man from Great Britain, took home the Olympic gold in the 1992 100-meter race. “It is a density of this ‘fast twitch’ muscle and lack of subcutaneous fat (fat just below the skin) which characterizes the best sprinters and genetically is found more in blacks than whites.”⁷⁷ The article in which this claim appears is appropriately entitled “The Speed Machine”: the fast-twitch muscle argument reduces the black athlete to a soulless automaton hot-wired to perform by a race-coded genetic blueprint. The black athlete has gone from being likened to a racehorse to being likened to a race car.

In 1995, when I was in London teaching in the University of Miami’s summer program, a New Zealand rugby team, the All Blacks, defeated the British team. The key player on the New Zealand side was an aborigine named Jonah Lomu. Lomu was in the zone. He broke tackles and ran through the British team as if he was the man and the British team a group of preteen Boy Scouts. Shortly thereafter the mainstream news media attributed Lomu’s achievement to his genes.

Listen to a New Zealand newspaper describing as fact the racial theories of a New Zealand scientist named Professor Houghton,

Fast twitch muscles need little oxygen and allow short bursts of energy, suitable for sprinting, netball, rugby, weightlifting and boxing. Houghton: “Our hypothesis is that Polynesian muscularity will be dominated by this muscle fiber type, in fact, more than most other races.”⁷⁸

Lomu was Polynesian. But the media quoted based their assessment on an alleged similarity between Polynesians and African Americans: “Although it hasn’t been politically correct to say so, modern African Americans are descendants of slaves, who, like Polynesians, underwent a selection process,” Professor Houghton told *New Zealand Fitness* magazine.

The figure of the “fast-twitch muscle,” which I cannot talk about without doubling over with laughter, was the specific focus of one doctor’s research.

Geneticist Claude Bouchard of Laval University in Quebec has determined that certain human athletic traits, such as anaerobic power and training capacity, have a powerful ge-

netic component, suggesting that, to a significant extent, athletes are born, not made. One Bouchard study that compared black West Africans with white French Canadians found a higher percentage of fast-twitch muscle fibers and anaerobic enzymes—both thought to be essential to explosive sprinting—in the West Africans.

Since then respected scientists, sports figures, and literary cognoscenti⁷⁹ have joined in, as if, conscience-bound, they were exposing the suppressed truth.

In 1995 Roger Bannister, a respected physician and the first man to run a mile in under four minutes, helped bring the debate further into the open. “As a scientist rather than a sociologist,” Bannister said, “I am prepared to risk political incorrectness by drawing attention to the seemingly obvious but under stressed fact that black sprinters and black athletes in general all seem to have certain natural anatomical advantages. Perhaps there are anatomical advantages in the length of the Achilles’ tendon, the longest tendon in the body.”⁸⁰

This discourse about the male athlete as a freak of nature is widely accepted.

Subjects were asked to rate their level of belief that eight specific factors contributed to the success of pictured male athletes. Significant differences were found for the four population groups utilized. Subjects perceived success for a Black athlete to be the result of innate athletic abilities: natural quickness and speed, natural jumping ability, longer limbs, and extra muscle tissue. Success for a White athlete was viewed as resulting from hard work, leadership ability.⁸¹

The fallacies with this are obvious and beneath our discussion.⁸² This racial biology—a thinly veiled mythology for space-age consumers—is used not only to explain black dominance in running, but in all sports they come to dominate. A corollary of physical difference is that blacks have a limited intelligence range. Thus one *Sports Illustrated* writer, Steven Sailor, authored an infamous article entitled “Whatever Happened to the White Athlete?”⁸³ In the article Sailor can be paraphrased to say,

Black achievement in sports...reveals [only] a highly specialized intelligence: what he calls “creative improvisation and on-the-fly interpersonal decision-making” which also

explains “black dominance in jazz, running with the football, rap, dance, trash talking, preaching, and oratory.”⁸⁴

REMEMBERING THE TITANS

People say that it can't work, black and white. Well here we make it work, every day. We have our disagreements, of course, but before we reach for hate, always, always, we remember the Titans.

—Closing lines from the movie *Remember the Titans*

In 1971 T. C. Williams high school won the Virginia State Group AAA championship in football.⁸⁵ The name of their team was the Titans. The school—and the team—were created when the federal court brought an all-white high school and a previously “black” high school together by desegregation order, the legal equivalent of a shotgun wedding.⁸⁶

The bringing together, or juxtaposition, of these two events occurred against the background of what was both a social and a sports drama.

Herman Boone, a black man, had recently been hired as assistant coach. Boone was selected for the job of head coach at the new school created in the welter of the fight against desegregation. If the rules of seniority had been followed, the school would have picked Bill Yoast, a popular white assistant coach with far greater seniority. Bill Yoast also had a record of success. Notwithstanding, Yoast was passed over for Boone.

This affirmative action produced resentment.⁸⁷ As was commonplace during this era, the court order integrated the schools officially. It did nothing, though, to dislodge a tradition of exclusion of blacks from football and sports.

Bigotry runs rampant in the classrooms and on the football pitch and long-standing coach Bill Yoast (Will Patton) resists the move to integrate the team. High school football is a way of life in Virginia and there is no place for black players. . . .

In one scene in the movie, a brick is thrown through the front window of Boone's house. . . . In real life, what came through Boone's front window was a toilet, filled with, well, not lilacs.⁸⁸

By working together on a common goal, keeping their “eyes on the prize” of success, the members of the team overcome hate and mistrust. The team members become champions not only in the realm of sports but in the moral realm having “overcome” prejudice and hate. In the words of Coach Boone, “they became friends in spite of some of the mentality that was passed down to them, and when they did, they became friends for life. That is more important to me than the fact that we won a state championship.”⁸⁹ In testimony in one scene, Yoast, digging down and finding moral strength inside his own character, challenges a bigoted referee trying to throw the game to the all white team.

The story lends itself to several interpretations, each of which works as allegory.

On the football field the ideal of equality, “all men are created equal,” was attained. If we can attain this noble ideal on the football field, we can attain it in the larger society, the film seems to say. The triumph of the film is meant to symbolize the triumph of the historical moment in which the film is set: the era in which America passed civil rights laws that, on paper, guarantee equality to blacks. At this juncture the narrative of the film becomes knotted together with the great political narrative of America itself as the land of opportunity: in America, blacks have a chance to defeat prejudice by working hard and becoming team players like the heroic teenagers in the film. “Always, always...remember the Titans!” This narrative resonates in arguments by black conservatives that low self-esteem, not racism, lies at the root of black socioeconomic disadvantage. Blacks can rise to become whatever they want—heroes in the idiom of the film—if they would only try.

A more important spin is that that prejudice is a problem of individuals. There were bad whites. In the film the girlfriend of one of the players starts out as a racist. Later she overcomes her prejudice and shakes the hand of the black player who was untouchable to her before. Mighty white of her, I thought. There were good whites too—people like Coach Yoast, who rose to fight prejudice at great risk to himself when he challenged the cheating referee. A final key point is that race, like beauty, is only skin deep—we must all learn, in the words of Coach Yoast, “to trust a man’s soul, not how he looks.” We must not see color. In the eye of the liberal mind there is no color, we are all colorless.

It is fitting that Walt Disney released this film. The idea that race doesn’t matter, the idea of the Supreme Court and the film, is riddled

with a naïve understanding of race. The irony of the film is reflected in the story of the real-life Titans themselves. If the film had continued to chronicle the lives of the Titans, the gulf between the racial fantasy of its color-blind vision and reality would have become clear:

T. C. Williams's football team is almost entirely devoid of the racial balance that made the '71 squad a beacon of social harmony in Alexandria. Of the 42 Titans who dressed for the first game this year, six are white, and of those six only two were starters and only three played before garbage time in the 31–6 opening-game loss to Chantilly—a glaring homogeneity in a city whose population is nearly 60% white.⁹⁰

For all that has changed at T. C. Williams, many of the racial divisions portrayed at the start of the movie exist today. “The story that nobody in the school system or the community wants to tell is that 30 years have gone by since the events in that movie, and nothing has changed,” says Thurston McClain, one of Ellison's first-year assistants and also an Alexandria fireman. “It's still 1971.”⁹¹

The black male athlete is in play. He is a central character in two different stories. There is the story of a conflict between civilization and primitives. In this story, the black athlete is barely removed from the native with a bone through his nose. In this story, the real lives of Barkley, Iverson, Lewis, Simpson, Sprewell, and Strawberry are merged into a single composite image of the black male as thug. But the image of the black male as a dark, nightmarish other shares the screen with the image of the black male, as portrayed in *Remember the Titans*, as hero. Mirroring the colorless football players of the film, American culture has produced black male athletes who are equally transparent.

[Michael] Jordan embodies the postintegration moment when race, especially blackness, increasingly informs the cultural dialogue, at the same time paradoxically rendering race largely invisible within the fabric of sports. Jordan's overall image, while popular, is one devoid of the character, substance and specific cultural identity so integral to Ruth and Ali. In this regard, Jordan's appeal has often been defined as raceless. His seemingly vapid and overmediated image is quite consistent with the void that tends to define much of contemporary American culture.⁹²

“Michael Jordan defies gravity.”⁹³ Perfectly expressing a talent seen perhaps once in a generation, he flies through the air not merely dunking the ball but pirouetting, leaping, flying over the rim, poetically soaring over the known limits of what an athlete can do in a game. In his work above the rim he draws on a jazzlike improvisation that is distinctly black. What links rapping, preaching, dancing, and Jordan’s performance art is that “they all manifest a particular and African-American aesthetic.”⁹⁴

You can see this in basketball, where the black player tries to style reality so that he becomes spectacle and performance, always projecting a sense of self, whereas his white counterpart tends toward the productivity and mechanistic. A lot of time, energy, and discipline also go into it, but usually with a certain investment of self that does not express the work ethic alone. Ali was, of course, exemplary in this respect. Not only was he a great boxer, but a stylish one as well—smooth, clever, rhythmic and syncopated.⁹⁵

Jordan’s performance art personifies this. At the same time Jordan represents a carefully packaged, neutered version of blackness. There is blackness in style but without substance. John Edgar Wideman refers to this as a “very calculated wish fulfillment.”⁹⁶ With all this Jordan has become “the most celebrated athlete of all time.”⁹⁷

While Michael claims not to know the source of his popularity, “one explanation may be that he symbolizes [like the athletes in *Remember the Titans*] the continued viability of the American Dream, and about its greater access to African Americans.”⁹⁸

Tiger Woods, only slightly less popular, is not only portrayed but portrays himself as “raceless.” His racelessness is portrayed as transcendence.

[Tiger] will transcend the game...and bring to the world...a humanitarianism which has never been known before. The world will be a better place to live in... by virtue of his existence... and his presence.... I acknowledge only a small part in that...in that I know I was personally selected by God himself...to nurture this young man...and bring him to the point where he can make his

contribution to humanity. . . . Tiger will do more than any other man in history to change the course of humanity.⁹⁹

How can the black male be both thug and superhero? It is because the black male is always an imaginary figure, a cartoonlike image that can be made to appear transparent or darkest black. Like all myths, the black male is product of our language and culture. Neither Tiger Woods nor Michael Jordan can transcend race because it is America's need for utopian stories about race that has in part created the public personas of Jordan and Woods in the first place. Race makes Jordan and Woods go as bankable commodities.

Which seems to be the point.

Whether as black villain or as colorless hero, whether as thug or a spokesperson for ATT, the black male historically and today is still merely a commodity, a carefully packaged image: a cartoon. The point is not merely that race still matters, but that it is race which defines the boundaries of status and privilege in sports.

By all means let us "remember the Titans!" But the front office is still segregated, still the province of white males. It is only the cartoonlike image of the black male that obscures the injustice of this inequality. Race is the source of these images. It is this window of race we look through to find these distorted images, to find in the black male athlete a metaphor for violence, crime, drug addiction, or, as in the case of Michael Jordan and Tiger Woods, transcendence.

Basketball, like other sports in the United States, is still played on a field of myth. The production of myth is ultimately the object of the *game*. As stated earlier, the game of sports is a game of power. To win this game, to maintain power relationships in the social real, the dominant majority must deploy images of race drawn from the cultural imaginary. It is these images of race that the black player seeks to change as he leaps above the rim, not merely dunking the ball but attacking the backboard, trying not only to break records but notions of inferiority. He tries to leap not merely above the rim but over the great divide that has separated him from privilege and power. He tries not merely to play but to *change* the game. At the very height of his leap through the air, the player is portrayed sometimes as a buffoon, sometimes as a thug, sometimes as an x-man with fast-twitch muscles tied to his genes. This is a game played with images that are not only hateful but hegemonic in their appeal. I say to this, speaking in the idiom of black culture, "Don't hate the player, hate the game."

Notes

PREFACE

1. Jacques Derrida, *The Postcard: From Socrates to Freud and Beyond* 484 (Alan Bates trans., 1987).

INTRODUCTION

1. Edward I. Koch, Blacks, Jews, Liberals, and Crime: Is the Black-Crime Problem a Crime Problem, or Is It a Poverty Problem, or an Education Problem? *National Review*, May 16, 1994, at 34.

2. Arrests for violent crimes totaled 446,356. Blacks were charged in 169,525 cases, whites in 266,681 in 2002, the latest year for which figures are available. See *Crime in the United States* (United States Department of Justice 2003).

It follows that, according to the U.S. Census, there are over 34 million blacks in the United States and over 16,465,000 black men. See U.S. Census Bureau, Black or African American Population, by Age and Sex for the United States: 2000 (2002), <http://www.census.gov/population/cen2000/phc-t08/tab03.xls>. While it is true that blacks comprise 38 percent of those arrested, this is still, roughly, only 1 percent of all black males. See also Dorothy Gilliam, Crime Through Race-Tinted Lens, *The Washington Post*, Dec. 4, 1993, at D4 (making a similar observation based on 1993 statistics).

3. See Jody Davis Armour, *Negrophobia and Reasonable Racism: The Hidden Cost of Being Black In America* (1997). I discuss this theme at greater length in chapter 3.

4. Marshall Frank, Better Safe Than Sorry, *The Miami Herald*, Oct. 19, 1999, at 7b.

5. Officer Frank writes:

A car weaving across lanes of traffic after midnight is a profile signaling a drunk driver . . . and two teen-age kids driving a \$40,000

car in a neighborhood where 99 percent of the residents are of another race is a profile.

Sorry. But if the cops don't take some action and check out such people, they are not doing their job.

Id.

6. *Wall Street* (Twentieth Century Fox 1987).

7. Henry Louis Gates, preface, in *Black Male: Contemporary Representations of Masculinity in Contemporary American Art* 13 (Thelma Golden ed. 1994).

8. Ronald Ostrow, Sentencing Study Sees Race Disparity, *Los Angeles Times*, Oct. 5, 1995, at A1.

9. Sociologists vary in the terms they use to describe two sides to this debate. William Julius Wilson uses the phrase "culture versus social structure." See Robert J. Sampson and William Julius Wilson, *Toward a Theory of Race, Crime, and Inequality*, in *Race, Crime and Urban Inequality* 38 (1995).

10. On this point John Edgar Wideman writes poignantly: "Today young black males are perceived as the primary agents of social pathology and instability. The cure of more prisons and longer prison terms will be adapted first to them. They will be the ones confined, stigmatized, and scapegoated. Already, squeezed out of jobs, education, stable families, and communities, they are increasingly at risk as more and more of the street culture they created, under incredible stress to provide a means of survival, is being criminalized (and callously commercialized). To be a man of color of a certain economic class and milieu is equivalent in the public eye to being a criminal." John Edgar Wideman, *Doing Time, Marking Race*, in *In Defense of Mumia* 129 (S. E. Anderson and Tony Medina eds., Writers and Readers Publishers, 1996).

