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*Race and Sports in American: An Historical  
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# Race and Sports in America: An Historical Overview

Timothy Davis\*

## I. Introduction

Although sport is one of the dominating cultural practices in the social life of the United States,<sup>1</sup> it has traditionally been viewed as a discrete social phenomenon largely untouched by the problems of American society.<sup>2</sup> Sociologist George Sage wrote that while this traditional portrayal of sport may be comforting, no cultural practice, including sports, is “isolated from the social, economic, political, and cultural context in which it is situated.”<sup>3</sup> Professor Sage and other scholars often characterize sport as a “microcosm of society” in that the “individual attitudes, values, and beliefs in the broader society become an integral part of sporting practices.”<sup>4</sup> As such, sports have revealed the dominant attitudes and practices regarding race relations in the United States throughout the country’s history.<sup>5</sup> This article provides an historical overview of the influence of race in the United States. In particular, it focuses on the experiences of African Americans, demonstrating that their experiences in sports have largely paralleled their experiences in the broader dimensions of American society.

## II. Historical Eras

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<sup>1</sup> George H. Sage, Introduction *to Diversity and Social Justice in College Sports* 1 (D. Brooks & R. Althouse eds., 2007).

<sup>2</sup> Id.

<sup>3</sup> Id. at 2.

<sup>4</sup> Id. at 5.

<sup>5</sup> Id.

## A. The Slavery Era

Despite efforts to cast sports as a competitive activity in which anyone with the requisite skill can both participate and succeed,<sup>6</sup> racial discrimination in American society at large has played a persistent and significant role in each era of American sport, including the present era. During the antebellum era, African Americans were subject to great oppression. This was particularly true given the pervasiveness of slavery. The institution of slavery left little opportunity for the vast majority of African Americans to engage in leisure or recreational activities.<sup>7</sup> Moreover, few sports venues were available in which African Americans could engage in sports activities.<sup>8</sup>

To the extent slaves participated in sports, their involvement reflected the prevailing attitudes regarding race. One such attitude was that whites were dominant and in control, so that African Americans assumed subordinate roles.<sup>9</sup> For their and their friends' entertainment, plantation owners selected and entered slaves into boxing matches.<sup>10</sup> Slaves also served as jockeys and trainers under the supervision of white owners. Because slaves assumed these roles, very little status was ascribed to being a jockey or trainer; consequently, material rewards were minimal. In fact, blacks were permitted to be jockeys because horse riding was considered a mechanical exercise which

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<sup>6</sup> Id.

<sup>7</sup> David K. Wiggins & Patrick B. Miller, *The Unlevel Playing Field: A Documentary History of the African American Experience in Sport* 7 (2003); see John Hope Franklin & Alfred A. Moss, Jr., *From Slavery to Freedom: A History of African Americans* 133 (7th ed. 1994) (commenting that the difficulties associated with life-sustaining activities left scarce time for recreational pursuits).

<sup>8</sup> Wiggins & Miller, *supra* note 7, at 9.

<sup>9</sup> Franklin & Moss, *supra* note 7, at 129 (“Southern planters were at the center of the economic, social and political life of their community and naturally had the feeling that they should dominate the lives of their black property completely.”); *id.* at 124 (noting that a body of law, the Slave Codes, was developed to repress slaves and keep them subordinate in every aspect of life).

<sup>10</sup> Sage, *supra* note 1, at 5. See also William C. Rhoden, *Forty Million Dollar Slaves: The Rise, Fall, and Redemption of the Black Athlete* 47-48 (2006) (noting that slaves also participated in wrestling and foot races).

whites had no interest in performing.<sup>11</sup> There are historical accounts, however, of some slaves riding against white riders and sometimes receiving compensation for their services.<sup>12</sup> Not only did slaves' participation in sports serve as a source of slaveholders' entertainment, sports were viewed as having an anti-rebellion effect. A prevailing theme of this era was that sports were a safe venue within which slaves could vent their anger, aggression, and hostility. Thus, sports arguably served as a mechanism for dulling slaves' "revolutionary instinct."<sup>13</sup>

The experience of northern blacks was markedly different. Prior to the Civil War, African Americans participated in a broad range of sports and recreational activities in America's urban centers.<sup>14</sup> However, blacks often endured the frustration of having to confront racial discrimination such as that which limited their access to public recreational facilities.<sup>15</sup>

### **B. Reconstruction – Limited Opportunity**

The Reconstruction era produced changes in both the economic, political, and social status of African Americans. During Reconstruction, African Americans gained increased access to hospital care and education. African Americans used their newly acquired economic and political gains to pass civil rights laws in some southern states and to repeal certain of the Black Codes, supremacist laws passed by white legislatures immediately after the Civil War. "[A]s a foundational part of Reconstruction, at least

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<sup>11</sup> Sage, *supra* note 1, at 5; see also Roden, *supra* note 10, at 47-48 (describing other sports in which slaves participated, including wrestling and foot races).

