

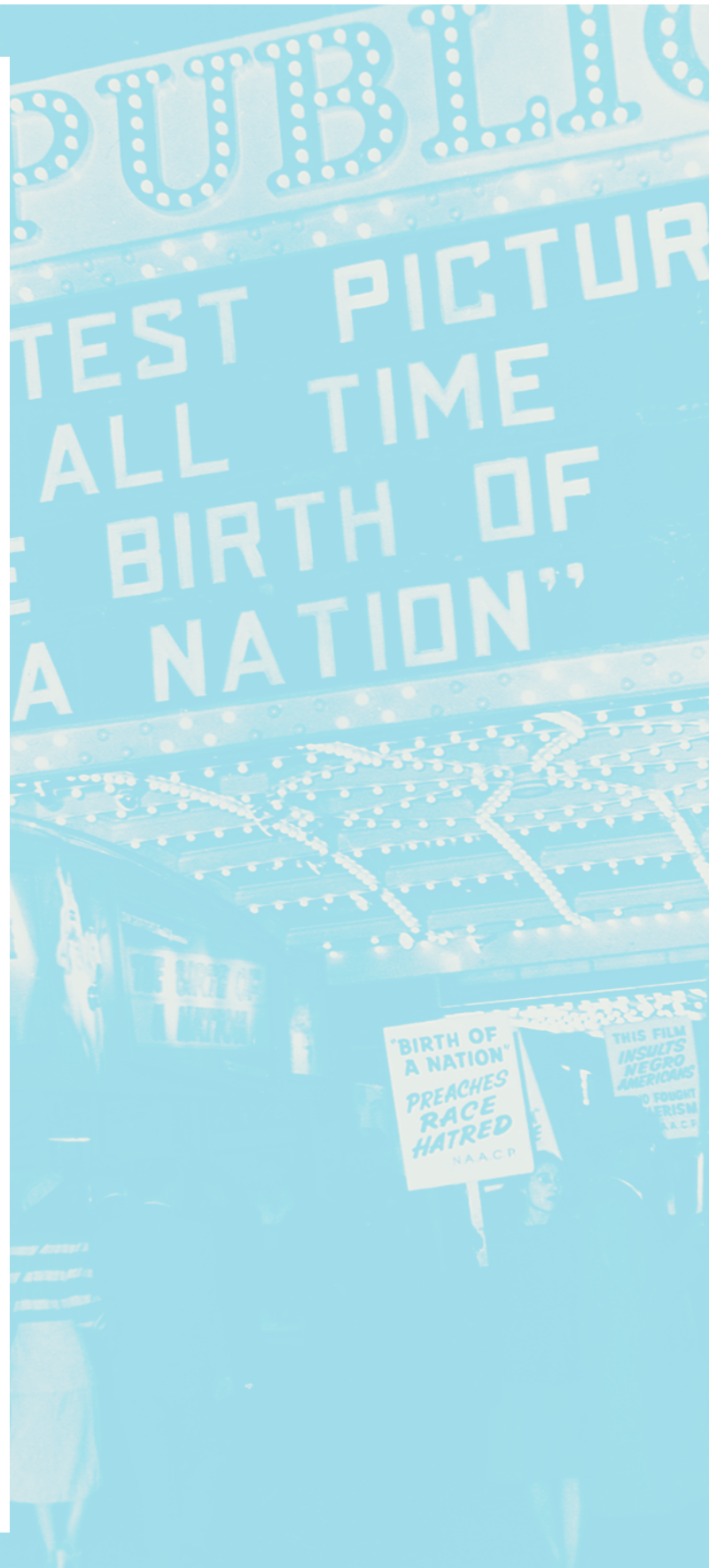
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I. Introduction

At its inception, the United States created a series of laws and policies that denied African Americans the ability to create and own art and engage in sports and leisure activities.¹ During the period of enslavement, state governments controlled and dictated the forms and content of African American artistic and cultural production.² Following the end of the enslavement period, governments and politicians embraced minstrelsy, which was the popular racist and stereotypical depiction of African Americans through song, dance, and film.³ Government support of minstrelsy, which was enormously profitable, encouraged white Americans to laugh at, disregard, and reimagine the enslavement of African Americans as harmless and entertaining.⁴

Federal and state governments failed to protect African American artists, culture-makers, and media-makers from discrimination and simultaneously promoted discriminatory narratives. State governments forced African American artists to perform in segregated venues.⁵ The federal government actively discriminated against African Americans during wars, and projected a false image of respect for African American soldiers in propaganda.⁶ Federal and state governments allowed white Americans to steal African American art and culture with impunity—depriving African American creators of valuable copyright and patent protections.⁷ State governments encouraged segregation and discrimination against African American athletes.⁸ State governments denied African American entrepreneurs and culture-makers access to leisure sites, business licenses, and funding for leisure activities.⁹ State governments memorialized the Confederacy as just and heroic through monument building, while suppressing the nation's actual history.¹⁰ States censored cinematic depictions of discrimination against and integration of African American people into white society.¹¹ Today, African American artists, culture-makers, presenters, and entrepreneurs must contend with the legacy of enslavement and racial discrimination as they attempt to pursue creative endeavors that empower and uplift African American communities.

Section III describes discrimination against African American artists. Section IV discusses the anti-Black



People picketing under the marquee of the Republic Movie Theatre against race discrimination featured in the movie, *The Birth of a Nation*. (1947)

narratives in American culture. Sections V and VI discuss government censorship and deprivation of intellectual property. Sections VII and VIII discuss discrimination

against African American athletes and restraints on recreation by African Americans.

II. Discrimination Against African American Artists and Culture

African American artists have faced intense discrimination and restriction in the United States since the era of slavery. During the period of enslavement, enslaved people faced legal restrictions from many state governments while creating arts, crafts, and engaging in education.¹² Many enslaved people were highly talented craftspeople and artists, including seamstresses and tailors, blacksmiths, woodcutters, and musicians of all types.¹³ They fabricated architectural materials, furnishings, musical instruments, such as banjos, and handicrafts, like baskets and rugs.¹⁴ Free African American artists did engage in self-expression during the period of enslavement, however they had to rely on outside resources or wealthy white patrons to support their careers.¹⁵

Many enslaved people were highly talented craftspeople and artists, including seamstresses and tailors, blacksmiths, woodcutters, and musicians of all types.

Many white enslavers were suspicious of the subversive potential of African American art.¹⁶ After 1730, South Carolina outlawed dancing, drumming, and playing loud instruments by enslaved people for fear that it would incite rebellions—other states enacted similar laws.¹⁷ Concerned that literate enslaved people would incite insurrections, some southern enslavers banned enslaved people from learning to read or write.¹⁸ Enslaved people who were not allowed to read or write, instead, developed traditions of song and dance to pass along subversive messages and resist slavery—and to share routes for escape.¹⁹ Enslaved people created music during the period of enslavement, but they could not capitalize on their creative efforts the way that white people could.²⁰ Yet, through work songs, call and response, cries, and hollering, enslaved people coordinated labor, communicated with one another, and commented on the oppression they suffered.²¹

African American artists were subject to segregation by custom and by law, enforced by state and local governments.²² African American musicians were forced to join segregated local chapters of professional musician associations,

which were segregated due to racism in the music industry.²³ They were prohibited from employment in city symphonies, radio stations, and clubs outside of segregated African American neighborhoods—due to racist employers, unions, and police enforcement of segregation.²⁴ Concert venues were often segregated due to racist customs.²⁵

African American musicians were subject to arbitrary, racist rules.²⁶ They could not make eye contact with white Americans who were usually standing right in front of the stage, while African Americans were confined to balconies.²⁷ African American musicians also could not stay at many hotels, were banned from restaurants, and were often served rotten food at others.²⁸ Such customs were

enforced by state and local police.²⁹ African American artists who challenged segregation were met with violence—for example, a musician in Georgia was brutally beaten for refusing to say “sir” in response to a white man’s question at a concert in 1951.³⁰ African American artists were driven from white towns in

the south, barred from performing, and chased by white people brandishing guns.³¹ An interracial all-woman jazz group performed at some integrated concerts, but were occasionally turned away and even jailed.³² Consequently, governments failed to investigate or prosecute racist violence against African American artists.