11. The internment of the Japanese was preceded by explicit appeals on the floor of the Senate to their race. Thus, one senator distinguished the case of the Japanese by saying the war against Germany was a war against a state, while the war against Japan was a war against a race of people. On the racist aspect of the war against the Japanese generally, see Morton Grodzins, *Americans Betrayed* (1949). The internment scheme in turn was explicitly based on the race or nationality of the Japanese. *Korematsu v. U.S.*, 323 U.S. 214, 223 (1944). "[T]hey [military authorities, i.e., General De Witt] decided that the military urgency of the situation demanded that *all citizens of Japanese ancestry* be segregated from the West Coast temporarily." Id. [Emphasis added]. *Korematsu* was the only Supreme Court case in the modern era to sustain a classification based on race. Enid Trucios-Haynes, Symposium in Honor of Neil Gotanda: Latino/as in the Mix: Applying Gotanda's Models of Racial

Classification and Stratification, 4 *Asian L. J.* 39 (1997). On the internment of the Japanese generally, see Roger Daniels, *Concentration Camps, North America* (1981) (originally published as *Concentration Camps, USA*); Jacobus tenBroek, *Prejudice, War and the Constitution* (1954); Michi Weglyn, *Years of Infamy* (1976).

12. David Kocieniewski, Injured Man Says Brooklyn Officers Tortured Him in Custody, *New York Times*, Aug. 13, 1997, at B1.

13. Rick Lyman, Man Guilty of Murder in Texas, *New York Times*, Feb. 24, 1999, at A1.

14. See generally Edward Said, *Culture and Imperialism* (1993). Much of Said's work is about the relationship between cultural images and the maintenance of empire.

15. Lillian Hellman popularized this term in her book *Pentimento: A Book of Portraits* (1973). In *Pentimento* Hellman writes: "Old Paint on canvas, as it ages, becomes transparent. When that happens, it is possible, in some pictures, to see the original lines: a tree will show through a woman's dress, a child makes way for a dog, a large boat is no longer in an open sea. That is called a pentimento because the artist changed his mind. Perhaps it is well to say that the old conception, replaced by a later choice, is a way of seeing and seeing again." The term "pentimento" derives from the Latin word for repentance. *Oxford Dictionary of Art* 378 (1988).

16. Listen to one prominent law professor: "Last year, Lino A. Graglia, a University of Texas law professor, unabashedly characterized most black and Latino students as academically incompetent, the product of morally deficient cultures 'where failure is not looked upon with disgrace.'" Evelyn Hu-DeHart, Have the Culture Wars Ended? The Spotlight Is Shifting to Students of Color, *Chronicle of Higher Education*, Mar. 6, 1998, at b7.

17. Alan Freeman, Anti-Discrimination Law, the View from 1989, 64 *Tul. L. Rev.* 1407, 1417 (1990).

18. See Boaventura de Sousa Santos, *Toward a New Common Sense: Law, Science, and Politics in Paradigmatic Transition*, 1-5 (1995). Santos argues that modernity is held up by the binding of two opposites: institutions of "regulation" and institutions of "emancipation." The emancipatory aspect of modernity is defined by the impulse toward "rationality." This emancipatory impulse is anchored by science, art, and the rule of law.

19. Walter Benjamin, Theses on the Philosophy of History, in *Illuminations* 253 (Hannah Arendt ed., Harcourt Brace Jovanovich, 1968) (1955).

20. Angry Father Danny Glover Files Complaint against Taxis, *Chicago Tribune*, Nov. 4, 1999, at C2.

21. Presumed Guilty, ABC News, 20/20, Nov. 6, 1992.

22. Wahneema Lubiano, Black Nationalism and Black Common Sense: Policing Ourselves and Others, in *The House That Race Built 232* (Wahneema Lubiano ed., 1997).

23. The words of Jean-François Lyotard come to mind here: “It is the nature of a victim not to be able to prove that one has been done a wrong. A plaintiff is someone who has incurred damages and who disposes of the means to prove it. One becomes a victim if one loses these means. One loses them, for example, if the author of the damages turns out directly or indirectly to be one’s judge. . . . Reciprocally, the ‘perfect crime’ does not consist in killing the victim or the witnesses (that adds new crimes to the first one and aggravates the difficulty of effacing everything), but rather in obtaining the silence of the witnesses, the deafness of the judges, and the inconsistency (insanity) of the testimony. You neutralize the addressor, the addressee, and the sense of the testimony; then everything is as if there were no referent (no damages).” Jean-Francois Lyotard, *The Differend: Phrases in Dispute* 8 (George Van Den Abeele trans., 1988).

24. Brad Bennett, FBI agent charged in Fatal I-95 Collision, *Miami Herald*, Jan. 19, 2000, at 1A.

The Florida Highway Patrol on Tuesday submitted a final homicide investigation report on the crash to the Broward state attorney’s Office. The patrol’s inquiry into how the early accident report was falsified is still under way. . . .

According to the FHP arrest affidavit, Farrall’s Honda was traveling south in the northbound lanes of Interstate 95 in the wee hours of Nov. 23 when it struck a Kia that carried the brothers as they headed the proper direction—north in the northbound lanes.

Id.

25. Brad Bennett, Facts Collide As Fatal Crash in Broward, *Miami Herald*, Dec. 19, 1999, at 1A.

One brother ministered to young people and dreamed of opening his own church. The other was studying to become a computer engineer. Those hopes and dreams ended horribly when Maurice Williams, 23, and Craig Chambers, 19, both of Lauderhill, died in a grinding collision with an FBI agent on Interstate 95 in the wee hours of Nov. 23.

Id.

26. Brad Bennett, sup. fn. 27.

FHP will not discuss why it said in its initial news release that the brothers were going the wrong way.

It will not discuss the apparent contradiction between that statement and the accident diagram, which says the car that was going the right direction was flipped onto its side by the impact.

The only car that flipped onto its side was the car containing the brothers. Williams had been at the wheel.

Id.

27. Johnny Diaz, *2 Brothers Die, FBI Agent Hurt in I-95 Car Crash*, Nov. 24, 1999, *Miami Herald*, at 5B. “Investigators say the car was going the wrong way and it swiped a 1998 Honda driven by David Farrall, an FBI agent on his way to his Coconut Creek home.”

28. Brad Bennett, *sup. fn. 27*.

Farrall—who had a .17 blood-alcohol level at the time of the crash—had shared two pitchers and one pint of beer with another FBI agent at the Quarterdeck Bar and Grill in Davie shortly before the accident, the report said. The legal threshold for a charge of driving under the influence is .08.

Though it states that a paramedic at the scene—William Fay—smelled alcohol on the agent’s breath, FHP did not explain why its own investigators there did not smell alcohol when they briefly spoke to Farrall, or why they incorrectly stated in an accident report that he was not drinking or using drugs.

Id.

29. See Brad Bennett, *sup. fn. 27*.

30. Charles Lawrence, *The Id, the Ego and Equal Protection*, 39 *Stan. L. Rev.* 317, 340 (1987).

31. As Frederick Jameson wrote, “It is wrong to think that the unconscious exists because of the existence of unconscious desire, of some obtuse, animalistic desire that rises up from the depths and has to lift itself to a higher level of consciousness. Quite the contrary desire exists because there is unconsciousness, that is to say language, that escapes the subject.” Frederick Jameson, *The Prison House of Language* 137 (1972).

32. In *One-Dimensional Man* Marcuse claims that advanced industrial societies have made liberty into a powerful instrument of domination. Herbert Marcuse, *One-Dimensional Man: Studies in the Ideology of Advanced Industrial Society* 21 (1972). Free choices made by individual members serve to perpetuate a set of power relations that further the interests of those who

dominate. What makes it possible for “free” decisions to have this effect is that the system of domination itself provides its victims with misleading understandings of their real interests.

33. Ralph Ellison, Change the Joke to Slip the Yoke, in *Shadow and Act* 45–59 (1995).

CHAPTER 1: THE BLESSINGS OF HISTORY

1. Mary Boykin Chesnut, *A Diary from Dixie* 147–48 (1949).
2. Fredrika Brewer, *The Homes of the New World* 190 (2 vols., 1853).
3. Thomas Jefferson, *Notes on the State of Virginia Relative to the Murder Logan Family* 162–63 (William Peden ed., W.W. Norton & Co., 1984) (1800).
4. Id.
5. Herman Melville, *Benito Cereno*, in *Shorter Novels of Herman Melville* (Harrison Hayford and Merton M. Sealts, Jr., eds., Bantam Books, 1942) (1855). In *Benito Cereno* Melville portrays a slave revolt through the figure of a masquerade. Having captured a slave ship, the *San Dominique*, the slaves attempt to disguise themselves again as slaves when visited by the Captain Delano, the white skipper of another ship. As analyzed by Eric Sundquist, this elaborate masquerade was a figure used by Melville to explore the way the roles of slave and master are mystified in reality. See Eric Sundquist, Melville, Delaney and New World Slavery, in *To Wake the Nations* 135–89 (1993).
- 6.

The Revolt continued for twelve years.

The Slaves defeated in turn the local whites and the soldiers of the French monarchy, a Spanish invasion, a British expedition of some 60,000 men and a French expedition of similar size under Bonaparte’s brother-in-law. The defeat of Bonaparte’s expedition in 1803 resulted in the establishment of the Negro state of Haiti, which has lasted until this day.

C.L.R. James, *The Black Jacobins* ix (1963).

7. Henry Wadsworth Longfellow, The Slave in the Dismal Swamp, in *The Poetry of Slavery: An Anglo-American Anthology, 1764–1865* 529 (Marcus Wood ed., Oxford University Press, 2003).
8. William Goddell, *The American Slave Code* 309 (1853).
9. See C.L.R. James, sup. generally; see also Vincent Harding, *There Is a River* 34–35 (1981).

10. Id.

11. Herbert Aptheker refers to the Nat Turner rebellion as the “Turner cataclysm.” See Herbert Aptheker, *American Negro Slave Revolts* 293–324 (1943).

12. Id. 302.

13. John Blassingame, *The Slave Community: Plantation Life in the Old South* 232 (1972).

14. Id.

15. John Blassingame, sup. 143.

16. Herman Melville, *Benito Cereno*, sup. 79.

17. Id.

18. John Blassingame, sup. 225.

19. *The South Vindicated from the Treason and Fanaticism of the Northern Abolitionists* 246 (1836). (This treatise was published anonymously. It was apparently written by James K. Paulding, a novelist and secretary of the navy under Martin Van Buren.) For expressions of similar sentiments, see George Fredrickson, *The Black Image in the White Mind* 54 (1971).

20. Cornel West, *Keeping Faith: Philosophy and Race in America* 269 (1993) (stating that the *psychosexual* racist logic “endows black people with sexual prowess, views them as either cruel, revengeful fathers, frivolous, care-free children or passive, long-suffering mothers.” This logic relates racist practices to relegating blacks to walking abstractions, lustful creatures, or invisible objects).

21. Douglass Bergren, The Use and Abuse of Metaphor, I, 16 *Rev. Metaphysics: Phil. Q.* 236, 244–45 (1962–63) (emphasis in original).

22. The Law about Trying and Punishing Negroes, in *1 Statutes at Large of Pennsylvania in the Time of William Penn* 225 (Gail McKnight Beckman ed., 1976) (1887).

23. *The Great Law, or the Body of Laws of the Province of Pennsylvania & Territories of Dec. 7, 1682*, in *1 Statutes at Large of Pennsylvania from 1672–1801* 7 (James T. Mitchell & Henry Flanders eds., 1896).

24. Paul Finkelman, Let Justice Be Done though the Heavens Fall, 70 *Chi. Kent Law Rev.* 325, 331 (1994); See also Paul Finkelman, The Crime of Color, 67 *Tul. L. Rev.* 2063 (1993).

25. *South Carolina General Assembly, Acts and Resolutions*, 1822 S.C. Session Laws. Ch. 3, Sect. 3 at 12.

26. Slave Code of South Carolina, 16. Quoted in John B. Boles, *Black Southerners, 1619–1869* 23 (1983).

27. John Blassingame, sup. 262. But see Judith Shafer, who notes that in at least one state, Louisiana, the slave code established penalties for cruel treatment of slaves.

The Black Code also prohibited the maiming or killing of slaves by their owners or others. Persons who treated slaves with cruelty risked a fine of between \$200 and \$500.

It is indicative of legislative sentiment concerning cruelty to slaves that Louisiana lawmakers passed an act in 1821 that mandated a fine of \$200 or imprisonment for six months for a person convicted of “wantonly or maliciously killing any horse, mare, gelding, mule, or jack-ass.

Judith K. Shafer, “Details of a Most Revolting Character”: Cruelty to Slaves As Seen in Appeals to the Supreme Court of Louisiana, 68 *Chi.-Kent. L. Rev.* 1283 (1993).

28. Id.

29. Frederick Douglass, *Narrative of an American Slave* 205 (William L. Andrews and William S. McFeely eds., 1997) (1845).

30. *State v. Mann*, 13 N.C. (2 Dev.) 263 (1829).

31. Id.

32. H. G. Wells, *The Island of Dr. Moreau* (New American Library 1988) (1896).

33. *Snee v. Trice*, 2 S.C.L. 345, 2 Bay 345 (1802); See also *McConnell v. Hardeman*, 15 Ark. 151 (1854).

34. Lynching of blacks occurred during the Civil War, and was typically meted out to blacks in the South who aided or were suspected of aiding the North. Leon F. Litwack, *Been in the Storm So Long* 30 (1979). Lynching became more prevalent in the aftermath of Appomatox, peaking around 1889. Joel Williamson, *The Crucible of Race* 117 (1984). Between 1889 and 1922 thousands of blacks were lynched. Id. see also John Hope Franklin, *From Slavery to Freedom* (1966). While far less frequent, lynchings continued to occur and were noted at least as late as 1999.

35. See *Webster's New World Dictionary* 448 (Student Ed. 1962).

36. John H. Franklin, *sup. fn.* 70 at 431 (1966).

37. See generally Joel Williamson, *sup. fn.* 70.

38. Billie Holiday, *Strange Fruit*, on *The Billie Holiday Songbook* (PolyGram Records, Inc. 1986). Holiday actually recorded the song in 1939. In recording and performing the song, which chronicles the terroristic acts used to enforce racial caste, Holiday herself became the object of attack. Holiday (like the black folksinger Josh White, who also performed it) was abused, sometimes physically, by irate nightclub patrons. Columbia Records, Holiday's label in the late 1930s, refused to record it; even progressive radio stations would not play it. See Dave Margolick, *Performance As a Force for*

Change: The Case of Billie Holiday and "Strange Fruit," 11 *Cardozo Stud. L. & Lit.* 91, 92 (1999).

39. The Lynching of Samuel Petty, in *Crisis*, May 1914; reprinted in Leslie H. Fishel, Jr. & Benjamin Quarles, *Black American* 383–85 (3d ed. 1976).

40. Ralph Ginzburg, *100 Years of Lynchings* 63 (1969).

41. For a concise discussion of the southern defense of lynching as a necessary measure to protect white women from rape by black men, see W. Fitzhugh Brundage, *Lynching in the New South: Georgia and Virginia, 1880–1930* 58–68 (1993).

42. E. M. Beck & Stewart E. Tolnay, *A Festival of Violence: An Analysis of Southern Lynchings, 1882–1930* (1995).

43. Anne S. Emmanuel, Lynching and the Law in Georgia circa 1931, 5 *William and Mary Bill of Rights Journal* 215 (1996).

44. President's Commission on Civil Rights, *To Secure These Rights: The Report of the President's Committee on Civil Rights* 20 (United States Government Publication Office, 1947).