<sup>12</sup> Wiggins & Miller, *supra* note 7, at 25.

<sup>13</sup> Rhoden, *supra* note 10, at 47.

<sup>14</sup> Arthur R. Ashe, Jr., *A Hard Road to Glory: A History of the African American Athlete 1619-1918*, 11 (1988).

<sup>15</sup> *Id.*

minimal structures of legal and political equality had been implemented, and Blacks had significant voting and office-holding powers in most states and localities.”<sup>16</sup>

Mirroring developments across American society, particularly in southern states, Reconstruction represented a period of limited inclusion for African Americans in sport. During the period immediately following the Civil War, African Americans achieved acclaim in sports, most notably boxing, baseball, horse racing, and cycling.<sup>17</sup> Moses “Fleetwood” Walker and Weldy Walker signed contracts with the Toledo Mudhens of the major league baseball American Association in the mid-1880s.<sup>18</sup> In 1887, seven African Americans were on rosters of baseball’s most prestigious minor league, the International League. Like the Walkers, these players were often subjected to on and off the field discrimination.<sup>19</sup> Nevertheless, blacks were on teams of other minor leagues and continued to play on major league baseball minor league teams until the mid-1890s.<sup>20</sup> African Americans, such as Isaac Murphy, dominated as jockeys and won prestigious

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<sup>16</sup> James W. Fox, Jr., *Intimations of Citizenship: Repressions and Expressions of Equal Citizenship in the Era of Jim Crow*, 50 *How. L.J.* 113, 132 (2006).

<sup>17</sup> See generally Ashe, *supra* note 14, at 22-28, 30-38. Boxers who achieved considerable acclaim included George Dixon, Peter Jackson, and the controversial Jack Johnson. Historian David Wiggins provides the following cogent description of the experiences of Jack Johnson:

Johnson . . . became the first African American to capture the world’s heavyweight championship, holding on to the title for some seven years. . . . As great as Johnson’s exploits were in boxing, it was outside the squared circle that Johnson gained the most attention and caused the greatest controversy. He has often been referred to as a “Bad Nigger,” a man who played on the worst fears of the dominant culture by marrying three white women and having illicit affairs with a number of others. . . . Although a hero to many members of his race, Johnson drew the wrath of segments of both the African American and white communities because of his unwillingness to assume a subservient position and play the role of the grateful black.

David K. Wiggins, *Climbing the Racial Mountain: A History of the African American Experience in Sport, in Diversity and Social Justice in College Sports* 25 (Ronald C. Althouse & Dana D. Brooks eds., 2007).

<sup>18</sup> J. Gordon Hylton, *American Civil Rights Laws and the Legacy of Jackie Robinson*, 8 *Marq. Sports L.J.* 387, 389-90 (1998). The Walkers were the only African Americans to play for what was considered a major league team in the nineteenth century. *Id.*

<sup>19</sup> Bill Pennington, *Breaking a Barrier 60 Years Before Robinson*, *N.Y. Times*, July 27, 2006, [http://www.nytimes.com/2006/07/27/sports/27hall.html?\\_r=2&pagewanted=print&oref=slogin&oref=slogin](http://www.nytimes.com/2006/07/27/sports/27hall.html?_r=2&pagewanted=print&oref=slogin&oref=slogin) (last visited Apr. 27, 2008). For example, some of the pitchers for whom Walker caught would not let him call pitches for them. Other pitchers would deliberately attempt to cross him up with the pitches that they threw to him. There were other illustrations of overt racial discrimination. Black players lost their jobs simply because a white teammate complained about playing with a black man. *Id.*

<sup>20</sup> Hylton, *supra* note 18, at 390; Pennington, *supra* note 19, at 1, 3.

events such as the Kentucky Derby. Although blacks achieved success in horseracing, baseball, cycling, and boxing, sports remained largely segregated during Reconstruction.

### **C. Post-Reconstruction Era – The Emergence of Jim Crow and Exclusion**

Developments in the larger political arena such as efforts to disenfranchise African Americans, court decisions including *Plessy v. Ferguson*,<sup>21</sup> the Dixiecrats' surge to power, and the emergence of "black codes" effectively excluded African Americans from many spheres of American life during the years following Reconstruction.<sup>22</sup> The years between 1890 and 1915 represented a period of American history marked by racial repression.<sup>23</sup> As one professor described, "[t]acitly sanctioned violence was a critical component of the repression that followed the end of Reconstruction."<sup>24</sup> Commenting on the plight of African Americans during the first part of the twentieth century, historian Manning Marable wrote, "for all practical purposes, the black American was proscribed by the state from any meaningful political and social activity for two generations. Behind this powerful proscription, as always, was the use of force."<sup>25</sup> Laws consisting of state statutes, municipal codes, and judicial decisions played a critical role in the creation of segregation.<sup>26</sup> Laws upheld segregation and were thereby

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<sup>21</sup> 163 U.S. 537 (1896).