African American sacred spirituals, hymns, gospel music, and freedom songs deeply influenced 20th-century American popular music.³³ Many acclaimed and influential American musical artists began their careers in African American church choirs.³⁴ African American churches birthed gospel music—sound rooted in spirituals sung during slavery, integrated with chanting, clapping, and group participation.³⁵ Gospel choirs began broadcasting on public radio stations and church memberships grew to thousands.³⁶ Much of the music of the civil rights movement was inspired by gospel and congregational hymns.³⁷

Despite creating and innovating styles of music, such as blues, gospel, rhythm and blues, soul, jazz, rock and roll, and disco, African American musicians and artists suffered

from limited opportunities for financial success.³⁸ White artists appropriated and profited from African American music.³⁹ For example, under the 1909 copyright act, a record could be covered only after obtaining a license from the original artist.⁴⁰ However, many African American musicians' contracts robbed them of these copyright protections.⁴¹ This led to a licensing regime that prevented African American musicians from gaining financial success.⁴² African American musicians recorded music on "race records," which were played on segregated radio stations and marketed only to African Americans.⁴³ During the 1920s and 1930s, African American musicians were subjected to contracts where the copyright for their work would be assigned to their employer, while being paid less than white musicians who had similar contracts.⁴⁴ For example, Elvis Presley imitated African American blues and R&B singers, and due to these exploitative contracts, the original song creators whose work he appropriated were not even paid for the use of their music.⁴⁵ One of Elvis' hit songs, "*That's All Right Mama*," was originally written and recorded by Arthur Crudup, an African American man who was paid so little

for his recordings that he had to work as a laborer selling sweet potatoes.⁴⁶ This type of appropriation was so pervasive that many Americans did not understand that these art forms were invented by African American artists.⁴⁷ The federal government neglected to take action to protect African American artists from financial exploitation.

Many white enslavers were suspicious of the subversive potential of Black art. After 1730, South Carolina outlawed dancing, drumming, and playing loud instruments by enslaved people for fear that it would incite rebellions—other states enacted similar laws.

African Americans have historically been discriminated against by governments and employers for their fashion, hair, and appearance through criminalization and fines.⁴⁸ The United States Army did not allow African Americans to wear their hair in locs (locks, dreads, or dreadlocks) until 2017.⁴⁹ African American women in the army had been forced to straighten their hair with chemicals or hot irons, wear expensive and uncomfortable wigs, or cut their hair off to abide by the army's hair regulations.⁵⁰ Many states passed laws that prohibited sagging clothes in public places, and instituted a significant fine or jail sentence if an individual was caught sagging pants.⁵¹ Sagging originated from hip-hop culture, and sagging laws target African American boys and criminalize African American adolescent fashion, inviting police to intrude in African American life.⁵² In 2007, Shreveport, Louisiana passed a law banning sagging, resulting in African American men accounting for 96 percent of those arrested for sagging.⁵³ Schools have removed African American students for hairstyles that have violated their dress codes.⁵⁴ An African American student at a Texas school was told that he could not attend his prom because his locs were too long.⁵⁵ The CROWN Act, which stands for Creating a Respectful and Open World for Natural Hair, would prohibit discrimination based on hair texture or hairstyle.⁵⁶ While this act has been introduced in Congress, as of March 2022, it has not been passed.⁵⁷ As of 2021, only 13 states have passed versions of the CROWN Act.⁵⁸

Many African American fashion designers who were influential in American fashion history, whose clients included first ladies and government officials, suffered from racism that was supported by federal and state governments.⁵⁹ Elizabeth Keckley was an African American woman and fashion designer who dressed the first lady, Mary Todd Lincoln.⁶⁰ Keckley was born an enslaved person and suffered violence and sexual assault from white enslavers.⁶¹ Keckley worked as a seamstress for several years, attempting to raise money to pay back the loans

COURTESY OF BETTMANN ARCHIVE VIA GETTY IMAGES



Black fashion designer, Ann Lowe, adjusting the bodice of a gown she designed, worn by Alice Baker. (1962)

she used to purchase her freedom.⁶² She faced legal restrictions in establishing her business—including the requirement that a white man vouch for her freedom.⁶³ Ann Lowe was an African American woman and fashion designer, who designed the wedding dress Jacqueline Bouvier wore when she married Senator John. F. Kennedy along with many other gowns for an exclusive clientele.⁶⁴ Lowe worked as a seamstress with her mother on a plantation in Alabama and later made dresses for wealthy white women in the South.⁶⁵ She could not get credit or rent a workspace in the business district in the South, and was forced to operate out of a segregated neighborhood.⁶⁶ Ann Lowe did not receive recognition in the fashion industry, despite her well-loved designs.⁶⁷

Rap music, one of the most culturally potent and commercially successful forms of African American expression in the latter half of the 20th century, has been criminalized by federal, state, and local governments.⁶⁸ By the late 1980s, rappers were unable to book performances and were being subjected to intrusive searches and surveillance.⁶⁹ Rap lyrics and videos have been used in criminal trials to associate Black artists with crimes and to prove the substance of threats or incitements to violence during trial and sentencing.⁷⁰ One scholar found hundreds of cases in which rap lyrics have been used as evidence in criminal prosecutions.⁷¹ Writing rap lyrics and making rap music videos has

student for a rap music video he made off-campus, after learning that two white teachers allegedly sexually harassed several African American students.⁷³

Law enforcement agencies and local governments have attempted to chill or criminalize the sale of rap albums based on their content, sometimes cancelling rap performances outright.⁷⁴ For example, law enforcement agencies attempted to suppress the music of Compton rap group N.W.A.'s 1988 debut album, "*Straight Outta Compton*," and particularly their song "*Fuck Tha Police*."⁷⁵ In 1989, the Assistant Director of the Federal Bureau of Investigation Office of Public Affairs sent a letter to the distributor of the album, criticizing the group's lyrics regarding law enforcement and making the record label "aware of the FBI's position relative to this song and its message."⁷⁶ Law enforcement officials have attempted to prohibit record stores from selling rap albums to minors.⁷⁷ During a 1989 N.W.A. concert in Detroit, law enforcement in the crowd, which reportedly contained 200 police officers, rushed the stage and ended the concert early.⁷⁸

California

In California, city governments decimated thriving African American neighborhoods with vibrant artistic communities.⁷⁹ California theaters denied entry to African American patrons.⁸⁰ In 1876, Charles Green, a African American man, was explicitly denied entry into the Maguire's New Theater in San Francisco.⁸¹ The theater owner was sued by the U.S. Attorney but a jury acquitted him after the judge excluded evidence.⁸² Decades later, from the 1930s to 1960s, Black projectionists and other movie house workers fought for employment and equal wages at movie houses—striking, negotiating, and picketing in the face of violent confrontations with local police.⁸³ In San Francisco, African American artists had limited opportunities due to segregation.⁸⁴ The bassist, Vernon Alley, described "the time in San Francisco when black bands couldn't play east of Van Ness Avenue, and that's true. I was a part of it."⁸⁵ Alley stated that white musicians' unions fought against African American musicians who attempted to play in downtown San

Francisco.⁸⁶ Many African American musicians struggled to make a living by playing behind curtains for tourists or out of sight at strip clubs.⁸⁷ Consequently, the state openly

COURTESY OF BETTMANN ARCHIVE VIA GETTY IMAGES



Hattie McDaniel with her Academy Award. At the awards ceremony she was forced to sit at a separate table because the hotel in which it was held did not allow Black people into the building. (1940)

led to African American students being disciplined.⁷² In *Bell v. Itawamba County Sch. Bd.* (2015), the U.S. Court of Appeals for the Fifth Circuit stated that a school could discipline a

allowed segregation and discrimination against African American musicians, workers, and artists.

African American Californians continue to face discrimination in the television and film industries in California. In 1940, when Hattie McDaniel became the first African American actor to receive an Academy

In San Francisco, African American artists had limited opportunities due to segregation. The bassist, Vernon Alley, described “the time in San Francisco when black bands couldn’t play east of Van Ness Avenue, and that’s true. I was a part of it.”

Award, she was forced to sit at a separate table because the hotel in which the awards ceremony was held did not allow African American people into the building.⁸⁸ Today, research has shown that Hollywood studio executives associate casting African American actors with financial risk.⁸⁹ In a vicious cycle, Black-led projects are characterized as economically inviable; therefore, they are underfunded, despite earning higher returns.⁹⁰ African American actors face a lack of opportunity and African American people are underrepresented in top management in the film and television industries, as well as in off-screen talent in Hollywood.⁹¹ The state has failed, overall, to adequately engage in civil rights enforcement in the motion picture industry.