45. Elaine Scarry, *The Body in Pain* 27–28 (1985).

46. Id. 28.

47. Rollo May, *The Cry for Myth* 26 (1991).

48. Richard M. Brown, *Strain of Violence: Historical Studies of American Violence and Vigilantism* 217–18 (1975). See also Jerome G. Miller, *Search and Destroy: The Plight of the African American Males in the Criminal Justice System* 5–6 (Sept. 1992).

49. Walter White, *Rope and Faggot: Biography of Judge Lynch* 66 (1929).

50. See *Congressional Globe*, 42d Cong., 1st Sess. 236 (1871). (Congressional debates concerning the passage of the Ku Klux Klan Act, Ch. 22, 17 Stat. 13 (1871).

51. Mel Watkins, *On the Real Side: Laughing, Lying, and Signifying—The Underground Tradition of African-American Humor That Transformed American Culture from Slavery to Richard Pryor* 575 n. 33 (1994).

52. As Judge Damon Keith has written: "In America, [Sambo] was apparently used first by the Spanish as a name for individual slaves and as a generic term for a 'half-breed' child of black and native American Indian parents. In racially conscious Southern society, it later came to mean the child of a black person and a 'mulatto,' denoting one-quarter white ancestry as 'quadroon' was used for those who were 'three-quarters white.' The name 'Sambo' was commonly found in the entertainment field, where the popular black-face minstrels had made use of it as early as 1837 in their routines of jokes and ridicule. By the mid-1800s, the term was commonly employed to refer to any black man, often with derision and contempt, and was used through the mid-

twentieth century as a ‘nickname’ to call porters, shoeshiners, etc.” *Sambo’s Restaurants, Inc. v. City of Ann Arbor*, 663 F.2d 686, 701 (6th Cir. 1981) (Keith, J., dissenting) (quoting P. Yuill, *Little Black Sambo: The Continuing Controversy*, in *School Library J.* 74 (Mar. 1976)). See also Ronald Turner, *Little Black Sambo, Images, and Perceptions: Professor Cohen’s Critique of Professor Lawrence*, *12 Harv. BlackLetter J.* 131.

53. John Blassingame, sup. 34.

54. Patricia A. Turner, *Ceramic Uncles and Celluloid Mammies: Black Images and Their Influence on Culture* 102–3 (1994).

55. David Theo Goldberg, *Racist Culture: Philosophy and the Politics of Meaning* 47 (1993).

56. John Blassingame, sup. 135.

57. Samuel Carter, *On the Caucasians and the Africans*, 25 *Debow’s Rev.* (1858), at 45.

58. “Regularities in legal thought and belief are not due merely to the existence of objective social rules or legal doctrine, but also to the contributions of shared ideology.” Jack M. Balkin, *Ideology as Constraint*, 43 *Stan. L. Rev.* 1133, 1138 (1991).

59. *State v. Caesar*, 31 N.C. 391, 421–24, 9 Ired. 49 (1849).

60. *State v. Boyce*, 32 N.C. 536, 10 Ired. 66 (1849).

61. Ralph Ellison, *Twentieth Century Fiction and the Mask of Black Humanity*, in *Shadow and Act* 24–45 (1995).

62. Herman Gray, *Black Masculinity and Visual Culture*, in *Black Male: Representations of Masculinity in Contemporary Art* 177 (Thelma Golden ed., 1994).

63. James Baldwin, *Many Thousands Gone*, in *Notes of A Native Son* 37 (1984).

64. See D. Marvin Jones, *We’re All Stuck Here for a While: Law and the Social Construction of the Black Male* 78 (1998).

65. *Presumed Guilty*, ABC News, 20/20, Nov. 6, 1992.

66. Id.

67. *Black Male, Representations of Masculinity in Contemporary Art* 23 (Thelma Golden ed., 1994).

68. Thomas Dumm, *The New Enclosures: Racism in the Normalized Community*, in *Reading Rodney King: Reading Urban Uprising* 182 (Robert Gooding Williams, ed.) (1993).

69. Id.

70. Id. 183.

71. In what became a landmark event in Miami history, black insurance salesman Arthur McDuffie was riding a friend’s motorcycle on the morning of Dec. 17, 1979, when, according to police, he flashed them an obscene ges-

ture and sped away. After a short chase, McDuffie pulled over and up to 12 officers wielding heavy flashlights began to pummel him. See Melinda Beck & Ronald Henkoff, The McDuffie Case, *Newsweek*, June 2, 1980, at 39. McDuffie died four days later of head wounds so severe that a Dade County medical examiner called them “the equivalent of falling four stories and landing between your eyes.” Id.

72. D. Marvin Jones, *We're All Stuck Here for a While*, sup. fn. 100 at 83.

73. This case is discussed in detail in chapter 5.

74. Betsy Pisik, A Better Betty; General Mills Seeks to Update Trademark Image, *Washington Times*, Sept. 17, 1995, at A1.

75. See Evelyn Hu-DeHart, Have the Culture Wars Ended? The Spotlight Is Shifting to Students of Color, *Chronicle of Higher Education*, Mar. 6, 1988, at b7, fn. 18.

76. Daniel Defoe, *Robinson Crusoe* (Michael Shinagel ed., W.W. Norton & Co. 1975) (1719).

77. *The Legend of Bagger Vance* (Dreamworks 2000).

78. See Todd Lothery, Black Skins, White Films, *Raleigh News and Observer*, Mar. 4, 2001, at G1.

79. *The Green Mile* (Warner Studios 2000).

80. Id.

81. *The Family Man* (Universal Pictures 2000).

82. There is both a racial and a gender dimension to this. Toni Morrison explains: “To be in a difficult . . . position and have some one dedicated to helping you . . . is soothing. And if you are bent on dramatic gestures of self-reliance, eager to prove that you can go it alone (without complaining) a nurse who chooses . . . to take care of you does not violate your view of yourself as . . . brave. Needfulness does not enter the picture; asking for help is out of the question, and the benefits that derive from the attentive, expert care do not incur emotional debt.” Toni Morrison, *Playing in the Dark: Whiteness in the Literary Imagination* 81 (1992).

83. *What Dreams May Come* (Polygram Film Entertainment 1999).

84. *Training Day* (Warner Studios 2001).

85. *Beverly Hills Cop I* (Paramount 1984); *Beverly Hills Cop II* (Paramount Pictures 1987); *Beverly Hills Cop III* (Paramount 1994).

86. *Lethal Weapon I* (Warner Studios 1987); *Lethal Weapon II* (Warner Studios 1989); *Lethal Weapon III* (Warner Studios, 1992). *Lethal Weapon IV* (Warner Studios 1998).

87. *Men of Honor* (Fox Pictures 2000).

88. *Jerry Maguire* (Columbia/Tri-Star Studios 1996).

89. *New Jack City* (Warner Studios 1991).

90. *Rush Hour* (New Line Cinema 1998).

91. Peter Schrag, Ward Connerly's Uncompromising Crusade, *Scripps Howard News Service*, Apr. 11, 2000, Proposition 209 was passed by the California Legislature in 1996 and prohibited, among other things, the use of race in state college admissions. Id.

92. Hugh B. Price, Racial Tokenism As Educational Policy, *San Diego Union Tribune*, Apr. 14, 2000, at B11, B15.

93. Id. Listen to Connerly as he speaks approvingly of the increasing whitening of California's best schools: "[T]he numbers overall demonstrate that the absence of racial preferences, also known as affirmative action, does not mean that minority kids will not be educated at one of the best educational facilities in the country. They'll just be redistributed to less competitive campuses." Id.

94. Jay Matthews, Blacks Battle Achievement Gap; Parents Unite to Make Sure Children Aren't Shortchanged, *Washington Post*, Dec. 31, 2000, at CO1.

95. See Gary Fineout, One Florida Initiative Having Divine Effect on State, *Black Issues in Higher Education*, Mar. 30, 2000, at 12. *Under the top twenty plan, the top twenty percent of each high school is automatically admitted to college provided they can satisfy the minimum college prerequisites.* Id. *The prerequisites include college preparatory courses:* "The Board of Regents requires freshmen students to have at least a 3.0 grade point average and to have completed 19 college preparatory courses in high school to get into the state university system." Id. Here is the rub: inner city schools typically don't have college preparatory programs. Out of 1,600 students who were eligible for acceptance, under the top twenty approach only 410 have the necessary prerequisites. Id. See Barbara Arnwine, Governor's Admissions Plan Flawed, *Tampa Tribune*, May 13, 2000, at 15.

96. Until July 2001 Dade County, where I live, was under a desegregation order. Time Requested to Prove Desegregation, *Miami Herald*, Nov. 14, 1998, at 2B. The premise of the desegregation order is that Dade County did not have a "unitary school system." See Time Requested to Prove Desegregation, *sup.* See also *Swann v. Charlotte-Mecklenburg Board of Education*, 402 U.S. 1 (1971).

Objectively, affirmative action served a remedial role. The continuing effect of segregation was that there was not and still is not a level playing field for blacks in education, at least inner city blacks, especially in Dade County. The well-known disparity in SAT scores is intimately tied in with this disparity. Affirmative action was a remedy for this discriminatory impact. With affirmative action prohibited under the One Florida Plan, the pattern that emerged was that blacks did continue to enter the state university system in the same numbers as before—although their numbers at the best Florida

schools dwindled dramatically. “In its first full year of implementation, the One Florida initiative resulted in a 40 percent decline in black enrollment and a 7.5 percent decline in Hispanic enrollment at the University of Florida,” according to Brian Dasler, *One Florida’s Unintended Consequences*, *Tampa Tribune*, June 22, 2002, at 19. Florida’s best state colleges are becoming “reverse ghettos,” overwhelmingly white, while blacks are concentrated in the lower tiers of the state’s college system.

97. Richard J. Herrnstein & Charles Murray, *The Bell Curve: Intelligence and Class Structure in American Life* (1996).

98. James Baldwin, *Many Thousands Gone*, *Notes of a Native Son* 26 (Beacon Press, 1984).

CHAPTER 2: GANGS OF NEW YORK: THE STUDY OF THE JOGGER TRIAL

1. William Shakespeare, *King Lear*, Act V, Scene Three.

2. Josh Getlin, Judge Dumps '89 Central Park Jogger Convictions; 5 Men Exonerated by DNA Test Plan Suits against NYC, *Chicago Tribune*, Dec. 20, 2002, at 32.

3. Alice MacQuilan, NYPD Jogger Theory Ripped Top Morgy Prosecutor: Evidence Backs Lone Attacker, *Daily News*, Jan. 31, 2003, at 9. Not only were the convictions overturned, but the prosecutor’s office itself has discredited the theory that the youths who were in fact convicted had any role either in the assault or rape of the jogger.

4. Richard Esposito, Timothy Clifford, Ken Fireman, & David Firestone, Police Charge 7 Teenagers in Brutal Attack on Jogger; Gang of 33 Roamed the Park, *Newsday*, Apr. 22, 1989, at 05.

5. Emily Sachar, Split Verdicts at 2nd Central Park Trial; Richardson Guilty of All Counts; Wise of Lesser Charges, *Newsday*, Dec. 12, 1990, at 5.

6. David Firestone, Talking about the Night, *Newsday*, Oct. 9, 1989, at 4.

7. Richard Esposito, et al., sup. fn.

8. Id.

9. Lynell Hancock, Wolf Pack: The Press and the Central Park Jogger, *Colum. Journ. Rev.* 38 (Jan. 2003).

10. Dennis Dugan, Damning Evidence Monitored at Trial, *Newsday*, Aug. 9, 1990, at 7.

11. James S. Kunen, Madness in the Heart of the City; A Brave Young Woman Fights for Life after a Brutal Attack That Defies Understanding, *People* (May 22, 1989), at 206.

12. Christopher Lehmann-Haupt, Becoming Strangers in a Stranger and Stranger Land, *New York Times*, May 4, 1992, at C15.

13. Charles Bremmer, 'Wilding' Brings New Kind of Fear to New York; Gangs Violence, *Times* (London), Apr. 24 1989; Abigail Trafford, Flashes of 'Clockwork Orange'; Moments of Terror Mirror '60s Fiction, *Washington Post*, May 2, 1989, at 27. "A Clockwork Orange, first published in 1963 and made into a movie by Stanley Kubrick, is a futuristic novel, set in Britain, about the world run amok by violence—a violence fueled not by war or passion or premeditation, but violence as spontaneous entertainment, sport, fun; just something for kids to do at night."

Id.

14. Timothy Clifford, Rita Giordano, Jane Huth, George E. Jordan & Dawn Smith, No Bail for Park Suspects; Judge Cites Their Statements, Severity of Crimes, *Newsday*, Apr. 24, 1989, at 3.

15. "Paula Harris" is the pseudonym used by the newspapers, not her real name.

16. Pete Hamill, A Savage Disease, *New York Post*, Apr. 23, 1989.

17. James S. Kunen, Madness in the Heart of the City, *Time*, May 22, 1989, at 106. "To the Upper East Siders, Harlem looms as an unknown, fearsome continent."

18. Id.

19. Id.

20. David Firestone, sup.

21. Id.

22. Id.

23. Id.

24. Dennis Hamill, Like Bambi in Hunting Season, *Newsday*, Apr. 21, 1989, at 004.

25. Timothy Sullivan, *Unequal Justice: The Central Park Jogger Trial* 19 (1992).

26. James S. Kunen, sup.

27. Id.

28. Id.

29. Nora Underwood & David Lindorff, Dangerous Times; Teenagers Brutally Assault a New York City Woman, *McClean's*, May 8, 1989, at 54.

30. Mark Lowery, In Park Criminal Beauty, *Newsday*, Apr. 26, 1989, at 4.

31. Michael Pye, Running Wild and Paying the Penalty, *Times* (London), Aug. 26, 1990, at 3. "One night in April 1989, a young, rich, white woman jogger was beaten and raped in Central Park by a gang of young, poor, mostly black kids. Last week, after a [trial] which magnified all New York's divisions, three of her attackers were found guilty."

32. Charles Bremmer, sup. "According to the police, they spent the weekend joking, singing and showing no remorse for actions that have inevitably

been compared to the mindless game of ‘ultra-violence’ in *A Clockwork Orange*, the novel by Anthony Burgess.”

33. Timothy Sullivan, *Unequal Verdicts* 20 (1992).

34. Michael Pye, sup.

35. Keith Botsford, A Brutal Walk on the Wild Side, *Independent*, May 6, 1989, at 17.

36. Mike Royko, Thugs Deserve Blame, Not Society, *Chicago Tribune*, Apr. 27, 1989, at C3.

37. Tanya Sillem, Sacrifice in the Park, *Times*, Feb. 6, 1993.

38. Leonard Doyle, Gang Rape Sickens New York, *Independent*, Apr. 25 1989, at 10.

39. John J. Goldman, Gang Assault on Woman Stuns New York, Investment Banker, Near Death, Victim of Rampage, *Los Angeles Times*, Apr. 24, 1989, at 15.

40. Dennis Dugan, Crime Stole Private Life from Jogger, *Newsday*, Nov. 16, 1989, at 6.

41. Barbara Goldberg, Bail Denied for Four Youths in Wolf Pack Attack, *United Press International*, Apr. 28, 1989.

42. Wilding, *Economist*, American Survey Section, Apr. 29, 1989, quoting the *New York Post*.

43. Phillip Lentz, Experts Try to Help N.Y. Search Its Soul on Brutal Attack, *Chicago Tribune*, Apr. 30, 1989, at 5.

44. Clarence Page, From Urban Decay to Ultraviolence?, *Chicago Tribune*, Apr. 30, 1989, at 3C.

45. Timothy Sullivan, sup. 296.

46. Timothy Clifford, et al, sup.

47. Michael Pye, sup.

48. Id.

49. Id.

50. Michael Pye, sup.

51. Id.

52. Id. Michael Pye wrote at the time of the trial: “There was also a question about whether the cops picked up the right boys. The jogger herself was in coma, her brain so damaged that she remembers nothing of the attack. Of the 50-odd boys who went rioting in the park that night, only six face charges concerning the rape and assault, although police acknowledge many more were involved. With no conclusive physical evidence, the police could hold only those who confessed or were named in confessions—in an investigation whose multiple leaks suggest how much pressure the police were feeling.”