<sup>22</sup> Wiggins, *supra* note 17, at 24; John H. Powell, *The Race and Class Nexus: An Intersectional Perspective*, 25 *Law & Ineq.* 355, 376-79 (2007).

<sup>23</sup> Rhoden, *supra* note 10, at 69; Fox, *supra* note 16, at 132 (violent intimidation was a critical and initial component of the strategy employed by whites, particularly in the south, to subordinate blacks). The repression of blacks was not motivated strictly by race. It was related to efforts to crush the populism and the northern labor movement with blacks often serving as scapegoats. Powell, *supra* note 22, at 377-78.

<sup>24</sup> Powell, *supra* note 22, at 376.

<sup>25</sup> Manning Marable, *Race, Reform and Rebellion: The Second Reconstruction in Black America 1945-2006* 11 (1984).

<sup>26</sup> Fox, *supra* note 16, at 135-36. "In using the legal system as a means of supremacy, the Jim Crow South ultimately changed the very language and meanings of law itself. Law came to mean authoritarian control, not equality and justice." *Id.* at 159. Professor Fox continues,

an effective means by which white southerners secured the electoral and political power they had acquired through “violence and fraud.”<sup>27</sup>

The treatment afforded African Americans in sports reflected the deterioration of the political, social, and economic condition of African Americans in the United States, particularly in the southern states. Historian David Wiggins wrote that the exclusion of African Americans was “given a philosophical rationale based on a combination of social Darwinism, the rise of imperialism around the world, and the spread of pseudoscientific writings by academicians and others.”<sup>28</sup> Wiggins added, “well-known thinkers . . . gave support to the belief that African Americans were on the lowest rung of the evolutionary ladders, incapable of surviving in a competitive society due to their intellectual and emotional inferiority.”<sup>29</sup>

Ironically, the success and acclaim that African Americans had achieved in horseracing, cycling, and baseball ultimately limited their participation opportunities. African-American success in sporting endeavors contradicted the theories of black inferiority and invoked fears of many whites of sports being taken over by African Americans.<sup>30</sup> In addition, white players were jealous of the success of black athletes.

## 1. Professional Sports

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[L]aw therefore played an essential role in Jim Crow. As Leon Litwack observes, “[t]he entire machinery of justice—the lawyers, the judges, the juries, the legal profession, the police—was assigned a pivotal role in enforcing these imperatives, in exercising social control, in underscoring in every possible way the subordination of [B]lack men and women of all classes and ages.”

Id. at 161.

<sup>27</sup> Id. at 134-35. Commenting on the law’s support for segregation, Professor Fox adds that law also provided a veneer of legitimacy to their policies, which allowed southern whites to appease their own conscience about excluding a near majority of voters from “democratic” elections, and which also enabled northern whites to feel more comfortable with the political and legal reconciliation they so desired with the white South and the concomitant abandonment of African-American citizens by northern whites and the federal government. Id. at 135.

<sup>28</sup> Wiggins, *supra* note 17, at 24.

<sup>29</sup> Id.

<sup>30</sup> Rhoden, *supra* note 10, at 60.

Horseracing and major league baseball vividly illustrate how the exclusion of African Americans from large segments of American society was mirrored by the exclusion of African Americans from most organized sports during the post-Reconstruction/Jim Crow era.

African American jockeys disappeared because of a confluence of powerful forces – owners and trainers who stopped hiring them, white jockeys who ganged up on them, and the Jockey Club that systematically denied the reenlisting of blacks. Black riders became victims of the Jockey Syndrome, or changing the rules to fit a need – the need to maintain control in the face of a perceived challenge to white supremacy.<sup>31</sup>

Gentlemen's agreements barred blacks and dark-skinned Latinos from participating in major league professional baseball. The National League's effort to ban blacks in 1876, through a written policy of exclusion, was unsuccessful due to its lack of control over the various circuits in baseball.<sup>32</sup> A successful effort by the International League in 1887 created an informal rule of exclusion when six of its ten members voted to exclude blacks, purportedly due to concern that the League's best players would leave if they had to continue to play against black players.<sup>33</sup>

The International League vote created an informal rule and set a precedent for all levels of organized baseball. Increasingly, baseball signaled to black ballplayers its unwillingness to accommodate them. This unwillingness manifested in increased levels of verbal and physical abuse from fans and players, efforts by white teammates to sabotage black players, and comments by the press and others that unfairly criticized black players and purposefully devalued their accomplishments.<sup>34</sup>

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<sup>31</sup> Id. at 68.