For a brief period in the 1940s and 1950s, the Fillmore neighborhood in San Francisco was home to a vibrant African American community and referred to by locals as “the Harlem of the West.”⁹² The Fillmore was home to a vibrant African American jazz scene, social clubs, and was an important cultural hub.⁹³ In the 1950s and 1960s, the City of San Francisco tore down Black-owned jazz clubs and businesses and built an expressway through the district in the name of “redevelopment.”⁹⁴ (See Chapter 5 on housing.)

In the 1930s and 1940s, the zoot suit, a particular style of suit with a long coat and loose pants, became an icon of resistance against assimilation for communities of color.⁹⁵ The increase in migration of Mexican Americans and African Americans to Los Angeles resulted in the growth of interracial communities of color, which were targeted by the Los Angeles Police Department.⁹⁶ To confront the dehumanizing social and economic conditions imposed by the wartime political economy, local officials, and the mainstream press, the zoot suit became a symbol of resistance for those who wore it.⁹⁷ However, in the eyes of state officials and law enforcement, the zoot suit and those who wore it were labelled as criminal and hypersexual.⁹⁸

African Americans in Los Angeles were victims of the mob violence and criminalization by local police that preceded and followed the Zoot Suit Riots of Los Angeles.⁹⁹ In June 1943, the Zoot Suit Riots of Los Angeles stemmed from tensions between white servicemen at the new Naval Reserve Armory and local Mexican American youth.¹⁰⁰ Violence broke out as gangs of white sailors attacked brown and African American youth in zoot suits.¹⁰¹ On the worst day of the violence, white soldiers and civilians poured into Los Angeles and attacked the African American neighborhoods of Watts, as well as other neighborhoods around Los Angeles.¹⁰² All 94 nonwhite civilians who were seriously injured were arrested by the Los Angeles Police

Department, compared to only two of the 18 white servicemen who participated.¹⁰³ The police arrested and jailed Mexican American and African American victims of the mobs rather than the white sailors.¹⁰⁴ The Los Angeles Police Department engaged in preventative enforcement based on racial profiling, targeting African Americans among other communities in Los Angeles.¹⁰⁵ Law enforcement efforts to publicize crackdowns on youth resulted in hundreds of arrests in the summer of 1942.¹⁰⁶ This show of force was designed to reassure white middle classes that wartime police forces could maintain law and order by rounding up innocent youth of color, many of whom were African American.¹⁰⁷

Local governments in California have discriminated against, punished, and penalized African American students for their fashion, hairstyle, and appearance.

COURTESY OF BETTMANN ARCHIVE VIA GETTY IMAGES



Watts, California- Armed with clubs, pipes and bottles, this self-appointed posse of uniformed men was all set to settle the Zoot Suit War when the Navy Shore Patrol stepped in and broke it up. All 94 nonwhite civilians who were seriously injured were arrested by the Los Angeles Police Department, compared to only two of the 18 white servicemen who participated. (1943)

In March 2018, at Tenaya Middle School in Fresno, school officials pulled an African American student out of class for a haircut with shaved-in designs.¹⁰⁸ They cited a dress code policy and separated him from other students.¹⁰⁹ They also prevented him from going to lunch and gave him extra work to complete.¹¹⁰ In 2015, an African American biracial student was not allowed to attend school in Clovis because his hair was too long, in violation of the school dress code.¹¹¹ The student was given a warning, a subsequent lunch detention, two hours of after school detention, a four-hour after school detention, and three additional unofficial violations.¹¹²

Historically, state-funded California museums have excluded African American art from their institutions. In 2019, the Los Angeles Museum of Contemporary Art began an informal audit of its collection to increase the representation of African American Artists.¹¹³ In 2020, the museum announced a list of new acquisitions that included African American artists such as Lauren

Halsey, LaToya Ruby Frazier, and Senga Nengudi.¹¹⁴ The University of California, Los Angeles's Hammer Museum engaged in a similar audit. In July 2020, the longest tenured curator at the San Francisco Museum of Modern Art resigned after stating that he did not believe in discrimination.¹¹⁵ The resignation was related to a larger problem at the museum with respect to racial equality.¹¹⁶ The museum's staff is only four percent African American and employees report that key leadership positions are dominated by white Americans.¹¹⁷

California has also criminalized African American rap artists. Los Angeles law enforcement leaders had been targeting rapper Nipsey Hussle's businesses, before and after his death in 2019—alleging gang activity and stopping hundreds of people in a predominantly African American neighborhood, while making very few arrests.¹¹⁸ For over 20 years, California courts allowed rap lyrics to be used as evidence related to street gang activity.¹¹⁹

III. Anti-Black Narratives in Arts and Culture

The federal government has produced and promoted anti-Black narratives through a series of racist and white supremacist cultural projects across time, beginning with minstrelsy. Minstrelsy was a performance of “Blackness” by white Americans in exaggerated costumes and black make-up, known as blackface.¹²⁰ White Americans distorted the hair and facial features of African Americans and demeaned their language, accents, mannerisms, and character.¹²¹ The first minstrel shows were performed in the 1830s in New York by white people with blackened faces and torn clothing.¹²² These performances depicted African Americans as lazy, ignorant, superstitious, hypersexual, and criminal.¹²³

The minstrel performance became a cross-generational racial parody and stereotype made for white amusement. The performance of minstrelsy relied on racist stereotypes that dehumanized African Americans. This dehumanizing allowed white Americans to secure their own positive identity.

In 1830, Thomas Dartmouth Rice created the popular blackface character, “Jim Crow.”¹²⁴ By 1845, the minstrel show led to the creation of a whole entertainment industry that thrived on prejudicial stereotypes against African Americans.¹²⁵ Blackface minstrelsy grew after the end of

the Civil War alongside racial hatred, and the legal segregation laws that proliferated across the country after the end of the war took their name from this primary character in minstrel shows.¹²⁶ Minstrel performances eventually expanded beyond the stage and entered radio and television airwaves, as well as movie theaters.¹²⁷ The minstrel performance became a cross-generational racial parody and stereotype made for white amusement.¹²⁸ The performance of minstrelsy relied on racist stereotypes that dehumanized African Americans.¹²⁹ This dehumanizing allowed white Americans to secure their own positive identity.¹³⁰ Minstrelsy repeated and entrenched this dehumanization into national and local

American culture.¹³¹ Watching and engaging in demeaning depictions of African Americans, like blackface performances, was even a common pastime for U.S. presidents.¹³²

The federal government endorsed dehumanizing narratives of African Americans as violent and propagated white supremacist narratives of the Ku Klux Klan as saviors of the nation through the medium of cinema. *The*

Birth of a Nation, which bore its origin title *The Clansman*, for its first month of screenings, is an unapologetically racist 1915 silent film directed by D.W. Griffith.¹³³ The film, which premiered in Los Angeles at Clune's Auditorium, takes place between the Civil War and Reconstruction.¹³⁴

Essentially a powerful propaganda tool, it glorifies the rise of the KKK, the white supremacist terrorist group, and depicts them as white saviors attempting to “restore order” to the nation.¹³⁵ Woodrow Wilson had the film shown at the White House—a federal government endorsement of white supremacy and anti-Blackness.¹³⁶

From the silent film era through the 1950s, the U.S. Department of Agriculture (USDA) was an important filmmaking agency in the federal government.¹³⁷ The films produced by the USDA reinforced problematic racial stereotypes against African American communities.¹³⁸ USDA motion pictures supported separate-but-equal laws and customs.¹³⁹