53. Denise Barricklow, Hair on Central Park Jogger Fails to Link Suspects to Crime, *United Press International*, July 19, 1990. “A police criminologist

testified Thursday that none of the hair found on the Central Park jogger belonged to any of the three youths on trial for the gang-rape and beating of the woman last year.”

54. William Glaberson, *As Jogger Trial Unfolds, the Fear Hits Home*, *New York Times*, July 23, 1990, at B1.

55. Timothy Sullivan, *sup.* 145: “Four tests were performed on the semen from the cervical swab, agent Adams testified. Three had resulted in ‘no reading’ and one resulted in a very ‘weak result.’ Because that pattern was so weak, Adams had decided to make ‘no interpretation.’ ”

56. *Id.*

57. *Id.* at 103.

58. Emily Schar, *Jogger Jury Views Weapons, Photos of Woman’s Injuries*, *Newsday*, July 11, 1990, at 5.

59. This so-called hair evidence would be later discredited, not by advances in technology but by admissions of police scientists that the technology was not there at the time. The prosecution stretched the truth.

Contrary to arguments made by a prosecutor at two trials in 1990, four strands of hair were never “matched” to any of the Harlem teenagers accused of beating and raping a jogger in Central Park, a former police scientist said this week.

The hairs, attributed to the victim and recovered from the clothing of two suspects, were the only pieces of physical evidence offered by prosecutors directly linking any of the teenagers to the crime. The hairs were also cited by the prosecution as a way for the jury to know that the videotaped confessions of the teenagers were reliable.

Nicholas Petraco, a detective who examined the hairs when he worked in the Police Department’s criminalistics division and testified at the trials, said the technique for hair examination in 1990 was not powerful enough to tie anyone to the crime with certainty.

“You can’t say ‘match,’ Mr. Petraco said. “It’s impossible. You could never say it ‘matched.’ It’s ridiculous.”

...

In fact, earlier this year, advanced DNA tests not available in 1990 showed precisely that: the hairs did not come from the jogger, and do not link any of the five convicted men to the crime.

Jim Dwyer & Susan Saulny, *Hair Evidence in Jogger Case Is Discredited*, *New York Times*, Oct. 25, 2002, at B1.

60. Timothy Sullivan, *sup.* 294.

61. Timothy Sullivan, *sup.* 319.

62. Andrew Hacker, *Two Nations: Black and White, Separate, Hostile, and Unequal* 245 (Scribner 2003).

63. Newton, for those who were of age in the 1970s, needs no introduction. For those younger readers and scholars, Huey Newton was the leader (“Minister of Defense”) of the Black Panther Party. On Mr. Newton and the Black Panther Party for Self-Defense, see Philip S. Foner, ed., *The Black Panther Party: The First Complete Documentary Record of the Panther’s Program* (1970). The Black Panther Party was formerly a national organization based largely on the writings of Malcolm X. They drew also on legalistic challenge in which they claimed as part of their 10-point program a right to reparations. They seared themselves in the nation’s memory when they marched into the California state legislature in Sacramento, carrying guns, and presented their program. Huey Newton was a brilliant man struggling with limited education to break the shackles of prevailing “integrationist” notions of what it meant to be black in America, and forge black Americans into a movement that would genuinely empower them.

64. Colonialism is traditionally understood as something practiced by European nations against underdeveloped countries. Newton harnessed notions of colonialism to explain the qualitative differences in power and socioeconomic circumstances between blacks and whites. He not only argued that blacks constituted a nation within a nation, but that the ghetto, like colonies, exported only their labor. See Philip S. Foner, *sup.*

65. See Andrew Hacker, *sup.* Hacker’s book is a sustained statistical investigation of continuing social and economic disparities between blacks and whites.

66. Richard Thompson Ford, *The Boundaries of Race: Political Geography in Legal Analysis*, 107 *Harv. L. Rev.* 1843, 1994.

67. Lynell Hancock, *sup.*

68. *Gutter v. Bollinger*, 288 F 3d. 732 (2002).

69. Mississippi Senator Trent Lott’s fitness to serve as Senate Majority Leader was questioned only after he remarked that had rabid segregationist Senator Strom Thurmond been elected President in 1948, the country “wouldn’t have had all these problems over the years.” Helen Dewar & Mike Allen, *Lott Resigns as Senate GOP Leader*, *Washington Post*, Dec. 21, 2002, at A1. Lott was eventually forced to resign when his express approval of segregation ignited a firestorm of protest. See also Taunya Lovell Banks, *Exploring White Resistance to Racial Reconciliation in the United States*, 55 *Rut. L. Rev.* 903, 948 (2003), arguing that there is nonetheless an ambivalence here: whites will confront overt racism, but whites are in a kind of denial about history and social disparity.

70. See, e.g., James Harney, St. John's University Announced Yesterday That It's Coming Home to Bedford-Stuyvesant, *Daily News*, June 7, 1995, at Suburban Section 1.

71. Lynnell Hancock, Wolf Pack: The Press and the Central Park Jogger, *Colum. Journ. Rev.* 38 (Jan. 2003).

72. *Haley v. Ohio*, 332 U.S. 596, 68 S. Ct. 302, 92 L. Ed. 2d. 224 (1948).

73. *Id.*

74. Daniel Jeffreys, Night and the City; Race, Rape, Rich versus Poor... Five Years on, the Case of the 'Central Park Jogger' Is Still Splitting the Big Apple, *Independent*, Dec. 12, 1995, at 4.

75. Michael Pye, *sup.*

76. *Whitney v. California*, 274 U.S. 357 (1927). Literally he says, "Men feared witches and burnt women." The reference is to the Salem witch hunts, a period notorious for its hysteria. The context of *Whitney* was the conviction of a woman essentially for association with radicals during a period of anti-communist hysteria known as the "red scare." Although Brandeis concurs in affirming the conviction, he lays the groundwork for reversing a judicial trend of rubber stamping government suppression of free speech. I find a compelling analogy between those guilty of association—in the context of dissent—and the labeling of blacks as suspicious because they are black inner-city kids (i.e., members of a group). Similarly, a tendency toward groupthink pervades the story of the black kids of the jogger narratives, as it does the story of the persecution of women in Salem and dissidents during periods of anticommunist hysteria.

CHAPTER 3: WHAT'S MY NAME? THE POLITICS OF RECEPTION AND THE POLITICS OF RAP

1. Christopher Martin, *The Amistad Affair* 35–36 (1970).

2. Cinque would appear to be an Anglicization of Joseph Cinquez, the name the Spanish slavers gave to the African known as Sinbe. See Christopher Martin, *sup.* n. 1 at 32. Reluctantly I use Cinque's slave name only because that is the name popular culture has inextricably associated with the historical African person of the story.

3. See generally Christopher Martin, *sup.*

4. See Orlando Patterson, *Slavery and Social Death: A Comparative Study* 7 (1982). (Speaking of the gulf between the slave and the community of Christians, and civilized persons: "[G]radually there emerged, however, something new in the conception of the black servant: the view that he did not belong to the same community of Christian, civilized Europeans.")

5. Kenneth M. Stamp, *The Peculiar Institution: Slavery in the Ante-Bellum South* 109–24 (1956); Winthrop D. Jordan, *White over Black: American Attitudes Toward the Negro, 1550–1812* (1968).

6. Henry Louis Gates, *Bearing Witness* 7 (1985). “One abolitionist described in his memoirs and encounter with a slave . . . [W]hen the abolitionist asked after the slave’s “self” he responded “I ain’t got no self.” Without hesitation the abolitionist responded to the black man, “Slave are you?” “That’s what I is.” Id.

7. William Owens, *Slave Mutiny: The Revolt on the Schooner Amistad* 71–110 (1953).

8. Christopher Martin, *sup. fn.* 183 at 52–53.

9. Id. at 60.

10. *Amistad* (DreamWorks 1998).

11. *United States v. The Libellants of the Schooner Amistad*, 40 U.S. 518, 595 (1841). The Supreme Court orders the Africans freed in a surgically precise opinion that affirmed the rights of the kidnapped Africans under a particular treaty without touching the moral, or international human rights issues profoundly intertwined in the facts of the case. That Court opinion turns on the formal distinction between slave and free Negro, and fails to address either the morality or criminality of the treatment of the Africans themselves. It is also a most important consideration in the present case, which ought not to be lost sight of, that, supposing these African Negroes not to be slaves, but kidnapped, and free Negroes, the treaty with Spain cannot be obligatory upon them; and the United States are bound to respect their rights as much as those of Spanish subjects.

Id.

12. See Christopher Martin, *sup.* 208–10; William Owens, *sup.* 291–93.

13. William Owens, *sup.* 288.

14. Bobby Seale, Speech at the Huey P. Newton Funeral, August 28, 1989. (See the Pacifica Radio/UC Berkeley Social Activism Sound Recording Project, The Black Panther Party, Huey Newton Funeral, August 28, 1989, <http://www.lib.berkeley.edu/MRC/newtonfuneraltranscripts.html>.) Dr. Huey P. Newton was the founder of the Black Panther Party. He offered through his speeches and writing perspectives that inspired a generation of black youth—certainly myself—and white activists during the era of the early 1970s. Newton gave me a framework for understanding the dimension of power described by Antonio Gramsci having to do with the hegemonic perspective of the dominant group. Listen to Bobby Seale, as he describes the analysis of Dr. Newton: “Brother Stokely Carmichael and many others hit the scene and we started hollering: ‘Black Power! Black Beautiful Love, and

Black Power.’ And Huey says, ‘I think we need to develop some kind of functional definition of “Power”.’ And Huey P. Newton came up, he says, ‘Bobby I think I got it—a functional definition of power.’ Huey says, ‘Power is the ability to define phenomena, then in turn make it act in a desired manner.’ ” Id. For the ideas of Huey P. Newton generally, see *The Black Panthers Speak* (Philip S. Foner ed., Da Capo Press 1995).

15. John M. Kang, Deconstructing the Ideology of White Aesthetics, 2 *Mich. J. Race & L.* 283, 293; quoting from Catharine A. MacKinnon, Feminism, Marxism, Method, and the State: An Agenda for Theory, in *Feminist Legal Theory: Foundations* 437, 448 (D. Kelly Weisberg ed., 1993).

16. W.E.B. Du Bois, *Souls of Black Folk* 8 (John Edgar Wideman ed. 1990) (1903).

17. Jean-Paul Sartre, *What is Literature and Other Essays* 296 (1988).

18. Paul Gilroy, *The Black Atlantic: Modernity and Consciousness* 80 (1993).

19. Id. 85.

20. *Amistad*, sup.

21. Toni Morrison, *Playing in the Dark: Whiteness in the Literary Imagination* (1992).

22. *Race-ing Justice, En-Gendering Power: Essays on Anita Hill, Clarence Thomas, and the Construction of Social Reality* XXIV (Toni Morrison ed. 1992). “Once the rescue has been effected, Crusoe is in a position to have unopposed dominion, now he is able to acquire status, to demonstrate and confirm superiority. . . . [H]e does not ask the refugee what his name is. Instead, he names him. Nor does he tell the refugee his own name; instead he teaches him three words that for months will do just fine: master, yes, and no.”

Id.

23. Jean Paul Sartre, Black Orpheus, in *What Is Literature*, sup. 301

24. Russell A. Potter, *Spectacular Vernaculars: Hip-Hop and the Politics of Postmodernism* 57 (1995); quoting Marlene Nourbese Phillip, *She Tries Her Tongue, Her Silence Softly Breaks* (1989).

25. Michelle Cliff, A Journey Into Speech, in *The Gray Wolf Annual Five: Multicultural Literacy* (Rick Simonson & Scott Walker eds. 1988).

26. Russell A. Potter, sup. fn. 207 at 59.

27. B.G., Bling, Bling. (Cash-Money Records 1999).

28. Lewis Carroll, *Alice’s Adventures in Wonderland and Through the Looking Glass* 198 (Penguin Books 2000).

29. Russell A. Potter, sup. fn. 207 at 22.

30. See, for example, Adrienne Davis, Playing in the Light, 45 *Am. U. L. Rev.* 695, 717 (1996); see also Robert S. Chang, The End of Innocence or Politics After the Fall of the Essential Subject, 45 *Am. U. L. Rev.* 687, 688 (1995).

31. Michel Foucault, *The Archaeology of Knowledge* 50–51 (A. M. Sheridan Smith trans., Pantheon Books 1972).
32. *Scarface* (Universal Studios 1983).
33. James Baldwin, *Another Country* (1962).
34. D. Marvin Jones, *Manchild in the Promised Land: A Eulogy for Tupac Shakur* (unpublished essay).
35. Douglas Massey & Nancy A. Denton, *American Apartheid: Segregation and the Making of the Underclass* 63 (1993).
36. NWA, *How to Survive South Central* (1992). This song may be found on the DVD of *Boyz in the Hood* (Columbia/Tri-Star Pictures 2001).
37. *Across 110th Street* (MGM/United Artists Studios 1972).
38. Public Enemy, *Fear of a Black Planet*, on *Fear of a Black Planet* (Def Jam 1990).
39. Frantz Fanon, *The Wretched of the Earth* 69 (Constance Farrington trans., Grove Press, 1963).
40. Michael Eric Dyson, *Black Youth, Gang Violence and Gangsta Rap*, Testimony before the U.S. Senate, Juvenile Justice Sub-Committee of the Senate Committee on the Judiciary, Federal Document Clearinghouse, Section: Congressional Testimony, Feb. 23, 1994.
41. See, e.g., Richard Wright, *Black Boy* (Harper Collins 1998). Wright's novel, which explores racism generally, is driven by the figure of black men being dehumanized by labels such as *boy*.
42. bell hooks, *Feminism Inside: Toward A Black Body Politic*, *Black Male: Representations of Masculinity in Contemporary Art* (1994).
43. Paul Gilroy, *The Black Atlantic: Modernity and Double Consciousness* 85 (1993)
44. Tipper Gore, *Face the Music: Rap Destroys Our Kids*, *St. Louis Post Dispatch*, Jan. 19, 1990, at 3C.
45. Michael Eric Dyson, *sup. fn.* 255.
46. Russell A. Potter, *sup. fn.* 207 at 20.
47. Tipper Gore, *Hate, Rape and Rap*, *Washington Post*, Jan. 8, 1990, at A15.
48. Russell A. Potter, *sup.* 90–91.
49. *Id.*, *fn.* 89.
50. On June 6, 1990, Federal Judge Jose Gonzalez ruled that 2 Live Crew's album *As Nasty As They Wanna Be* was legally obscene. On June 10, 1990, in disregard of Judge Gonzalez's ruling, 2 Live Crew performed the music of the *Nasty As They Wanna Be* album at a nightclub in Hollywood, Florida. At least two members of 2 Live Crew—including leader Luther Campbell—were promptly arrested by Sheriff Nick Navarro. Chuck Phillips, *The Two Live Crew Controversy: The View From Florida*, *Los Angeles Times*, June 13, 1990, at F1.