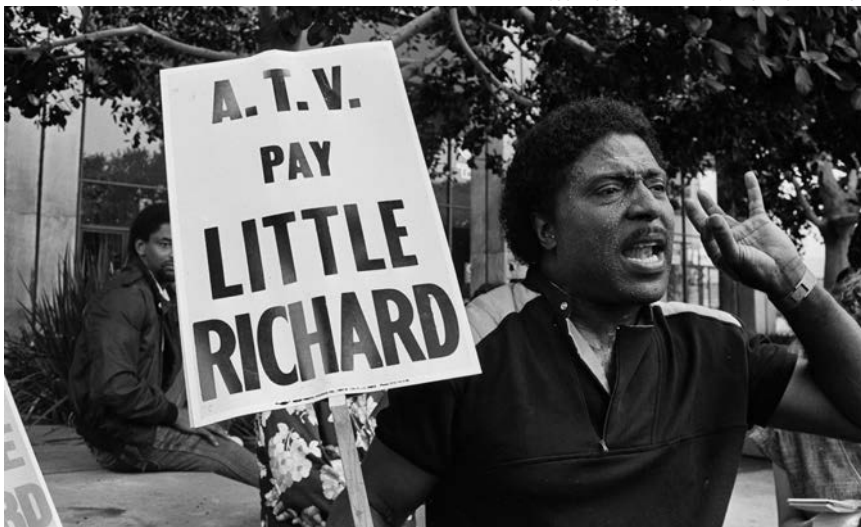
Government war propaganda during World War II employed the strategic use of motion pictures as war propaganda.¹⁴⁰ This propaganda achieved two intertwined objectives, a false image of American democracy and the reinforcement of racist stereotypes about African American people.¹⁴¹ The Office of War Information, a government censorship agency, blocked racial depictions of discrimination against nonwhite people to show a falsely ideal racial democracy.¹⁴² The Office of War Information also approved blackface and jokes perpetuating and relying upon Black stereotypes.¹⁴³

Federal and state governments have constructed racist monuments on state property and altered school curriculum—glorifying slavery and white supremacy, perpetuating the “Lost Cause” myth, and erasing African American

history.¹⁴⁴ State and local governments have collaborated with the United Daughters of the Confederacy, which seeks to memorialize and preserve Confederate culture for future generations,¹⁴⁵ to memorialize the “Lost Cause” myth—that the rebels were patriots and not traitors to the nation.¹⁴⁶ Organized and systematic efforts to manipulate and distort the nation’s history—began immediately after the end of the Civil War.¹⁴⁷ These included erecting Confederate monuments, many of them placed on court-

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house grounds; naming schools, streets, and military bases after Confederate officers; and lobbying Congress for holidays.¹⁴⁸ The construction of these monuments coincided with a historical period in which increased racial terror through lynching and violence against African American people was at an all-time high.¹⁴⁹ (See Chapter 3 on racial terror for more information.) Monument construction has coincided with moments in which African American communities seem to gain some political power or voice.¹⁵⁰ The Supreme Court ruling of *Brown v. Board of Education*, which declared segregation unconstitutional, and the civil rights movement triggered another wave of Confederate monuments across the country.¹⁵¹



COURTESY OF BETTMANN ARCHIVES VIA GETTY IMAGES

Little Richard protesting record companies over royalties. Little Richard sold the rights to the song “Tutti Frutti” for a reported \$50, and received half a cent for each record sold. “I was a dumb black kid and my mama had 12 kids and my daddy was dead,” Little Richard reportedly said, “I wanted to help them, so I took whatever was offered.” (1984)

Federal and state governments have enacted laws to protect Confederate monuments and other monuments to white supremacy.¹⁵² Alabama, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia recently enacted these laws between 2012 to 2017.¹⁵³ In 2009, the U.S. Supreme Court also protected government monuments from free speech challenges in *Pleasant Grove City v. Summum*—a protection that includes Confederate monuments.¹⁵⁴

African Americans were denied access to the mainstream media for much of American history, due to segregation and racism.¹⁵⁵ Since the 2000s, many newspapers have apologized for blatantly racist news coverage

that they have engaged in for over a century-long period that encompasses the slavery era to today.¹⁵⁶ Consequently, African Americans formed their own media—the African American press.

Freedom's Journal was one of the first of many subsequent African American newspapers and publications that would be formed throughout the United States.¹⁵⁷ These publications advocated for community cohesiveness, demonstrated racial pride, and challenged legislation.¹⁵⁸ The staff members of small, struggling African American publications often risked their lives to refute white supremacy in the news.¹⁵⁹ Ida B. Wells was a journalist for the Memphis weekly known as *The Free Speech*.¹⁶⁰ She conducted investigations, finding that mobs regularly lynched innocent victims as part of a racial terror regime.¹⁶¹ This was work that should have been done by federal and state law enforcement agencies. She found that the African American men who were charged with raping white women were often involved in consensual relationships with them.¹⁶² After she published her findings in an editorial, a white mob destroyed *The Free Speech*, suffering no legal consequences.¹⁶³ African American newspapers like *The Baltimore Afro-American*, *The Chicago Defender*, and *The Pittsburgh Courier* served as a corrective to the lies of the white press, and advanced the early civil rights movement.¹⁶⁴

African Americans were often invisible in white press and mainstream media, unless they were alleged to have committed crimes.¹⁶⁵ They were often denied courtesy titles such as Mrs. and Mr., which were given to white Americans.¹⁶⁶ When African Americans were cast in television shows, they acted out narratives crafted by white Americans that pigeonholed them in roles as domestics, criminals, brutes, or lazy and deceitful.¹⁶⁷ In 1945, John H. Johnson established *Ebony* magazine—one of the first magazines to be founded by and operated for African Americans.¹⁶⁸ *Ebony* highlighted historical figures who had been left out of textbooks.¹⁶⁹ The magazine also worked with corporations who sought to advertise to African American communities.¹⁷⁰ In 1979, Robert Johnson (no relation to John H. Johnson), a cable industry lobbyist, started a television channel called Black Entertainment Television (BET).¹⁷¹ By the 1990s, he sold BET to Viacom for \$2.3 billion, making him the first African American billionaire in U.S. history.¹⁷²

American television has a sordid history of creating television shows and series that reinforce racism against

African Americans and are written, conceived, and produced by white Americans.¹⁷³ White Hollywood has been complicit in the racist practices that thwarted African American freedom struggles.¹⁷⁴ The first African American sitcom originated from a radio program called *Amos 'n' Andy*, in the 1940s, in which two white men portrayed African American characters.¹⁷⁵ According to testimony by Dr. Darnell Hunt before the California Task Force to Study and Develop Reparation Proposals for African Americans, “[C]rime procedurals were found to routinely glamourize policing and to legitimize the criminal justice system, while downplaying the degree to which African Americans are racially profiled and victimized by both.” This finding is particularly alarming given what we know about the normalizing effects of media, about the potential for media, in this case, to condition police officers, prosecutors, juries, judges, and/or vigilantes to perceive African American bodies as a threat, and police violence against them as justified.¹⁷⁶ This is important because, as Erika Alexander stated in her testimony, “[s]tory is the conduit to our mind, but once the seed is planted, it is the quickest way to our heart.”¹⁷⁷

The television industry was almost entirely white for many of its initial decades.¹⁷⁸ African American writers and actors in the 1970s faced exclusion at nearly every turn.¹⁷⁹ Television executives held the racist presumption that white writers could write for any audience, but African American writers only could contribute to African American shows.¹⁸⁰ The African American screenwriters

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who are employed by mainstream television networks are often tasked with crafting stereotypical narratives of African American people and story lines that are acceptable to white producers, studio executives, and viewers.¹⁸¹ In 2005, the gap in median annual salary between white and African American writers in the television industry was nearly \$15,000.¹⁸² According to a 2017 survey of the television industry, 91 percent of shows are led by

white creators and producers.¹⁸³ Only 1.3 percent of U.S. full-power commercial TV stations were Black-owned in 2019.¹⁸⁴ African Americans are largely underrepresented in the entertainment industry.¹⁸⁵ While they comprise 12.4% of the general population in 2020, African Americans only constituted 3.9% of major studio heads, 6.8% of network CEOs.¹⁸⁶ They comprised 4.5% of broadcast show creators, and 7.4 % of digital show creators for the 2019–2020 season.¹⁸⁷ Federal and state governments have neglected to address the anti-Black discrimination in the entertainment industry.

The buying practices of radio advertisers in the U.S. have been characterized by the Federal Communications Commission (FCC) as racially discriminatory—minority broadcasting stations earn 63 percent less than other stations with comparable market shares.¹⁸⁸ Despite this, the FCC has failed to enact regulations to protect African American radio stations and media businesses.¹⁸⁹ Of the 11,000 commercial radio stations across the country, fewer than 180 are owned by African Americans—about 1.6 percent of the total.¹⁹⁰ Carole Cutting is an African American radio station owner who started a jazz station in 1999 in Springfield, Massachusetts—where there were no Black-owned radio stations.¹⁹¹ She went through a 15-year legal battle to be able to finally get her broadcast license and is the only African American to own a commercial radio station, AM or FM, in New England.¹⁹²

In 2020, the National Association of Black-Owned Broadcasters called on Congress to pass a bill that would reinstate a tax incentive to encourage people to sell radio stations to members of minority communities and women.¹⁹³ The legislation would bring back a tax break enacted in 1978 to account for the history of racism in broadcast licensing.¹⁹⁴ In the years it was in effect, minority ownership increased, however, in 1995, the tax incentive was overturned by Congress.¹⁹⁵ African Americans have proposed that the FCC approve a new technology called radio geo-targeting—that would allow radio stations to provide geographic-specific traffic, weather, public interest information, and advertising to their local communities.¹⁹⁶ Geo-targeting would allow African American radio stations to better engage listeners, allow for more African American ownership, and more effectively reach African American communities.¹⁹⁷ As of September 2021, the proposal was pending FCC approval.¹⁹⁸ Consequently, the federal government has engaged in discriminatory regulation of the media, which has harmed African American media professionals and business owners.

African American women face excessive racism and discrimination on social media today. In 2018, Amnesty International and Element AI found that African American women on Twitter were 84 percent more likely

than white women to receive hateful tweets.¹⁹⁹ Despite this harassment, African American women online are innovators who contribute greatly to digital cultural spaces.²⁰⁰ African American activists say that their remarks on racism are disproportionately stifled on Facebook.²⁰¹

California

In the 1850s, blackface minstrelsy dominated entertainment in San Francisco.²⁰² Minstrel songs were played during a banquet for the new University of California president in 1899.²⁰³

COURTESY OF PAUL BERSEBACH/MEDIANEWS GROUP/ORANGE COUNTY REGISTER VIA GETTY IMAGES



Cemetery workers cover a confederate monument at Santa Ana Cemetery after it was defaced with orange paint. The monument honored confederate soldiers who fought for the Confederate States of America during the Civil War. (2019)

California has been home to racist monument and memorial construction for centuries. The Native Sons of the Golden West is a California organization that has erected racist monuments throughout the state.²⁰⁴ It was formed on July 11, 1865 with the goal of honoring the Forty Niners, the first white people to settle in California and take advantage of the gold rush and has erected monuments through the state.²⁰⁵ In the 1920s, the Native Sons of the Golden West Grand President wrote that “California was given by God to a white people, and with God’s strength we want to keep it as He gave it to us.”²⁰⁶ The United Daughters of the Confederacy had 14 chapters across California²⁰⁷ and erected plaques, monuments, and other memorials dedicated to Confederate generals and soldiers across California, such as in Monterey and San Diego, throughout the 1940s and 1950.²⁰⁸

California has erected a great number of Confederate monuments, including a dozen or more state markers and cemetery memorials.²⁰⁹ Some of these monuments were erected by southern veterans of the Confederacy who moved to southern California after the Civil War and sought to memorialize their service through the creation of monuments.²¹⁰ The Mendocino coastal town of

Fort Bragg is named after a Confederate army general and enslaver, as of March 2021, the town has not yet changed its names despite numerous requests.²¹¹

In the radio, film, and television industries, California has neglected to adequately address widespread discrimination. Out of the hundreds of radio stations in

minimal mentorship or opportunities to enhance his skills. He left the paper the following year.²¹⁸

In contrast, California's African American newspapers hired African American reporters and writers and invested in them. From 1850 to 1870, the earliest African American newspapers published in California included *The Mirror*

of the Times, *The Pacific Appeal*, and *The Elevator*.²¹⁹ These newspapers emphasized civil rights, community, and racial politics.²²⁰ Writers and editors were free to be activists and journalists.²²¹ *The California Eagle* was founded in 1879 and helped ease African Americans' transition to the west—providing them with housing and job information, and other information essential to surviving in a new environment.²²² With Charlotta

Spears Bass at the helm, over the years, the *Eagle* protested racism in the motion picture industry, in the military, and successfully waged battles against discriminatory hiring in Los Angeles—work that should have been done by the state government.²²³ The state government has failed to prevent discrimination in mainstream media in California.

California's Social Media Transparency and Accountability Act of 2021, Assembly Bill 587, would require social media platforms to publicly disclose their corporate policies regarding online hate, disinformation, extremism, harassment, and foreign interference, as well as key metrics and data regarding the enforcement of those policies.²²⁴ However, the bill only applies to social media companies that have at least \$100 million in revenue—which would exclude many websites where racist commentary and discourse is highly prevalent, such as Parler.²²⁵ As a result, California's attempts to address white supremacy and racism targeted at African Americans online may still leave many vulnerable to abuse. In conclusion, the State of California has promoted blackface minstrelsy, funded confederate monuments, and neglected to enforce the civil rights of African American artists, culture makers, and media makers.

The *Los Angeles Times* apologized for being “an institution deeply rooted in white supremacy” for most of its history and admitted to a record that included indifference and “outright hostility” toward the city’s nonwhite population—acknowledging the underrepresentation of Black journalists in the newsroom.

California, only two are African American owned.²¹² The State of California has, overall, neglected to enforce the civil rights of African American people or address the widespread practice of anti-Black discrimination in Hollywood.²¹³ African Americans have been depicted in crude stereotypical film roles in Hollywood: as servants, rapists, and enslaved people—or they were barred from roles in films altogether.²¹⁴

The *Los Angeles Times* apologized for being “an institution deeply rooted in white supremacy” for most of its history and admitted to a record that included indifference and “outright hostility” toward the city’s nonwhite population—acknowledging the underrepresentation of African American journalists in the newsroom.²¹⁵ For instance, the *Times* won a Pulitzer Prize for its coverage of the August 1965 civil unrest in Watts. While much of the Watts story’s content was reported by a 24-year-old African American advertising messenger, Robert Richardson, the reporters and editors of record were nearly all white.²¹⁶ Richardson covered the disturbances, driving to the scene and phoning in his reports.²¹⁷ He was designated a “reporter trainee” after the uprisings but was only provided

IV. Racist Censorship

State censorship of depictions of African Americans in movies, art, and books was constitutional until 1952.²²⁶ The institutions that regulated cinema, including the Production Code Administration, state censorship boards, and film studios themselves, produced a warped and racist view of African American life in cinema.²²⁷ State government censorship was strongest from 1915 to 1952.²²⁸ States with active censorship boards focused

on censoring miscegenation, the depiction of African American women’s sexuality, depictions of racial discrimination and lynching, and depictions of integration.²²⁹ States engaged in censorship to generate cultural narratives that upheld white supremacy, and rendered it invisible to the public—erasing depictions of Black power, humanity, and anti-Black state violence.²³⁰ After the U.S. Supreme Court banned state

censorship in 1952, Hollywood began to casually depict violence against African Americans on screen.²³¹ Scholars argue that the proliferation of these scenes has helped normalize anti-Black violence in society.²³²

States and local governments have engaged in racist censorship of books written by African American authors, primarily in public schools and in prisons. Many public high schools across the nation have banned acclaimed novels written by African American authors.²³³ Toni Morrison's acclaimed novels have been banned for "depicting the inappropriate topic of...racism," and for being "filthy," in 1998 in Florida, and 2007 in Kentucky.²³⁴ Texas law prohibits teachers from portraying slavery and racism as "anything other than deviations from, betrayals of, or failures to live up to the authentic founding principles of the United States,"—explicitly prohibiting the *New York Times's* 1619 Project, which places African Americans and the consequences of slavery at the center of American history.²³⁵ In 2021, in York, Pennsylvania, an all-white school board banned books related to racial justice, which mentioned key African American civil rights leaders, such as Rosa Parks and Dr. Martin Luther King, Jr.—stating that they "may lean more toward indoctrination rather than age-appropriate academic content."²³⁶ After sustained protests from community members, students, and teachers, the school board reversed the ban.²³⁷

State officials across the country have banned books on the enslavement of African American people, civil rights, and novels by African American authors in prisons and carceral settings.²³⁸ For example, as of 2021, Wisconsin bans Ralph Ginzburg's *100 Years of Lynching*, but allows incarcerated people to read Adolf Hitler's *Mein Kampf*—presumably the first was banned for obscenity and yet the latter was deemed to be acceptable.²³⁹ Florida banned the Equal Justice Initiative's *Lynching in America* report—one of the most comprehensive reports available on the lynching of African Americans—because it was supposedly a

threat to prison security.²⁴⁰ To maintain the lie of white cultural supremacy, state governments have therefore participated in censoring African American artistic work that was critical of American institutions, deemed subversive, or threatened white supremacy.