51. The editors of the *Cleveland Plain Dealer* wrote: “[G]angsta rap . . . degrades women and revels in graphic depictions of violence. . . . [S]ongs that badmouth women and glorify criminal activity ‘are dangerous to our community’ . . . [C]onsidering how guns and hot-headed youths seem to go together like eggnog at Christmas.” They went on to construct the gangsta as a figure endowed with vast seductive power capable of brainwashing a generation of impressionable youth: “[T]een-agers who love the stuff seemed to behave like hostages in a videotape, parroting their captors’ words until freedom arrives. How to convince these doubting Thomases of gangsta rap’s dangerous lure.” Getting the Gangstas out of Rap, *Cleveland Plain Dealer*, Dec. 10, 1993 at Op-Ed page.

52. The image of the black male as a sex-crazed animal abounds in American literature and film. See Calvin C. Hernton, *Sex and Race in America* (1988), providing a history of psychosexual myths about the black male. Perhaps the classic instance was the portrayal of Gus in D. W. Griffith’s *Birth of a Nation* (1915). Gus, a freed slave, chases “Pet Sister,” played by Mae Marsh, to the edge of a cliff to rape her. She jumps off rather than submit to the animal-like Gus. See Catherine Silk & John Silk, *Racism and Anti-Racism in American Popular Culture* (1990) for a discussion of the social symbolism of the film. Perhaps the most famous recent example of this is the drama created by supporters of then-candidate George H. W. Bush, who created the infamous Willie Horton ad. In his 1988 campaign, candidate Bush ran television ads accusing his opponent, Governor Michael Dukakis, of being soft on crime. The ads prominently flashed Horton’s face—a black face—and proceeded to use Horton, a black male, as a poster child for violent crime, particularly rape. The content of this political narrative is most succinctly encapsulated by Regina Austin: “Horton, a convicted killer who raped a white woman and stabbed her fiance while on furlough from a Massachusetts prison, figured prominently in political ads supporting presidential candidate George Bush when he ran against Massachusetts Governor Michael Dukakis. Willie Horton symbolized the threat that black males, aided by white liberal politicians, pose to innocent whites. Playing on racial fears, the ads’ signifying was not limited to the criminal element; every black man was a potential Willie Horton, rapist and murderer.” Regina Austin, *Beyond Black Demons & White Devils: Anti-Black Conspiracy Theorizing & the Black Public Sphere*, 22 *Fla. St. U.L. Rev.* 1021, 1024 (1995).

53. Russell A. Potter, *sup. fn.* 207 at 4.

54. *Id.* 8.

55. Henry Louis Gates, *Writing, Race, and the Difference It Makes*, in *Loose Canons: Notes on the Culture Wars* 67 (1992).

CHAPTER 4: GUESS WHO'S COMING TO DINNER

1. *Guess Who's Coming to Dinner* (Columbia Pictures 1967).

2. As Michael Omi and Howard Winant write: "With the advent of the vaguely egalitarian (racially speaking) vision of the new deal and of the anti-fascism of World War II... the ethnic paradigm definitively dislodged the biologic view in what appeared to be a triumph of liberalism." Michael Omi & Howard Winant, *Racial Formation in the United States, from the 1960s to the 1980s* 14 (2d ed. 1994).

3. See Richard Kluger, *Simple Justice: The History of Brown v. Board of Education and Black America's Struggle for Equality* (1975) characterizing the conclusions of Franz Boas, *The Mind of Primitive Man* (Greenwood Press, 1983) (1922).

4. *Brown v. Board of Education*, 347 U.S. 483 (1954).

5. *Id.* 14.

6. Joe E. Fagin, Old Poison in New Bottles, in *Immigrants Out! 26* (Juan Perea ed., 1997).

7. Gunnar Myrdal, *An American Dilemma: The Negro Problem and Modern Democracy* 1021–22 (1944).

8. *Id.* 929.

9. *Id.*

10. *Id.* 928–30.

11. *Id.*

12. Martin Luther King, Jr., "I Have a Dream" address at the Lincoln Memorial in Washington, D.C. (Aug. 28, 1963), in *A Testament of Hope: The Essential Writings and Speeches of Martin Luther King, Jr.* 220 (James M. Washington ed., 1991).

13. *Dred Scott v. Sanford* 60 U.S. 15 L. ed. 2d 691, 19 How. 393 (1857).

14. W.E.B. Du Bois, *Black Reconstruction* 700–701 (photo. reprint 1976).

15. Du Bois stated, "They [whites] were given public deference... because they were white. They were admitted freely with all classes of white people, to public functions, to public parks.... The police were drawn from their ranks, and the courts, dependent on their votes, treated them with... leniency.... Their vote selected public officials, and while this had small effect upon the economic situation, it had great effect on their personal treatment.... White schoolhouses were the best in the community, and conspicuously placed, and they cost anywhere from twice to ten times as much per capita as the colored schools." *Id.*

16. Antonio Gramsci concluded that "when the State trembled a sturdy structure of civil society was at once revealed. The State was only an outer

ditch, behind which there stood a powerful system of fortresses and earth-works.” Antonio Gramsci, *Selections from the Prison Notebooks* 238 (Q. Hoare & G. Smith trans., International Publishers 1971).

17. Ellis Cose, *Color-Blind—Seeing beyond Race in a Race Obsessed World* 8 (1997).

18. Gunnar Myrdal, sup. 929.

19. Gerald Early, Performance and Reality: Race and Sports and the Modern World, *Nation*, Aug. 10, 1998, at 11.

20. Frantz Fanon, *Black Skin, White Masks* 112 (Charles Lam Markmann trans., Grove Press 1967).

21. Jean-Paul Sartre, *Anti-Semite & Jew* 83 (George J. Becker trans., Schocken Books 1995).

22. Frantz Fanon, sup. 115.

23. *Brown v. Board of Education*, 347 U.S. 343 (1954).

24. Tom P. Brady, *Black Monday* ii (1955).

25. James Jackson Kilpatrick, *The Southern Case for School Desegregation* (1962).

26. U.S. Schools Becoming Resegregated, *Charleston Gazette*, Apr. 5, 1997, at 5C.

27. Id.

28. Douglas S. Massey & Nancy A. Denton, *American Apartheid* 63 (1993). More tellingly, Massey and Denton’s study is a rousing witness not merely to the idea that segregation is still commonplace, but that the ghetto has persisted. Massey and Denton refer to blacks who are concentrated in inner city areas, economically and socially isolated, as “hypersegregated.” Forty-one percent of blacks in urban areas are “hypersegregated.” Id. at 74–81.

29. America and Race: Looking Back, Looking Forward, *Fort Worth Star Telegram*, May 5, 1996, page I.

30. “I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character.” Martin Luther King, Jr., sup. 217.

31. James Baldwin, Many Thousands Gone, in *Notes of a Native Son* 27 (Beacon Press 1984) (1955).

32. Ralph Ellison, *Shadow and Act*, sup. 83.

33. Franz Fanon, sup. 18.

34. The classic work exploring the alienation of the black middle class is of course E. Franklin Frazier’s *Black Bourgeoisie* (1997). Frazier traces the problem of alienation to the development of a class structure in the black community in which class and color intersected. He notes that many in the middle class were mulattos and concerned to distinguish their cultural pat-

terns from those of darker blacks. What is common to Frazier and Fanon is the presupposition that in America there is a stigma attached either to looking black or to expressing values associated with blacks. “[T]hey profess, and really seem to feel it for themselves, and the faintest admixture of white blood in their veins appears at once, by common consent of their own race to raise them in the scale of humanity.” Franklin Frazier, *sup.* 136. Frazier, a historian, refers to these cultural patterns as the effort to create a world of “make-believe.”

35. See Harlon Dalton, *Racial Healing* 22 (1995).

36. *Do the Right Thing* (40 Acres and a Mule 1989).

37. Richard Kluger, *sup.* 268.

38. *Id.*

39. *Id.*

40. Lawrence Otis Graham, *Member of the Club: Reflections on Life in a Racially Polarized World* 91–92 (1995).

41. *Congressional Globe*, 42d Congress, 2d Session, 242 (Dec. 20, 1871) remarks of Senator Hill.

42. Ellis Cose, *Color-Blind—Seeing beyond Race in a Race-Obsessed World* 8 (1997).

43. Lawrence Otis Graham, *sup.* 250.

44. Woods Accepts Zoeller’s Apology for Remarks, *Reuters North American Wire*, Apr. 24, 1997.

45. Toni Morrison, *The Official Story: Dead Man Golfing*, in *Birth of a Nation’ hood: Gaze, Script, and Spectacle in the O. J. Simpson Case* vii–viii (Toni Morrison & Claudia Brodsky Lacour eds., Pantheon Books 1999).

46. *Id.*

47. *Id.* viii.

48. Lloyd Grove, *Race and the Simpson Case; As the Story Unfolds, Debate Simmers Over the Color Question*, *Washington Post*, June 27, 1994, at D1.

49. James A. Aho, *This Thing of Darkness: A Sociology of the Enemy* 115 (1994).

CHAPTER 5: WILL YOU LET THE TIGER LOOSE? THE RHETORIC OF RACE IN AMERICAN CRIMINAL TRIALS

1. The film is still used today to recruit members to the Ku Klux Klan.

2. See Tim Dirks, review of *The Birth of a Nation* (1915), <http://www.filmsite.org/www.filmsite.org/birt.htm>.

3. Charles Carroll, *The Negro a Beast* (1900). Carroll’s book vacillates between the Bible and “science” as sources of authority. Citing “evidence” that

black brains weigh less than those of whites, as well as a list of white philosophers and theologians, the author argued that blacks were neither of the same species as whites nor descendants of Adam. While St. Thomas Aquinas believed that both blacks and whites could inherit paradise—on rising, St. Thomas argued, blacks would simply become white—Carroll argued that blacks, as descendants of Cain, did not have souls at all. Charles Carroll, sup. 139. Thus Carroll offered radical revision of race in which the metaphor of blacks as beasts, taken as an analogy even in highly racialist thinking of 1900, would be literally true: blacks were not an inferior order of human life, they were not human at all.

4. George Fredrickson, *The Black Image in the White Mind* 240 (1971), quoting an essay that appeared in, of all places, *Popular Science* (1883).

5. See Abdul R. Jan Mohamed, Colonialist Literature, in *Race, Writing, and Difference* 87 (Henry Louis Gates ed., 1986).

6. John Hope Franklin, From Slavery to Freedom fn. 70 at 436 (1967).

7. Daniel Goldhagen, *Hitler's Willing Executioners: Ordinary Germans and the Holocaust* (1996).

8. Molly Haskell, How the Earlier Media Achieved Critical Mass: Motion Pictures; in *The Birth of a Nation*, The Birth of Serious Film, *New York Times*, Nov. 20, 1995, at D5.

9. See D. Marvin Jones, No Time For Trumpets: Title VII and the Fin De Siecle, 92 *Mich. L. Rev.* 2211, 2363 (1993).

10. "Northern industry embarked on a great campaign to secure Negro labor after the demands of the European war had overtaxed the Northern industrial labor market and the war itself had shut off the traditional supply of European immigrant labor." Edmund David Cronon, *Black Moses: The Story of Marcus Garvey and the Universal Negro Improvement Association* 24 (1969). Similarly, John Hope Franklin writes: "The fundamental cause of the exodus was economic though there were certainly some important social considerations. The severe labor depression in the South from 1914 and 1915 sent wages down to 75 cents per day and less. The damage of the boll weevil to cotton crops in 1915 and 1916 discouraged many who were dependant on cotton for their subsistence. Floods in the summer of 1915 left thousands of Negroes destitute and homeless and ready to accept almost anything in preference to the uncertainty of life in the South. Meanwhile, the wheels of Northern industry were turning more rapidly than ever." John Hope Franklin, sup. fn. 70 at 472.

11. John Hope Franklin, sup. 437.

12. Id.

13. Id. at 436.

14. Id.

15. August Wilson, Introduction to *Joe Turner's Come and Gone: A Play in Two Acts* (Penguin Books 1988).
16. John Hope Franklin, sup. fn. 70 at 490.
17. Edmund David Cronon, sup. fn. 336 at 52.
18. Edmund David Cronon, sup. fn. 336 at 107, quoting the *Chicago Defender*, Aug. 12, 1922.
19. Edmund David Cronon, sup. fn. 249 at 115.
20. This is a term borrowed from Phillip Bryan Harper. See Phillip Bryan Harper, *Are We Not Men?* 127 (1996).
21. Hoover's memo reads in pertinent part:

COUNTERINTELLIGENCE PROGRAM
BLACK NATIONALIST—HATE GROUPS
RACIAL INTELLIGENCE 3/4/68
[...]