California

In the 1930s, African American activists protested pro-lynching films at movie theaters, fought against Hollywood's depictions of African American people, and tried to use film to promote the fight for civil rights.²⁴¹ Early films that depicted lynching scenes included *Frisco Kid* (1935), *Barbary Coast* (1935), *Fury* (1936), and *They Won't Forget* (1937).²⁴² These films made African Americans "nauseous" because they glorified and applauded lynching—even when the person being lynched was not Black.²⁴³ These films encouraged and justified lynching at a time when the lynching of African Americans was still highly prevalent.²⁴⁴

Many public schools and prisons in California have censored the literature of African American authors. The Oakland Board of Education banned Alice Walker's book *The Color Purple* in 1984, due to "troubling ideas about race relations, man's relationship to God, African history, and human sexuality"—approving it only after

The Oakland Board of Education banned Alice Walker's book *The Color Purple* in 1984, due to "troubling ideas about race relations, man's relationship to God, African history, and human sexuality"—approving it only after nine months of community advocacy.

nine months of community advocacy.²⁴⁵ At Irvington High School in Fremont, Richard Wright's novel *Native Son*, was banned for being "unnecessarily violent" in 1998.²⁴⁶ At the state level, the California Department of Corrections and Rehabilitation still maintains a list of banned books for its prisons.²⁴⁷

V. Deprivation of African American Intellectual Property

The federal government's copyright laws routinely deprived African American artists of legal protection because this regime allowed art created by African American artists to be appropriated and stolen by white artists.²⁴⁸ As a result of complex and convoluted requirements of the 1909 Copyright Act, artists unfamiliar with legal requirements could easily find their works injected into the public domain.²⁴⁹ This resulted

in the loss of economic rights and copyright protection—which resulted in generations of lost wealth for African Americans.²⁵⁰ Additionally, the federal and state governments have not legally allowed descendants of enslaved people to own art made by their enslaved ancestors or photographs taken of their enslaved ancestors—depriving them of rightful earnings.²⁵¹

Only **3%** of U.S. patents



went to **African American** inventors from 1970 to 2006

Even though Black people were leaders in invention, they could not access patent protections due to institutional racism and state-sanctioned anti-Black discrimination and violence.²⁵² There are estimates that racial violence accounts for 1,100 missing patents won by African Americans.²⁵³ Cyrus McCormick received a patent for the mechanical reaper, even though it was actually invented by Jo Anderson, a man who was enslaved by the McCormick family.²⁵⁴ Obtaining a patent was difficult and expensive, and some African American inventors could not afford a lawyer.²⁵⁵ Some patent applications may have been rejected due to racial discrimination.²⁵⁶ To avoid discrimination, some African Americans relied on white partners to apply for patents under the white person's name.²⁵⁷ One inventor, Henry Boyd, invented a new type of bed frame and partnered with a white man who applied for the patent in his name.²⁵⁸

Obtaining a patent was more difficult for African American artists and innovators because it often involved working with white lawyers who engaged in racist and unfair dealings—and the federal government took no action to ensure that African American innovators' patents were properly documented and preserved.²⁵⁹ African American innovators faced additional professional and financial barriers, in addition to racism, that white innovators did not face.²⁶⁰ In 1913, the U.S. Patent Office surveyed approximately 8,000 registered patent attorneys and found 1,200 inventions attributed to people of African American ancestry.²⁶¹ However, the Office was

only able to confirm 800 of them—a large undercount because attorneys reported failing to recall the names or inventions of some of their African American clients.²⁶² This failure to recall the names of African American inventors and their inventions resulted in African American inventors being cheated out of profits for their creative work.²⁶³

Government-enforced racial segregation and disinvestment in African American communities resulted in a dearth of resources that crippled African American invention.²⁶⁴ These racist practices suppressed the ability of African Americans to receive patents for their inventions.²⁶⁵ Today, African American patentees are underrepresented in America.²⁶⁶ There are wide disparities between the number of U.S. patents issued to African American inventors and the total number of patents issued in general.²⁶⁷ For example, one 2010 study found that from 1970 to 2006, African American inventors received six patents per million people, compared to 235 patents per million for all U.S. inventors.²⁶⁸ According to Professor Kevin J. Greene's testimony before the California Task Force to Study and Develop Reparation Proposals for African Americans, American copyright law disadvantages African American creators because it enables appropriation and under-compensation.²⁶⁹ There are significant disparities in how African American and white music performers have been compensated for copyright use.²⁷⁰ Professor Greene stated, "It's not just some problem that happened 200 years ago, it's a problem that's ongoing and happening today."²⁷¹ Throughout American history, the federal government historically deprived African American artists and innovators of intellectual property rights, copyright protections, and patent protections resulting in intellectual and cultural theft and exploitation.

There are estimates that racial violence accounts for 1,100 missing patents that should have been given to African Americans. Cyrus McCormick received a patent for the mechanical reaper, even though it was actually invented by Jo Anderson, a man who was enslaved by the McCormick family.

VI. Discrimination Against African American Athletes

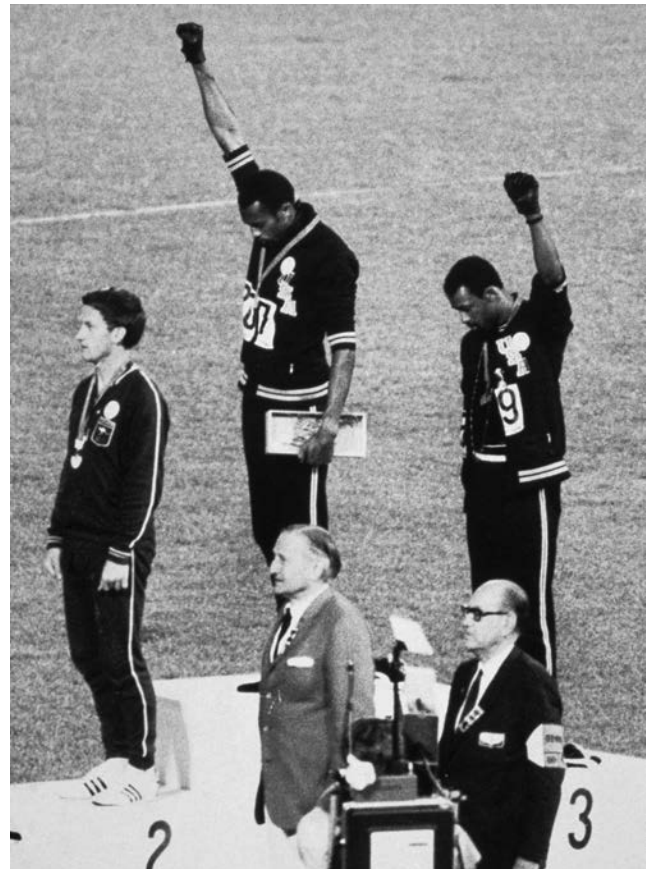
Following the end of slavery, most African American athletes were forced to compete in segregated teams, sports, and organizations.²⁷² Prior to World War II, some African Americans played sports at white universities—where they were picked for their talent, yet ridiculed and mistreated by white students.²⁷³ Despite the inherent inequality of segregation, African American colleges and their football programs thrived in the mid-20th century.²⁷⁴ Many Americans believed Historically Black Colleges and Universities were of lower quality than white higher education institutions, so athletic achievement was a way to dispute this narrative.²⁷⁵ HBCUs had fewer material resources but produced high numbers of professional athletes—particularly in football.²⁷⁶

The reintegration of sports was a long and slow process because white Americans who held positions of power were hesitant to break the tradition of segregation.²⁷⁷ Most major college athletics programs did not allow African American players until 1947.²⁷⁸ The “gentlemen’s agreement” was a standard, unwritten rule that allowed coaches to bench African American athletes during intercollegiate contests with all-white colleges and universities.²⁷⁹ In 1955, Georgia’s Governor asked the State Board of Regents to prohibit Georgia’s all-white football teams from playing against teams with African American players.²⁸⁰