GOALS

~~~~~

For maximum effectiveness of the Counterintelligence Program, and to prevent wasted effort, long-range goals are being set.

1. Prevent the COALITION of militant black nationalist groups. In unity there is strength; a truism that is no less valid for all its triteness. An effective coalition of black nationalist groups might be the first step toward a real "Mau Mau" [Black revolutionary army] in America, the beginning of a true black revolution.

2. Prevent the RISE OF A "MESSIAH" who could unify, and electrify, the militant black nationalist movement. Malcolm X might have been such a "messiah"; he is the martyr of the movement today. Martin Luther King, Stokely Carmichael and Elijah Muhammed all aspire to this position. Elijah Muhammed is less of a threat because of his age. King could be a very real contender for this position should he abandon his supposed "obedience" to "white, liberal doctrines" (nonviolence) and embrace black nationalism. Carmichael has the necessary charisma to be a real threat in this way.

From Brian Glick, *The War at Home: Covert Action against U.S. Activists and What We Can Do about It* (1989).

22. Hoover wrote:

J. Edgar Hoover to Special Agent Ridgely  
Washington, D.C., October 11, 1919

MEMORANDUM FOR MR. RIDGELY.

I am transmitting herewith a communication which has come to my attention from the Panama Canal, Washington office, relative to the activities of Marcus Garvey. Garvey is a West-Indian negro and in addition to his activities in endeavoring to establish the Black Star Line Steamship Corporation he has also been particularly active among the radical elements in New York City in agitating the negro movement. Unfortunately, however, he has not as yet violated any federal law whereby he could be proceeded against on the grounds of being an undesirable alien, from the point of view of deportation. It occurs to me, however, from the attached clipping that there might be some proceeding against him for fraud in connection with his Black Star Line propaganda and for this reason I am transmitting the communication to you for your appropriate attention.

From Robert A. Hill, ed., *The Marcus Garvey and Universal Negro Improvement Association Papers*, Vol. 2, August 1919–31 August 1920 (1986).

23. Marcus Garvey, An Address Given on June 17, 1923, "The Tiger Is Loose," reprinted in *The Marcus Garvey and Universal Negro Improvement Association Papers* 359 (1986).

Among the many names I have been called, I was dubbed by another name a couple of days ago. The District Attorney, with whom I have been contesting the case for my liberty and for the existence of a universal Negro improvement Association, in his fervent appeal—in his passionate appeal to the jury last Friday said, "Gentlemen, will you let the Tiger Loose?"

The tiger is already loose and he has been at large for so long there is not one tiger but many tigers . . .

According to the source cited above, the district attorney's speech itself has not survived, but the epithet used survives in Garvey's own address.

24. This is the thesis of Richard Majors. See generally Richard Majors & Janet Mancini Billson, *Cool Pose: The Dilemmas of Black Manhood in America* (Simon and Schuster 1992). "Black gang members have their own rules and culture and are obsessed with the symbols that identify and promote their masculine-oriented culture. The ways that gang members symbolically convey masculinity include provocative walking styles, handshakes, hairstyles, stances, use of various colors, clothes (e.g., baseball caps, jackets, warm-up

suits), bandannas, hairnets, “battle scars” (from turf wars with other gang members), jewelry (e.g., gold chains, earrings), hand signals, language, nicknames.” Id.

25. Dermot Purgavie, He Was Worshipped in the Ghettos and Feted by High Society, *Daily Mail* (London), Feb. 12, 1992, at 6.

26. Richard Corliss, In Judgement of Iron Mike, *Time*, Feb. 10, 1992, at 77.

27. The date began “shortly after 1:50 in the morning” of July 19. J. Gregory Garrison & Randy Roberts, *Heavy Justice: The State of Indiana v. Michael G. Tyson* 19 (Addison-Wesley 1994). Desiree Washington left the Canterbury at 2:30 A.M. Sexual contact would have occurred between those times. The rape was reported at 3:30 A.M. on July 20. Id. 53.

28. Id. 54.

29. Id. 31.

30. Id. 102–3.

31. Garrison and Roberts emphasize that Desiree Washington sustained two small vaginal “abrasions.”

There were no bruises on the arms and legs, no signs that she had been hit or squeezed. There were no trauma to her labia majora or labia minora. But there were tow small abrasions, An eighth of an inch wide and three-eighths of an inch long , on her introitus, the opening of her vagina. . . .

Richardson told Kuzmik that Desiree’s injuries and reactions were consistent with rape. Between 10 and 20 percent of all rape victims suffer injuries to the introitus. Such injuries are virtually unknown in consensual sex. in thousands of pelvic exams he had given he had seen them only twice.

Id. 54.

Garrison and Roberts choose their words carefully throughout the book. They do not say vaginal tears or cuts; they say “abrasions.” The statement by itself that Washington had suffered “abrasions” and that the doctor rarely sees abrasions such as these (“one or two in 20,000 cases”) seems conclusory, first of all, and conspicuously isolated. Garrison and Roberts sought to tell a story through this piece of evidence about a violent attack. It is a short story. There is virtually no other physical evidence to corroborate it. This absence of evidence must be combined with the fact that Washington removed her sanitary napkin, the ambiguity of their meeting so late at night and going to Tyson’s room, the witnesses kept out—who would have testified to Washington’s making out with Tyson in the limousine—and the fact that



not only did Washington wait more than 24 hours to report the rape, but immediately after the date commented to her roommate about the date but mentioned nothing about the rape. The standard is proof beyond a reasonable doubt.

32. Garrison and Roberts excerpt Washington's testimony on this point in the book.

Q. Did he ever strike you?

A. No. . . .

Q. Did he ever threaten to strike you?

A. No.

Q. Was there any weapon involved?

Q. No.

Id. 29.

33. After returning from her date, Washington commented on the date to her roommate but made no claim that she had been raped. Id. 30–31.

34. Id. 218.

35. Id. 31.

36. Lisa Binder, Law and Literature: With More Than Admiration He Admired: Images of Beauty and Defilement in Judicial Narratives of Rape, 18 *Harv. Women's L. Jour.* 265, 271 (1995).

37. Id. 265.

38. See Dennis Hamill, Like Bambi in Hunting Season, *Newsday*, Apr. 21, 1989, at 004.

39. John L. Goldman, Gang Assault on Woman Stuns New York; Investment Banker, Near Death, Victim of Park Rampage, *Los Angeles Times*, Apr. 24, 1989, at 15.

40. Id.

41. Karen Freifeld, Questions from Start; Records Show DNA Evidence Missed in 1990, *Newsday*, Oct. 31, 2002, at A05.

42. Whiteness is perhaps not an absolute but a continuum. Blacks are "whitened," as Gordon Allport noted in his early study, when the primary label of race becomes an adjective. Compare "a black honor student" or "black beauty contestant" (black here is merely descriptive) with simply "a black" (now black is the noun or thing itself). Gordon Allport, *The Nature of Race Prejudice* 178–79 (1979). This would seem to be especially true if the black has excelled in an arena associated with education or learning. Thus Desiree Washington as "black honor student" is especially close to the precincts of whiteness. Mike Tyson, on the other hand, had nothing to insulate him from race as his primary label.

43. See, for example, Suzanne Moore, So Mike Tyson Lost the Case, but Did Anybody Win It? *Independent*, Feb. 13, 1992, at 16; Playthell Benjamin, Beauties and the Beast: Former World Boxing Champion Mike Tyson Faces His Biggest Fight Today As He Goes on Trial for Rape and Sexual Assault, *Guardian*, Jan. 27, 1992, at 19; Barbara Yost, Maybe Women Haven't Progressed All That Far, *Phoenix Gazette*, May 7, 1992, at A2.

44. This Pollyanna image was bolstered by the questionable rulings of Judge Gifford, who kept out evidence that Washington was quite amorous with Tyson. Even many conservatives, like Stuart Taylor, were highly critical of this ruling:

The trial judge denied Tyson a fair trial by unjustifiably excluding important defense evidence including testimony that, if true, would have shown that Tyson's accuser lied when she denied necking in his limousine. . . .

Judge Gifford's most glaring error was her decision to prevent Carla Martin, a witness who came forward during the trial, from telling the jury what she had told all the lawyers: Minutes before the alleged rape in Tyson's hotel room about 2 A.M. last July 29, Martin saw two people "all over" each other hugging and kissing in the back of a big limousine as it eased into the hotel driveway and parked. Then Tyson and a woman emerged, touched, and walked into the hotel.

Judge Gifford also barred testimony by two other women who had been with Martin that night and would have corroborated her.

Stuart Taylor, Mike Tyson Deserves a Rematch, *American Lawyer*, May, 1992, at 28.

45. Thomas L. Dumm, The New Enclosures: Racism in the Normalized Community, in *Reading Rodney King: Reading Urban Uprising* 182 (Robert Gooding-Williams ed., 1993).

46. See discussion *infra*, chap. 3, n. 22.

47. Eldridge Cleaver, Primeval Mitosis, from *Soul on Ice* 186 (1968).

48. J. Gregory Garrison, sup. 14.

49. Robin D. Barnes, Interracial Violence and Racialized Narratives: Discovering the Road Less Traveled, 96 *Colum. L. Rev.* 788, 797 (1996).

50. Michel Foucault, The Birth of the Asylum, in *The Foucault Reader* 146–47 (Paul Rabinow ed., 1984).

51. Jody Davis Armour engages in a sustained and thoughtful discussion of the phenomenon in which whites are increasingly revisiting the question of whether or not racial prejudice might just be rational. See Jody Davis Ar-

mour, *Negrophobia and Reasonable Racism: The Hidden Cost of Being Black in America* (1997).

52. Roland Barthes, *Mythologies* 151 (Annette Lavers trans., 1972).

53. This is a paraphrase of Maurice Merleau-Ponty, “As the workman’s tool becomes part of his arm, so do the mechanisms of interpretation and the underlying value assumptions which ground our interpretations.” See William S. Hamrick, *An Existential Phenomenology of Law: Maurice Merleau-Ponty* 138 (1987).

54. D. Marvin Jones, *We’re All Stuck Here for a While*, sup. 79 (1998). Listen to Steven Winter as he talks about the problem from the standpoint of cognitive psychology: “Because conceptual metaphor is cognitively entrenched and operates without reflection, reductionism comes easily; we may come to think that understanding really does have all the entailments of grasping. Thus...we may come to see the world as composed of discrete, mind-independent bits of reality (the objectivist fallacy) or treat abstract ideas as if they were somehow concrete and real (the fallacy of reification). Both are errors of conflation, in which we mistake one of many possible relations for an identity (or equation).”

Steven Winter, *Death Is the Mother of Metaphor*, 105 *Harv. L. Rev.* 745, 759 (1992).

55. John Desantis, *For the Color of His Skin: The Murder of Yusef Hawkins and the Trial of Bensonhurst* 17–18 (1991).

56. Joan W. Howarth, *Representing Black Male Innocence*, 1 *J. Gender Race & Just.* 97 (1997).

## CHAPTER 6: CRIMES OF IDENTITY: THE BIRTH OF THE RACIAL PROFILE

1. *Puttin’ on Op’ Massa*, 81–87 (Gilbert Osofsky ed., 1969).

2. *Id.* 90.

3. *Id.* 91.

4. See John Locke, *The Second Treatise of Government*, in *Two Treatises On Government* (Peter Laslett ed., Cambridge Univ. Press 1967) (1689).

5. Declaration of Independence para. 2. The document reads, in pertinent part, “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.”

6. *Dred Scott v. Sanford*, 60 U.S. 393, at 407, 15 L. ed. 2d 691, 19 How. 393 (1856).

7. Sterling Lester Bland, *Runaway Slave Stories and Their Fictions of Self-Creation* 8 (2000).

8. I would define a profile as a prototypical image of a criminal. By definition there is a close kinship between profile and stereotype. The rhetoric of law enforcement gives this stereotypical concept a scientific spin. As used by police, a profile seems to refer to a set of characteristics that are thought to function as predictors of criminality. These characteristics are of two kinds. As Charles Becton explains,

As a predictive scheme the drug courier profile constitutes a hybridization of clinical and statistical models. Clinical predictions, based on the subjective judgments of experienced decision-makers, focus on the uniqueness of individuals. Statistical predictions rely on “formulas that assign fixed weights to predetermined characteristics” of individuals.

These characteristics fall into four categories: environment, evasion, eccentricity, and earmark. Environment factors are those from which DEA agents can infer access to drug distributors or users—for example, traveling between source cities and use cities. Evasion factors are those from which DEA agents can infer an attempt to avoid surveillance or conceal identity—for example, paying for a ticket with cash and checking no baggage. Eccentricity factors are those from which DEA agents can infer a state of emotional arousal—for example, rapid breathing and shaky hands. Earmark factors are related to status or personal appearance characteristics of the drug courier—for example, age, race, and gender.

Charles Becton, *The Drug Courier Profile: All Seems Infected th’Infected Spy, As All Seems Jaundiced to the Jaundic’d Eye*, 65 *N.C. L. Rev.* 417 (1987).

9. Sterling Lester Bland, *sup. fn.* 298 at 12.

10. Laura Mulvey, *Visual Pleasure and Narrative Cinema*, *Screen* 16:3, August 1975, at 6–18; see also Margaret M. Russell, *Race and the Dominant Gaze: Narratives of Law and Inequality in Popular Film*, 15 *Legal Studies Forum* 243 (1991).

11. Sterling Lester Bland, *sup.*, *fn.* 298 at 11.

12. Thomas Dumm, *The New Enclosures: Racism in the Normalized Community*, in *Reading Rodney King: Reading Urban Uprising* 180–81 (Robert Gooding Williams ed., 1993).

13. *People v. Goetz*, 68 N.Y. 2d 96, 100–102 (1986).

14. Malcolm Feeley & John Simon, *Actuarial Justice: The Emerging New Criminal Law* (David Neekin ed., 1994).

15. See James Q. Wilson & Richard Herrnstein, *Crime and Human Nature* 102 (1985).

16. *Id.* 85.

17. Thomas Dumm, *sup. fn.* 303 at 182.

18. *Id.* 184.

19. Lisa Walter, Eradication of Racial Stereotypes from Terry Stops: The Case for an Equal Protection Exclusionary Rule, 71 *U. Colo. L. Rev.* 255 (2000).

20. Evelyn McDonnell, Lenny Kravitz Remains an Anomaly: A Black Man Playing Rock, *Miami Herald*, Nov. 24, 2001, at K109.

21. Abraham Abramovsky & Jonathan I. Edelstein, Pretext Stops and Racial Profiling after *Whren v. United States*: The New York and New Jersey Response Compared, 63 *Alb. L. Rev.* 725 (2000).

22. Blacks Targeted, Ex-Trooper Says, *Record* (Bergen County), Dec. 20, 1994, at S11.

23. Anthony M. Platt, Social Insecurity: The Transformation of American Criminal Justice, 1965–2000, *Social Justice*, Mar. 22, 2001, at 138. Although black youth constituted 30 percent of all delinquency cases processed in 1996, they represented 46 percent of all detained cases.

24. End Juvenile Racial Disparity, *Baltimore Sun*, July 6, 1999, at 8A.

25. See also Jerome Miller's *Search and Destroy: African-American Males in the Criminal Justice System* (1996).

26. *Id.*

27. Portrayed through the dominant gaze as a nation of thugs and savages, black males in the inner city have embraced the tropes constructed to legitimate their treatment. Internalizing the gaze, they refer to themselves, like the rapper Tupac Shakur, with “thug life” tattooed across his chest, as thugs. If my generation had to wrest its identity from the clutches of Tarzan, then the current generation must wrest theirs from images of “thug life.”

28. Jerome Miller, *sup. fn.* 321.

29. John Holliman, Urban Violence Personified in T.V. Coverage of L.A., CNN Transcripts, Apr. 30, 1992.

30. Jim Rickenbacker, Longshoreman Describes Shooting in Lozano Trial, *United Press International*, May 20, 1993.

31. This was the speed, according to the police radio broadcast, as the material time. Yet witnesses on the scene testified in later court proceedings that the motorcycle was traveling at a much slower rate of speed. Lonnie Vickers, a longshoreman, testified that the motorcycle was traveling at approximately 40–45 miles per hour. See, for example, Bob Levinson, Witness: No Danger to Lozano, a Mechanic Tells the Court That the Motorcycle Was Going Too Fast and Was Too Close to Have Swerved toward Lozano, *Orlando Sentinel Tribune*, May 25, 1993, at B1; Mike Clary, Miami Jury Gets Case; City on