During the 1960s, the government and the sports industry punished African American athletes who engaged in racial justice and political protests, or resisted racial oppression.²⁸¹ Muhammad Ali, a African American Muslim boxing champion, was stripped of his world heavyweight title for refusing to be drafted into the U.S. armed forces.²⁸² When explaining why he would not join the army, he pointed out the irony of being drafted to fight on behalf of a nation in which he was subjected to racial oppression.²⁸³ “My conscience won’t let me go shoot my brother, or some darker people...for big powerful America,” he said.²⁸⁴ “They never called me nigger, they never lynched me, they didn’t put no dogs on me, they didn’t rob me of my nationality, rape and kill my mother and father... Shoot them for what?”²⁸⁵ Ali was charged with a felony, fined, and banned from boxing.²⁸⁶ Later the Supreme Court would overturn his conviction. Justice John Harlan stated that the government had misinterpreted the doctrine of Black Muslims by not recognizing Ali as a conscientious objector.²⁸⁷ Ali experienced racial and religious discrimination by the government—which refused to recognize his religious beliefs and punished him for his resistance to racism.

African American Olympic athletes have faced racial discrimination in athletics.²⁸⁸ The Amateur Sports Act of 1978, gave the United States Olympic and Paralympic Committee, a private organization, exclusive jurisdiction over all matters related to the Olympics.²⁸⁹ The federal government has provided funding for the Olympics when they are held in the United States.²⁹⁰ In 1968, African American Californian track athletes, Tommie Smith and John Carlos, protested the lack of African Americans on the United States Olympic Committee, as well as the stripping of Muhammad Ali’s heavyweight belt at the Olympics.²⁹¹ They raised their black gloved fists in a Black power salute during the National Anthem, while standing on the victory podiums of the Olympic Games.²⁹² Subsequently, the International Olympic Committee kicked them out of the Olympic Village and banned protest during the Olympics.²⁹³ When Smith and Carlos returned to America, their families received death threats.²⁹⁴ Today, many African American

COURTESY OF BETTMANN ARCHIVE VIA GETTY IMAGES



Tommie Smith and John Carlos protested the lack of African Americans on the United States Olympic Committee, as well as the stripping of Muhammad Ali’s heavyweight belt at the Olympics. They raised their black gloved fists in a Black power salute during the National Anthem, while standing on the victory podiums of the Olympic Games. (1968)

Olympic athletes are discriminated against—from being suspended for legal marijuana use to being forbidden from wearing swimming caps designed for natural African American hair.²⁹⁵ Most Olympic athletes, many of whom are African Americans, live in poverty and receive little compensation for their hard work—while high-ranking Olympic committee executives and organizers are compensated generously, due to the billions of dollars in profit from sponsorships, donations, and broadcasting rights.²⁹⁶

Similarly, studies have shown that the National Collegiate Athletic Association (NCAA) has profited from the labor of poor African American students, many of whom live below the federal poverty line—and the United States Supreme Court has supported this through caselaw.²⁹⁷ The NCAA prohibits college athletes from being compensated for their labor.²⁹⁸ Many public universities, which are government funded, generate millions of dollars in revenue due to football and basketball teams that are part of the NCAA.²⁹⁹ Black students constitute nearly 60 percent of the rosters of football and basketball teams, and just 11 percent of the rosters of all other sports.³⁰⁰ African American athletes who risk their health and safety to play these sports while in school do not receive any compensation.³⁰¹ Much of the money generated by football and basketball athletes is spent on salaries for coaches and administrators and on the construction of lavish facilities.³⁰²

African Americans began to play baseball in the late 1800s and historically joined professional teams with white players.³⁰³ However, due to racism and legal segregation laws, they were forced to leave these teams by 1900.³⁰⁴ In 1920, an organized league structure, called the National Negro League, was formed by Black businesspeople and athletes in Kansas City, Missouri.³⁰⁵ The leagues were professional and became central to economic development in many Black communities.³⁰⁶ In 1945, the segregation policies of baseball changed when Branch Rickey signed Jackie Robinson of the Negro League's Kansas City Monarchs to a contract that would bring Robinson into the major leagues in 1947.³⁰⁷

Football has a history of racial discrimination in the United States, sanctioned by state and federal governments.³⁰⁸ Recently, the NFL has engaged in racist practices against Black athletes—many of whom suffered brain injuries while playing professional football.³⁰⁹ The NFL used “race-norming”—a racist medical practice where Black players were assumed to have lower cognitive function than white players as part of a dementia test to determine payouts in a brain injury settlement.³¹⁰ As of January 2022, there was only one Black head coach in the NFL.³¹¹

Tennis, like football, was originally a sport for elite white men.³¹² Due to segregation laws, most tennis clubs explicitly or implicitly prohibited African Americans from participation.³¹³ Public courts were not fairly distributed in Black neighborhoods or accessible to Black players.³¹⁴ Today, prominent African American women tennis players, like Serena Williams, are more likely to be disciplined, fined, and criticized while playing.³¹⁵

In the early 1950s, the National Basketball Association (NBA) had an unspoken rule that there could not be more than two Black players on a team, later that number was expanded to three.³¹⁶ More recently, in 2020, African American women in the Women's National Basketball Association went on strike to protest anti-Black police violence—building upon a long history of protests for racial justice.³¹⁷ Following the lead of Black women, Black male professional basketball players in the NBA protested

COURTESY OF BETTMANN ARCHIVE VIA GETTY IMAGES



U.S. women's team for the 1936 Berlin Olympics. The two African American women pictured, Louise Stokes and Tidy Pickett, qualified three years earlier for the 1932 Olympics in track and field but were not allowed to participate due to their race.

anti-Black police violence in a historic strike—refusing to play games and talk to journalists.³¹⁸ Due to their efforts, sports arenas in areas with large African American communities were turned into voting locations for the 2020 general election to allow for safe, in-person voting—work that should have been done by federal and state governments.³¹⁹ (See Chapter 4 on political disenfranchisement.) There is consequently a history of racism in basketball, like in many other sports, which has harmed African American athletes.³²⁰

There have long been inequalities between men's and women's sports—however, for African American women, this is compounded by race.³²¹ One of the first women's track teams in the United States began at the all-Black Tuskegee Institute in 1929.³²² Three years later, two African American women, Louise Stokes and Tidye Pickett, qualified for the 1932 Olympics in track and field but were not allowed to participate due to their race.³²³ Title IX of the Education Amendments of 1972 (Title IX) changed the landscape for women's sports. It requires any program or activity that receives federal financial assistance, including sports, to provide equal opportunities to all genders.³²⁴ Title IX resulted in a significant increase in women athletes, however, the percentage of women in coaching positions greatly declined.³²⁵ Today, Black women represent 88 percent of professional women's basketball, but there are no Black women in head coaching positions.³²⁶ Despite title IX's legal guarantee of equal opportunity, African American parents have reported more sports programs for boys than girls in their communities.³²⁷ Fifty-three percent of white girls are most likely to be involved with sports at age six or younger, while only 29 percent of Black girls are.³²⁸ Due to the lack of title IX enforcement that centers African American women, they have suffered the consequences of both racism and sexism in the sports industry—including underrepresentation in sports leadership and limited access to sports in general. The history of sports in the United States is one of racial discrimination, segregation, and the exploitation of African American male and female athletes—a history in which governments have played a significant role.

California

Many Black football players experienced discrimination in California's colleges and universities. The University of Southern California did not permit black athletes to play until the 1920s.³²⁹ While the University of California, Los Angeles did allow Black players to play in starting positions on its football team, the Los Angeles community

was not as accepting of Black athletes.³³⁰ At San Jose State College, Black athletes reportedly faced discrimination in athletics, such as overbearing coaches, a lack of academic assistance, exploitative demands made on Black participants, prejudice outside of the sport, and hostility in the campus Greek system and the local community.³³¹ Professor Harry Edwards, a sociologist who helped organize Black athletes against discrimination was called “unfit to teach” by California governor and later president, Ronald Reagan.³³²

Black athletes have often protested discrimination in sports in California. Take for instance Colin Kaepernick, a Black Californian who was the quarterback for the San Francisco 49ers.³³³ In 2016, he knelt during the National Anthem in protest of anti-Black police violence.³³⁴ Subsequently, the President of the United States, said that he should, “find a country that works better for him.”³³⁵ The National Football League then stated that it would fine teams whose players did not stand for the National Anthem.³³⁶ Kaepernick was ultimately told he would be released from his contract by the general manager and coach of the 49ers.³³⁷ Since then, all NFL teams have refused to sign Kaepernick on as a player, despite his clear record of success and athleticism.³³⁸

The University of California system has also reproduced racial inequities in its revenue-generating athletic programs.³³⁹ It has some of the lowest graduation rates for African American male student athletes, who comprise a large majority of the male student athlete population, in comparison to overall graduation rates.³⁴⁰ As of 2018, the Black male student-athlete graduation rate for the University of California, Berkeley was 39 percent, much lower than the 91 percent graduation rate for students overall.³⁴¹ The graduation rate for Black male student-athletes at the University of California, Los Angeles was 57 percent, while the overall graduation rate was 91 percent.³⁴² More generally, Black male student-athletes rarely accrue the benefits of higher education, beyond athletics.³⁴³ Black athletes reported that coaches prioritize athletic accomplishment over academic engagement and discouraged participation in activities beyond their sport.³⁴⁴ Though many Black athletes aspire to become professional players, the NFL and National Basketball Association draft fewer than two percent of student athletes each year.³⁴⁵ The University of California system pressures Black student-athletes to labor for its highly profitable athletic programs while they receive no compensation, risk damage to their health, and divert their focus from their education—all for the unlikely chance at being drafted into professional sports.

VII. Restraints on African American Leisure and Recreation

Across the United States, state and local governments have prohibited African Americans from participating in leisure.³⁴⁶ Public parks, recreation centers, and pools³⁴⁷ and the passageways to access them³⁴⁸ are located away from African American communities, restricted, or closed. Further, various government statutes, including anti-cruising, anti-gathering, and curfew laws, have often targeted African Americans' ability to enjoy leisure time.³⁴⁹

California

The State of California engaged in racist restrictions on African American business owners through zoning ordinances, licensing laws, fire and safety codes, and anti-nuisance provisions, which discriminated against African American business owners and their African American customers. Racist state actions against predominantly African American leisure sites, included denying liquor or food licenses and heightened police surveillance at Black-owned bars and restaurants.³⁵⁰ In *Shaw v. California Dept of Alcoholic Beverage Control*, African American tavern owners brought a civil rights action against the California Department of Alcoholic Beverage Control and the City of San Jose in 1986.³⁵¹ The African American tavern owners sued for violation of their civil rights based upon improper revocation of their liquor license and discriminatory enforcement of the law.³⁵² The court agreed that the loss of the bar's liquor license was due to racially discriminatory harassment by the San Jose police force.³⁵³

Cities in California also used eminent domain to seize the land of African American business owners who sought to establish leisure enterprises. The Manhattan Beach authorities in Southern California, prohibited the growth and development of Black-owned leisure businesses, such as Bruce's Beach.³⁵⁴ In 1912, Ms. Willa "Willie" Bruce purchased two lots near Manhattan Beach from white real estate brokers for \$1,225. She developed the land with a cottage, food establishment, and store—called Bruce's Lodge.³⁵⁵ The lodge was popular with African American Los Angeles residents.³⁵⁶ By 1926, six other African American families had bought property near the lodge for vacation homes.³⁵⁷ This caused many white neighbors and beachgoers to complain, harass, and attack the African American beachgoers, their families, and their establishments.³⁵⁸ The Manhattan Beach Board of Trustees and a white Manhattan Beach resident threatened to report Bruce's Beach for allegedly selling liquor during the prohibition, so that all the people on Bruce's property could be arrested.³⁵⁹

In 1924, Manhattan Beach authorities enacted new laws with fines and penalties for violations of parking and zoning laws to discourage African American visitors.³⁶⁰ For example, "10 minute only" parking signage was put up to prevent visitors from staying because parking would be extremely limited.³⁶¹ Ordinance 273 prevented "bath-houses" in the same area as Bruce's, so there could be no further bathhouse developments or expansions at the beach.³⁶² Manhattan Beach authorities then used eminent domain to condemn the beach as a public park under the Park and Playground Act of 1909.³⁶³ This action was petitioned for by white citizens in the area, and backed by Ku Klux Klan members, including those who befriended Board of Trustee members.³⁶⁴ Today, the two parcels

COURTESY OF MERRIAM MATTHEWS PHOTOGRAPH COLLECTION/UCLA



Louise and Byron Kenner in bathing suits at Bruce's Beach, with a beach house visible behind them. Bruce's Beach, in the city of Manhattan Beach, was purchased by Willa and Charles Bruce in 1912. They built a beach resort. The city closed down the resort in the 1920s by proposing to build a park and imposing eminent domain. (c. 1920)

of land that were part of Bruce's Beach are now worth millions.³⁶⁵ In 2021, California Governor Gavin Newsom signed Senate Bill No. 796, authorizing the county to transfer the land back to the Bruce family after nearly 100 years.³⁶⁶ The Los Angeles County Board of Supervisors voted unanimously to begin the process of transferring the land.³⁶⁷ That process included a plan for the county to lease the land as well as an option to purchase the land back from the family for up to \$20 million, and the family did then sell the property to the county.³⁶⁸

Local governments in the State of California restricted access to public pools for African American Californians. The Brookside Plunge was a public pool in Pasadena, which opened on July 4, 1914.³⁶⁹ It was initially only open

the pool.³⁷² Though they won, Pasadena closed the pool until the NAACP secured an injunction forcing the pool to reopen in 1947 with no racial restrictions.³⁷³ The pool site suffered from a lack of financial support and closed

in 1983, leading a local swim coach and several donors to form the AAF Rose Bowl Aquatic Center.³⁷⁴ This center was supposed to be open to all, but discouraged access for African American people due to the “country club” atmosphere.³⁷⁵ The Pasadena city council ignored this issue and allowed the formation of the center with public funds.³⁷⁶

City and county police departments in California engaged in targeted harassment of African American owned businesses that provided lei-

City and county police departments in California engaged in targeted harassment of Black owned businesses that provided leisure opportunities to Black Californians. In 1927, the Parkridge Country Club was sold to a group of Black entrepreneurs. After the Ku Klux Klan burned a cross on the front lawn and white club members sued the previous owner for the sale, the Black entrepreneurs were forced to withdraw their bid.

to nonwhite individuals on Wednesday afternoons and evenings.³⁷⁰ Eventually, it only opened for a shorter time—on Tuesdays between 2pm and 5pm—in retaliation to a legal challenge from African American taxpayers in the area.³⁷¹ The Los Angeles branch of the National Association for the Advancement of Colored People sued the city following the denial of six Black men to

sure opportunities to African American Californians. In 1927, the Parkridge Country Club was sold to a group of African American entrepreneurs.³⁷⁷ After the Ku Klux Klan burned a cross on the front lawn and white club members sued the previous owner for the sale, the African American entrepreneurs were forced to withdraw their bid.³⁷⁸

VIII. Conclusion

African Americans have suffered from discrimination in almost every type of cultural and artistic pursuit, including arts, sports, leisure, fashion, literature, media, and music. The United States has historically denied African Americans to own their intellectual and artistic property, engage in leisure activities without restriction, and receive fair compensation for their athletic talent. State and federal governments have endorsed blackface minstrelsy, promoted racist cinematic depictions of African Americans, allowed segregation in arts and culture, denied patents to African American inventors, and punished African Americans for protesting racial injustice. Federal and state governments failed to protect African American artists, culture-makers, and media-makers from discrimination while simultaneously promoting discriminatory narratives.

Today, African American artists, culture-makers, presenters, and entrepreneurs must contend with the legacy of enslavement, as they continue to be deprived of rightful profits from their intellectual, artistic, athletic, and creative labors. African Americans continue to face racial discrimination, difficulties in obtaining patents and copyrights, and at times, are not even compensated at all for their creative and physical labors. African Americans are weighed down by the legacy of enslavement, echoing the impacts felt by their ancestors, even as they attempt to pursue creative endeavors that empower and uplift African American communities.

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