Edge; Race Relations: Many Blacks and Latinos Take Opposite Sides in Officer's Trial, *Los Angeles Times*, Dec. 6, 1989, at A4; Witness: Lozano Not in Path of Motorcycle, *United Press International*, May 24, 1993. William Lozano was tried twice. The first trial occurred in October of 1989. The story of his initial conviction and subsequent acquittal, on grounds that were unprecedented, was widely reported. See, for example, Larry Rohter, Miami Police Officer Is Acquitted in Racially Charged Slaying Case, *New York Times*, May 29, 1993, at 1.

In December 1989, a Miami jury found Mr. Lozano guilty of two counts of manslaughter in the deaths of Mr. Lloyd and Mr. Blanchard. Mr. Lozano was sentenced to seven years in prison, but in 1991 an appeals court overturned that decision on the ground that the jury may have feared an acquittal would prompt a new round of rioting.

Larry Rohter, *sup.*

In developing this narrative and the ones that follow, I am telling the story focusing on the way the trope of identity operates as a lens. The story is thus a blend of the objective and my own perspective. The facts of our racial conflicts are always contested. One of the difficulties in this area of discussing race is that whites often have what I refer to as "God's eye view." They often seek objectivity in a realm where blacks and whites represent not only different political communities, but different interpretive communities. See Thomas Kuhn, *The Structure of Scientific Revolutions* (1970). Like Kuhn, I don't believe such objectivity is achievable. I suggest all our thinking about race is honeycombed with situations where the real and the fictional are intertwined in complex ways. This is my reading.

32. What happens next was disputed. Lozano claimed that he fired his gun in self-defense. He said the motorcycle veered toward him and he fired when his "instinct for self-preservation took over. Lozano claim[ed] that he fired at Lloyd on a Miami street because the motorcycle veered toward him, leaving the officer no choice but to fire to avoid being hit." See Bob Levinson, *sup. fn.* 31. Lozano's claim was contradicted by at least five witnesses. "In contrast, five people have testified they saw Lozano walk into the street, deliberately aim his weapon at the motorcycle and shoot." *Id.* Under the circumstances, I credit the five witnesses.

33. Susan Bandes, Patterns of Injustice: Police Brutality in the Courts, 47 *Buffalo L. Rev.* 1275 (1999).

34. Morris Thompson, Behind the Trouble In Miami's Back Streets; Riots Highlight Black-Hispanic Friction, *Washington Post*, January 23, 1989, at A1.

35. See Abdul R. Jan Mohamed, Colonialist Literature in *Race, Writing, and Difference* 87 (Henry Louis Gates ed., 1986), explaining how colonialists rationalized their subjection of Africa by presenting it as a “metaphysical fact of life,” reducing those who have fashioned the colonial world to passive spectators in a mystery not of their own making.

36. Hannah Arendt, *The Origins of Totalitarianism* 474 (3d ed., Harcourt 1973).

37. Mike Clary, Miami Officer Acquitted, City Remains Calm, *Los Angeles Times*, May 29, 1993, at A1.

38. The Florida Appeals Court (Third District Court of Appeal) found that the trial court had committed reversible error when it denied the defendant’s motion for change of venue. The defense had sought the change on the theory that jurors would be reluctant to vote for acquittal for fear of causing further violence in the community. The court reversed and remanded for a new trial in another venue. *Lozano v. State*, 584 So. 2d 19 (Fla. 3d DCA 1991).

What was interesting about the Florida Appeals Court decision was that it was unanchored legally. It was based on “common sense.” Lozano’s defense team presented hundreds of newspaper articles.

Twice before in 10 years Miami had erupted in civil disturbances. These disturbances were covered nationally and internationally. The intense media spotlight over 10 years focusing on these disturbances allowed the defense to present hundreds of articles about riots in Miami, and particularly riots that started after a black man was shot by police.

Yet for all the volume of this evidence, it did not establish, first all, what would have happened had Lozano been acquitted in a second trial. These hundreds of articles focused on two prior instances of urban disturbance. The defense did not prove in either a scientific or legal sense that a riot would have happened if a verdict of acquittal occurred. In point of fact, after Lozano’s acquittal in Orlando there was no significant social disturbance in Miami. Also, note that there was no evidence—from interviews of actual jurors, for example—that the jurors actually felt threatened. The basis of the ruling was not evidence. It was common sense masquerading as “knowledge.” The defense essentialized the ghetto—it always erupts—and the psyche of the juror in the face of a native uprising.

39. Mike Clary, *sup.*

40. See, for example, Bob Levinson, *sup.*

41. See Jim Rickenbacker, *sup.* fn. 319.

42. Bob Levinson, *Lozano Sighted a Target, Officer’s Statement, Defendant’s at Odds*, *Orlando Sentinel*, May 21, 1993, at 4B.

43. See Henry Weinstein and Paul Lieberman, *Location of Trial Played a Major Role Legal Experts Say; Court: This Was a Jury of People Who Ran*

Away from Los Angeles to Get Away from Rodney King, Part A, *Los Angeles Times*, April 30, 1992, at 18.

44. See Seth Mydans, The Police Verdict: Los Angeles Policeman Acquitted in Taped Beating, *New York Times*, April 30, 1992, at A1.

45. This is my account of the Amadou Diallo shooting. Although I try to give just the facts, there is of course no neutral place to stand in witnessing the very public drama that took place partly in the streets of the Bronx and partly in a court of law. As James Baldwin writes, reflecting on an earlier public spectacle—

Each of us knows, though we do not like this knowledge, that a courtroom is a visceral roman circus. No one involved in this contest is, or can be, impartial. One makes the attempt or imagines that one does: but it is, in any case, and strenuously an attempt. . . .

We perceive by means of the kaleidoscope mirror of this life. This means that our ability to perceive is at once tyrannized by our expectations, and at war with them.

James Baldwin, *The Evidence of Things Not Seen* 1 (Henry Holt 1995). Baldwin is writing about the Atlanta child murders, for which a black male, Wayne Williams, was tried and convicted. Baldwin summed up the overwhelming consensus in the black community, rejecting the verdict as a sham: “The case against Wayne Williams struck me as so dubious that I wondered how and why it had been brought into court.” *Id.* 11. It was widely perceived in the black community that the black male was a convenient scapegoat for what was then “the crime of the century.”

46. Patrick Rogers & Julia Campbell, Lethal Force; The Police Shooting of an Unarmed New York City Street Vendor Ignites a Firestorm of Outrage and Protest, *People*, Apr. 19, 1999, at 54. Investigation revealed that Diallo was a street vendor working in front of the C&B Convenience Store selling socks and CDs. Diallo reportedly stopped working at 10:00 P.M. A devout Muslim, he went into the back of the store to say his prayers before leaving. The owner of the store allowed Diallo to set up outside in exchange for Diallo’s performing odd jobs for the store owner. “On a good night, Diallo, an immigrant from the African nation of Guinea, could make up to \$150 selling his wares. ‘He was saving for school, to learn computers,’ says Raza Choudhury, 27, who sometimes works at the C&B Convenience Store where Diallo, 23, stowed his goods.” *Id.*

47. At this writing, the Amadou Diallo case is the most striking instance of police brutality from the perspective of communities of color. The Diallo case is only the most sensationalized, perhaps because it occurred in New York



City, where there is an intersection of political awareness with a highly organized anti-racist movement. In a real sense, the Diallo case recurs in many urban scenes: “While the names of those slain motorists—LaTanya Haggerty and Robert Russ—trigger anger for black Chicagoans, the name Tyisha Miller, shot 12 times by police while sitting in her car, does the same for black residents of Riverside, California. In Pittsburgh, the iconic name is Jonny Gammage, who was strangled to death by police for driving a nice car through a white suburb. In fact, just about every city in the country can point to one or two freshly killed black corpses as battered symbols of police overkill.” Salim Muwakkil, *Justice Denied, Again: The Verdict in the Amadou Diallo Case Is Another Symptom of the Legal System’s Pandemic Racism*, *In These Times*, Apr. 3, 2000, at 12.

48. Id.

49. Id. “At 12:44 A.M., Diallo was entering his Bronx apartment building when he was stopped for questioning by four plainclothes police officers. Seconds later he was dead, his body riddled with 19 bullets. In all, the officers had fired 41 rounds at Diallo, who was unarmed and had no criminal record.”

50. Kevin Flynn, Report Offers Details on Police Bullets That Hit Diallo, *New York Times*, May 4, 1999, at B5.

51. Murray Weiss, Diallo Cops to Give Their Side of the Story: A Tale of Eight Seconds That Shook the City, *New York Post*, Mar. 30, 1999, at 004.

52. News Forum, Whether Overzealous Police and Misunderstanding of Different Cultures or Public Fear and Misunderstanding of Police Is to Blame for Escalation between the Public and Police, WNBC TV, Apr. 25, 1999.

53. As Salim Muwakkil writes, “The Street Crimes Unit, to which the four cops were assigned, operated under the slogan “We own the night” and treated indigenous residents as if they believed it. At the time of Diallo’s shooting, African-American officers comprised just 3 percent of the Street Crimes Unit’s ranks; Latinos, 16 percent.” Salim Muwakkil, *sup.* fn 333.

54. Bill Reel, Four Cop’s Story Has Been a Long Time Coming, *Newsday*, Mar. 31, 1999, at A47. According to the police, they gave Diallo a warning to halt and put his hands where they could see them.

55. Gene Mustain, Shot Cop in Diallo Plea Says Racial Politics Should Not Determine Officer’s Fate, *New York Daily News*, May 1, 1999, at 5.

56. The Police Officer’s Account of the Amadou Diallo Shooting, *New York Post*, Mar. 30, 1999, at 5.

57. Kevin Flynn, Shooting in The Bronx: The Overview, *New York Times*, Feb. 14, 1999, at Sect. 1, p. 37. “In the space of perhaps no more than 10 seconds, investigators believe, the officers fired a fusillade of 41 shots at Amadou Diallo, a 22-year-old street peddler, killing him.” Id.

58. As the *New York Times* reported, “Mr. Diallo was hit by 19 of the 41 bullets fired at him; 11 of them struck his legs, and 1 hit his right arm. The other 7 struck his torso. His body fell back against the wall of the vestibule and slid to the floor, where it was found, propped up at the waist in a slouched sitting position, investigators said. Near his body investigators found a beeper and his wallet, police officials said, which are perhaps the items he was reaching for when the police fired.” Kevin Flynn, *Shooting in the Bronx: The Overview*, sup.

59. Kevin Flynn, *Report Offers Details on Police Bullets That Hit Diallo*, *New York Times*, May 4, 1999, at B5.

60. See also Jim Dwyer, *Bullets Flew after Fall*, *Daily News*, Apr. 1, 1999, at 5.

At least four bullets appear to have struck him when he was on the floor, according to postmortem reports prepared for the Bronx district attorney’s office and the Diallo family. They found: “Two of the rounds went through the base of Diallo’s right foot with one hitting the bottom of his middle toe, and another entering through the ball of his right foot. A third shot hit his right ankle.”

The fourth bullet gives the most direct and vivid evidence that the officers continued to fire after Diallo was on the ground, experts say.

That shot entered his calf muscle just above the right ankle and lodged near the back of his knee traveling a straight line, about 12 or 13 inches long, up his leg.

If Diallo had been standing when he was hit, that bullet would have gone from the front of his shin to the back. Instead, it traveled directly up his leg, from ankle to knee. “No way on Earth could he have been standing when that shot hit,” said an expert who has consulted with the district attorney.

Id.

61. Amy Waldman, *The Diallo Shooting; The Overview, 4 Officers Enter Not Guilty Pleas to Murder Counts in Diallo Case*, *New York Times*, Apr. 1, 1999, at A1.

62. Tracy Wood & Sheryl Stahlberg, *Patrol Car Log in Beating Released*, *Los Angeles Times*, Mar. 19, 1991, at A1.

63. Tracy Wood & Faye Fiore, *Beating Victim Says He Obeyed Police*, *Los Angeles Times*, Mar. 7, 1991, at A1.

64. Id.

65. Richard A. Serrano, *CHP Officer Describes Chase, Beating of King*, *Los Angeles Times*, Mar. 7, 1992, at A1.

66. Richard A. Serrano & Leslie Berger, *Koon Quizzed on Accuracy of Report on King Beating*, *Los Angeles Times*, Mar. 21, 1992, at A1.

67. In the Diallo case, the four officers—Kenneth Boss, Sean Carroll, Edward McMellon, and Richard Murphy—were each charged with one count of second-degree murder “with intent to cause the death of a person” and one count of second-degree murder for “evincing a depraved indifference to human life.” See Christopher Drew, *The Diallo Shooting: The Charges, Prosecution Opts to Bring Top Charges for Shooting*, *New York Times*, Apr. 1, 1999, at B5.

68. Howard Chua-Eoan, *New York; Police Line Do Not Cross*, *Time*, Mar. 6, 2000, at 24.

69. See Christopher Drew, *sup.* The indicted cops, Sean Carroll, Edward McMellon, Kenneth Boss, and Richard Murphy, reportedly opened fire on Diallo when they mistakenly thought he was drawing a weapon on them. The cops fired 41 shots. No weapon was found.

70. Kit R. Roane, *Four Officers in Diallo Case Return to Work*, *New York Times*, May 1, 1999, at B3.

71. See discussion *infra*, chap. 1, n. 71.

72. John Kifner, *Thousands Call on City Hall to Confront Police Brutality*, *New York Times*, August 30, 1997, at A1.

73. Jill Leovy & Hugo Martin, *The Inglewood Beating: Racial Animus Is Denied*, *Los Angeles Times*, July 12, 2002, at California Metro sect., p. 1.

74. Susan Bandes, *Patterns of Injustice: Police Brutality in the Courts*, 47 *Buffalo L. Rev.* 1275 (1999). “Systematic police brutality has been masked, insulated, and implicitly condoned because courts have failed to make connections among incidents; failed to make causal links between police conduct and the injuries and confessions of suspects; denied litigants or juries access to information which would enable linkages to be discovered; and in general persisted in defining encounters as separate from—and irrelevant to—any overarching systemic patterns that need to be addressed.” *Id.*

75. See discussion *infra*, preface.

76. Patricia Williams, *Usual Suspects: Conspiracy Theories in the O.J. Simpson Trial*, *Nation*, June 5, 1995, at 782. “Graves asked the Metro North police officers what kind of man they were looking for and was told a black man with short hair. ‘Well, that narrows it down to about 6 million people,’ Graves replied.”

77. Ernst Cassirer, *The Philosophy of Symbolic Form*, Vol. 2: *Mythical Thought* (Ralph Manheim, trans., Yale Univ. Press 1955).

78. To paraphrase Franz Boas: It would seem that mythological worlds were being built up around race, only to be shattered again, but that new

worlds were built from the fragments. See Franz Boas, Introduction Traditions of the Thompson River Indians of British Columbia by James Teit, *Memoirs of the American Folklore Society* VI (1898), at 8.

79. Vilho Harle, *The Enemy with a Thousand Faces: The Tradition of the Other in Western Political Thought* (2000).

80. Stuart Alan Clarke, Fear of a Black Planet: Race, Identity Politics and Common Sense, *Socialist Review* 21:3–4 (1991), at 53.

## CHAPTER 7: DON'T HATE THE PLAYER, HATE THE GAME: THE BLACK MALE AS ATHLETE

1. *Field of Dreams* (Universal Studios 1989).

2. Formal efforts to bar African Americans from participating in white baseball date from December 1867, when the nominating committee of the National Association of Baseball Players, then the governing body of American baseball, voted unanimously to bar from membership clubs “composed of one or more colored players.” *Ball Players' Chronicle*, Dec. 19, 1867, quoted in *Early Innings: A Documentary History of Baseball, 1825–1908* 68–69 (Dean Sullivan ed., 1995).

During the final quarter of the nineteenth century a number of blacks did play in the major leagues. See Bob Davids, Chronological Registry of 19th-Century Black Players in Organized Baseball, in Sol White's *History of Colored Baseball with Other Documents of the Early Black Game, 1886–1936*, 162 (Jerry Malloy ed., 1995).

Segregation became vastly more widespread in the 1890s. In April of 1891, the magazine *Sporting Life* noted that “probably in no other business in America is the color line so finely drawn as in baseball. An African who attempts to put on a uniform and go in among a lot of white players is taking his life into his hands.” *Sporting Life*, April 11, 1891 reprinted in Sol White, sup. n. 364 at 139.

Interestingly, this exclusion occurred by informal agreement among whites as opposed to formal decree. Bob Davids, sup. fn. 364.

By the end of the decade the “gentlemen’s agreement” had been extended to include the minor leagues as well. In 1899, there was only one African-American player in all of organized baseball, and when the Woodstock, Ontario team of the Canadian League released outfielder Bill Galloway (who had batted a meager .150 in 5 games), the number dropped to zero, where it would stay until Jackie Robinson took the field with the Montreal Royals of the International League in 1946.

See Bob Davids, sup. fn. 364 at 168.

3. Id.

4. Robert Peterson, *Only the Ball Was White* 21 (1972).

5. Kenneth Shropshire, *In Black and White* 28 (1996).

6. See Charles K. Ross, *Outside the Lines* 82 (1999).

7. See Bob Davids, *sup.* 168.

8. Kenneth Shropshire, *sup.* 27–28.

9. John Hoberman makes this point poignantly: “The African-American predicament has always expressed itself as a search for ‘race-heroes’ who could expand the sense of what was possible for blacks.” John Hoberman, *Darwin’s Athlete: How Sport Has Damaged Black America and Preserved the Myth of Race* fn. 362, p. 62 (1997).

10. This is clear from a reading of the Supreme Court opinion in the case of *Plessy v. Ferguson*, 163 U.S. 537 (1896). *Plessy* did not address the issue of commodification of black athletes directly. *Plessy* did provide an official rationale for why segregation was legal and morally acceptable. *Plessy*’s discussion of why segregation is constitutional, and implicitly, morally acceptable provides telling insights on the point I am making. We must begin with the proposition, as stated by Charles Black, that segregation was a regime less of racial separation than the subordination of blacks to whites. *Plessy* involved a Louisiana statute that prohibited, among other things, blacks from riding in the same railroad car as whites. Notably, the statute exempted black nurses riding with their white employers and like-situated black servants. Similarly, it is well known that on Miami Beach segregation in local hotels was quite common. Blacks were not accepted as guests at these hotels during this era. However, blacks were employed as maids in the same hotels. Segregation was rigid enough to keep blacks out of swimming pools and schools and hotels generally for purposes of social interaction, but porous enough to allow the same blacks to work.

Thus segregation involved whites in positions and spaces as masters, and blacks either excluded from these spaces or present as inferiors. The issue in *Plessy* was whether segregation was reasonable. The Court held that it was. As in *Dred Scot v. Sanford*, the Court posited that blacks are an inferior order of human life. It was on this premise of inferiority that segregation rested in *Plessy*. A corollary of *Plessy* is that it is reasonable and natural to discriminate against blacks because of their objective inferiority.

11. Todd Boyd & Kenneth Shropshire, eds., *America above the Rim: Basketball Jones* xi (2000).

12. On the dominance of blacks in basketball and football see Desmond Armstrong, Inner-City Programs Would Aid USA, *U.S.A. Today*, June 28, 1990, at 12C; See also Steve Sailor, Great Black Hopes, *National Review*,

Aug. 12, 1996, at 37. On baseball see Gary Kamiya, *The Black Edge: Are Athletes of African Descent Genetically Superior?* *salon.com*, Jan. 28, 2000.

13. Todd Boyd & Kenneth Shropshire, *sup.* 48.

14. W.E.B. Du Bois, *Black Reconstruction* 52–53 (1962).

15. John Hoberman, *sup. fn.* 362 at 100.

16. *Id.* at 108–9.

17. I argue that it is pervasive because white male identity is dependent on privilege for its meaning. The subject-object relations between blacks and whites were in my view merely performances of the received meaning of identity.

18. John Hoberman, *sup.* xviii.

19. Ira Berkow, *The Door Was Open but the Reception Was Hostile*, *New York Times*, April 13, 1987, at C1. “When Henry Aaron drew closer to Ruth’s record, the mail poured in. Some of it was ugly. From a town in Tennessee: ‘You can hit all dem home runs over dem short fences but you caint take dat black off you face. Rite on.’ ” See John Hoberman, *sup.* 53.

This is one of the deeper connections between black athleticism and the unresolved (and destructive) public debate about black intelligence, which has frequently used uneducated and inarticulate black athletes as symbols of racial intelligence deficiency, thereby combining the race-neutral image of the “dumb jock” and the special burden of being black.

*Id.*

20. Bill Maxwell, *Blacks Lose by Winning in Sports*, *St. Petersburg Times*, Jan. 19, 1997, at 1D.

21. John Hoberman, *sup.* xviii.

22. Todd Boyd & Kenneth Shropshire, *sup.* 135.

23. Geraldo Rivera & Latrell Sprewell, *Confrontation with Latrell Sprewell*, *Rivera Live*, Dec. 26, 1997 (quoting Larry Elder, KNBC talk-show host).

24. Roger J. Abrams, *The Fine Print of ‘NBA vs. Sprewell,’* *National Law Journal*, Apr. 6, 1998, at 21.

25. *Id.*

26. Mike Wise, *N.B.A. Star Who Choked Coach Wins Reinstatement of Contract*, *New York Times*, Mar. 5, 1998, at A1.

27. *Id.*

28. Todd Boyd & Kenneth Shropshire, *sup.* 81.

29. See John Leo, *Basketball: Unfair to Thugs*, *U.S. News and World Report*, Dec. 22, 1997, at 22.

30. Latrell Sprewell on *Assaulting His Coach, Having His Suspension Reduced, and What He Is Really Like as a Person*, *60 Minutes*, CBS News Transcripts, Mar. 8, 1988.

31. Frederick Douglass, *Narrative of the Life of Fredrick Douglas, An American Slave, Written By Himself* (William L. Andrews and William S. McFeely eds., 1997) (1845).

32. Historically there was a glass ceiling for black coaches in the NBA. See, for example, Greg Guss, *Skin Games; State of Racism in Professional Sports*, *Sport*, May 1997, at 52; Brian Christie & Brian Jenkins, *Should Equal Opportunity Apply to Pro Sports Teams?* CNN Transcripts, Jan. 9, 1993. At this writing, 14 of the 29 coaches in the NBA are black. As a purely personal observation, I would argue that blacks are still underutilized in these positions in light of the disproportionate talent and investment they have in basketball as a group. However, while the NBA disparity may be subjective, the disparity in other sports is overwhelming. See, for example, Thomas George, *N.F.L. to Meet with Group on Minorities*, *New York Times*, Oct. 17, 2000, at D5. “Of the league’s 32 teams, 2 have African-American head coaches. Since 1920, the league has hired more than 400 head coaches, and 6 have been African-American.” Johnny Cochran has entered the case. See also Gordon Edges, *Aspiring GM Is Left to Stew*, *Boston Globe*, Oct. 15, 2002, at F3: “There were six African-American GMs out of 29 jobs in the NBA in the 2001–02 season, and four out of 32 in the NFL. Kenny Williams of the Chicago White Sox is the only African-American among 30 baseball GMs.”

33. See Terence Moore, *Pro Basketball: Stern Will Insist Hornets Stay Put*, *Atlanta Journal Constitution*, Apr. 10, 2002, at 8C. At this writing there are no black majority owners in the NBA.

34. Bill Maxwell, *Blacks Lose by Winning in Sports*, quoting Gerald Early, *St. Petersburg Times*, Jan. 19, 1997, at 1D.

35. John Hoberman, *sup.* xviii.

36. Todd Boyd & Kenneth Shropshire, *sup.* ix.

37. John Hoberman, *sup.* 218.

38. *Id.* 208.

39. *Id.* fn. 362 at 209.

40. See, for example, *Barkley Jailed 5 Hours after Bar Altercation*, *Newsday*, Oct. 27, 1997, at A53; Tim Povtak, *Barkley Leaves Mad to the Bone, He Usually Likes It in Orlando; But an Arrest and Ejection Dimmed the Houston’s Star’s Weekend*, *Orlando Sentinel*, Oct. 27, 1997, at C1. Kenneth A. Harris & Tim Povtak, *No Apologies Brawling Barkley Says; The Rockets’ Star Says He Was Defending Himself When He Hurlled Man through the Window of an Orlando Bar*, *Orlando Sentinel*, Oct. 27, 1997, at A1.

41. See Robert McG. Thomas, Jr., *Barkley’s Harangue Costs \$10,000 and One Game*, *New York Times*, Jan. 21, 1993, at B. Barkley was aiming at a heckler but ended up spitting on an 8-year-old girl in 1991 during a game against the Nets.

42. On Aug. 3, 1997, Iverson's car was stopped for speeding in Richmond, Va. Iverson was a passenger, one of his friends was driving, and another friend was also a passenger. Two marijuana cigarettes and a .45-caliber pistol were found in the car. Iverson said the gun, unregistered in Virginia, was his. He was given three years' probation. Mike Bruton, Iverson Not Deserving of His Outlaw Image, *Philadelphia Inquirer*, Nov. 25, 1998, at K0097.

43. Crime and Sports '95/Special Report, *Los Angeles Times*, Dec. 27, 1995, at C6: "Jan. 19—SAMMY SOSA, Chicago Cub baseball player, arrested in Santo Domingo, Dominican Republic, on assault charges Jan. 19, accused of beating up a man at the entrance to a disco. Resolution: Never charged."

44. Elizabeth Clarke, Worst of Martin's Trial Should Be Over, *Palm Beach Post*, July 23, 2000, at 1C.

45. Tom Verducci, The High Price of Hard Living; Reckless Years in the Fast Lane, Fueled by Alcohol and Cocaine, Have Cost Former New York Met Phenoms Darryl Strawberry and Dwight Gooden the Prime Years of Their Careers, *Sports Illustrated*, Feb. 27, 1995, at 16.

46. Capriati's Biggest Return; Down and Out at 18, Star Enters Wimbledon with Shot at Her Third Grand Slam Title in a Row, *Times Union* (Albany), June 24, 2001, at E1.

47. Debbie Salamone, Barkley Gains Delay; An Orange County Judge Delayed until July the Trial of Houston Rockets Forward on Charges Related to a Fight at Church Street Station, *Orlando Sentinel*, Jan. 17, 1998, at C1.

48. "That night, Lugo, who was treated for scratches, told a police officer he wanted 'nothing to do' with the incident. He added that he 'hates blacks,' according to court records." Id.

49. Debbie Salamone, Barkley Hit with 4 Charges; The Misdemeanors Stem from a Fight the NBA Star Was in at Church Street Station, *Orlando Sentinel*, Dec. 19, 1997, at A1.

50. Id.

51. Debbie Salamone, sup. fn. 407.

52. Rich Hoffman, Athletes Are Not Role Models but Sports Behavior Must Not Be Ignored, *Record* (Bergen, N.J.), July 19, 1998, at S02.

53. See chapter 4.

54. Charges Dropped Against Football Star Ray Lewis, *Rivera Live*, CNBC Transcripts, June 5, 2000.

55. Jon Entine, The Real Story behind Ray Lewis, *Chicago Tribune*, Jan. 28, 2001, at 1B. Listen to the grandmother of one of the victims answering a media question of what she would say to Ray Lewis. " 'What would I say to Ray Lewis?' The soft words accentuate the rage that consumes the victim's grandmother. 'Why did you participate in the thrill-killing of my grandson?'"



Id. The victim's grandmother was not a witness. Her perspective could only have come from the prosecution.

56. Charges Dropped Against Football Star Ray Lewis, *Rivera Live*, CNBC Transcripts, June 5, 2000.

57. Update on the Ray Lewis Trial, *Rivera Live*, CNBC Transcripts, May 31, 2000.

58. Jon Morgan & Marego Athens, Lewis Aided Friend, Woman Says, *Baltimore Sun*, May 31, 2000, at 1A.

59. Bill Rankin, Lewis Plea Deal Expected; NFL Star May Testify Against Co-Defendants in Buckhead Killings, His Attorney Says, *Atlanta Journal and Constitution*, June 5, 2000, at 1A.

60. See *Miranda v. Arizona*, 384 U.S. 436 (1966).

61. Dean Bonham, NFL Star Wears Taint of Corruption, *Rocky Mountain News*, Feb. 25, 2001, at 5G.

62. Wallace Matthews, This MVP a Most Vile Player: Lewis Now a Hero—Need More Proof World Is Twisted? *New York Post*, Jan. 30, 2001, at 74.

63. Gregory Kane, Fairness Elusive in Ray Lewis Coverage, *Baltimore Sun* Feb. 21, 2001, at 1b.

64. Id.

65. Richard Jewel was employed as a security guard in Centennial Olympic Park in July 1996. Initially he was hailed as a hero for discovering a bomb in a knapsack. He was also credited with evacuating several people. In a bizarre chain of events, he was named as a suspect three days later. After three months of investigation, the FBI admitted they made a mistake and publicly stated he had nothing to do with the bombing. See Report: FBI Agents Disciplined, United Press International, Domestic News, May 21, 1997. See also Judge: Jewell No Longer a Suspect/FBI to Unseal Papers in Olympic Bombing Case, *Newsday*, October 24, 1996, at A04.

66. Todd Boyd & Kenneth Shropshire, sup. 31. See also John Hoberman, sup. fn. 466 at 201.

67. Hoberman, sup. 191.

68. See Michael Goodwin, Snyder Dismissed over Racial Remarks, *New York Times*, Jan. 17, 1988, Sect. 5, p. 1.

69. John Hoberman sup. xiv.

70. Id.

71. See Winthrop P. Jordan, *White over Black: American Attitudes toward the Negro, 1550–1812* 234–36 (1968); D. Marvin Jones, Darkness Made Visible: Law, Metaphor and the Racial Self, 82 *Geo. L. Rev.* 437 (1994).

72. "Facial angle" referred to angle at which an imaginary vertical line running from the top of the forehead to the bottom of the chin intersected

with an imaginary horizontal line at the bottom of the chin. See Thomas Gosset, *Race: The History of an Idea in America* 70 (1963). The line was either orthognathous or prognathous. The ancient Greeks, from the measurements Pieter Camper took of statues, were an ideal orthognathous group with a facial slope of sometimes 100 degrees. Camper held that Blacks, in terms of facial angle, were at the opposite extreme and were the most prognathous of races, with a facial angle of 60 to 70 degrees. Id. Camper's findings, which rested often on small numbers of measurements, were later discredited by Johann Friedrich Blumenbach. But Camper's work nonetheless was an early impetus to associate intellectual difference with physical difference.

73. See D. Marvin Jones, *sup.*

74. Brian Cazeneuve, Inside Olympic Sports, *Sports Illustrated*, Dec. 20, 1999, at 122. "People sometimes forget, but it was just 13 years ago that Al Campanis went on *Nightline* and said, 'Why are black men, or black people, not good swimmers? They just don't have the buoyancy.'" Campanis was the General Manager for the Dodgers until he died in 1998. See Tom Lasorda, Campanis Deserved a Lot Better, *New York Post*, Jan. 27, 1998, at 045.

75. S.L. Price, Is It in the Genes? Studies Have Found Physical Differences to Explain Why Blacks Outperform Whites in Certain Sports—but Scientists Are Wary of Jumping to Conclusions, *Sports Illustrated*, Dec. 8, 1997, at 52.

76. Darrell L. Johnson, Christopher J. Hallinan & Carl R. Westerfield, Picturing Success: Photographs and Stereotyping in Men's Collegiate Basketball, *Journal of Sport Behavior*, Mar. 1, 1999, at 45.

77. Ann Barrowclaw, The Speed Machine, *Daily Mail*, Aug. 3, 1992, at 4.

78. David Fisher, Genes Make Big Muscles, *Sunday News* (Auckland, New Zealand), Mar. 16, 1996, at 9.

79. "[L]ast May, in *The New Yorker*, writer Malcolm Gladwell advanced a genetic argument in support of the notion that blacks are athletically superior." Id.

80. Id.

81. Id.

82. For the record I will identify a few of the fallacies associated with the mythologizing going on with respect to black athletic superiority.

Inadequacy of the studies:

- a. So-called studies have generally focused on information available about alleged racial differences between blacks and whites generally. There are few if any studies focusing on and studying elite athletes as a discrete group.

b. There is no evidence of genetic differences: the performance gap is weak evidence of a “gene gap.”

Swedish scientist Bengt Saltin, whose comparison of Kenyan and Swedish distance runners found the Kenyans’ muscles better suited to that athletic test, believes the difference could be caused as much by the Kenyans’ high-altitude environment as by genetic factors. See Bengt Saltin, Aerobic Exercise Capacity at Sea Level and at Altitude in Kenyan Boys, Junior and Senior Runners Compared with Scandinavian Runners, *Scandinavian Journal of Medicine and Science in Sports* 5 (1995) at 215, 219.

c. Even if genetic differences exist, the argument does not follow that differences in performance are the result of genetic differences. Assuming the studies are accurate and that these systemic physical differences exist, it is only an assumption that they, rather than culture or psychological factors, account for the differences between groups.

Top athletes, however, don’t always conform to laboratory theories. The physical differences found between black and white Americans are interesting—and perhaps telling—but until large numbers of elite athletes are studied, it is irresponsible to declare that one physical trait accounts for the minute margin that separates the sprinter who sets a world record from the one who finishes 10th.

83.S.L. Price, Whatever Happened to the White Athlete? Unsure of His Place in a Sports World Dominated by Blacks Who Are Hungrier, Harder-Working and Perhaps Physiologically Superior, the Young White Male Is Dropping Out of the Athletic Mainstream to Pursue Success Elsewhere, *Sports Illustrated*, Dec. 8, 1997, at 30.

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