<sup>32</sup> Timothy Davis, *Breaking the Color Barrier*, in *Courting the Yankees: Legal Essays on the Bronx Bombers* 336-37 (Ettie Ward ed. 2003).

<sup>33</sup> Id. at 337.

<sup>34</sup> Id.

Consequently, by the early to mid-1890s, African Americans were prohibited from playing organized professional baseball in the United States. In April 1891, an author stated, “[p]robably 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.”<sup>35</sup>

As a result of these policies, African Americans and dark-skinned Latinos were completely excluded from organized professional baseball by the beginning of the twentieth century. The exclusionary “gentlemen’s agreements” had the full force and effect of a formal contract. Baseball’s and organized sports leagues’ first commissioner, Judge Kennesaw Landis, staunchly enforced yet denied the existence of such a ban.<sup>36</sup> He commented, “[T]here is no rule, formal or informal, or any understanding—unwritten, subterranean, or sub-anything against the hiring of Negro players by the teams of organized baseball.”<sup>37</sup> The reach of the gentlemen’s agreements extended to the minor leagues such that by 1899 only one African American played organized baseball in the United States.<sup>38</sup> The exclusion of African Americans from major league baseball would eventually be followed by the segregation of other prominent professional team sports, including football and basketball.

## **2. College Sports**

Like professional sports, collegiate sports mirrored the social norms and practices of American society in the late 19th and first half of the 20th century. During the Jim Crow era, blacks were largely excluded from collegiate sports, which were dominated by

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<sup>35</sup> Hylton, *supra* note 18, at 391.

<sup>36</sup> Davis, *supra* note 32, at 337.

<sup>37</sup> *Id.*

<sup>38</sup> Hylton, *supra* note 18, at 391-92.

white, upper class, Protestant males.<sup>39</sup> In the South, the prohibitions on blacks attending white colleges and universities excluded black athletes from playing for white southern schools. In addition, Jim Crow laws enacted to preclude and limit white and black social interactions were broadly applied to bar direct sporting competitions between them.

The few African Americans who participated on predominantly white teams did not escape the racism's viciousness. Informal rules, gentlemen's agreements, and custom precluded intercollegiate competitive opportunities for African Americans at southern colleges. Black athletes seeking intercollegiate competition were restricted to historically black colleges and a few predominately-white colleges in the North,<sup>40</sup> where informal rules restricted their opportunities. For example, many northern schools required blacks to sit out games against southern teams.<sup>41</sup> Due to informal quotas, only one or two roster slots were typically reserved for black athletes.<sup>42</sup> The "superspade" requirement also restricted real playing opportunities to those blacks who were considered capable of "provid[ing] 'super performances' to justify their presence on" predominately white college teams in the north.<sup>43</sup> The superspade requirement also resulted in blacks being made their scapegoats for their athletic teams' failures.<sup>44</sup>

African Americans were the subjects of discrimination in the locker room and on the playing field. Moreover, informal rules isolated African-American athletes from mainstream athletic, social, and academic life. Black athletes who played for white institutions were "channeled into sports such as track and field, and to a lesser extent,

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<sup>39</sup> Sage, *supra* note 1, at 8.

<sup>40</sup> Timothy Davis, *The Myth of the Superspade: The Persistence of Racism in College Athletics*, 22 *Fordham Urb. L.J.* 615, 624 (1995).

<sup>41</sup> *Id.* at 628.

<sup>42</sup> *Id.* at 629.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.* at 632.

football. These sports were not viewed as involving the type of intimate physical contact required by basketball and swimming.”<sup>45</sup>

### 3. Justifications

Segregated sports in America also illustrate rational discrimination whereby cognitive beliefs are developed in an attempt to mask otherwise impermissible motives such as racial discrimination.<sup>46</sup> In an effort to explain the hypocrisy resulting from segregation, Major League Baseball’s owners fashioned rationalizations, often focused on the shortcomings of other people, which masked their inability to admit to discrimination.<sup>47</sup> Race based stereotypes and myths regarding African-American athletes were prominent among the reasons offered to justify their exclusion from sport. Baseball’s owners argued that African Americans lacked the requisite talent, intelligence, and motivation to compete successfully in the major leagues.<sup>48</sup> These owners also reasoned that integration would lead to discord among teammates.<sup>49</sup> However, despite the racist views held by Ty Cobb and other white players, a poll taken in the 1930s revealed that most major leaguers did not voice an objection to integration.<sup>50</sup> Although the sincerity of the views expressed is unclear, the poll suggests that the owners’ concern regarding the interaction between white and black players was overstated. In addition, owners argued that integration would cause major league baseball to violate local laws

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<sup>45</sup> Id. at 631-32.

<sup>46</sup> John O. Calmore, *Close Encounters of the Racial Kind: Pedagogical Reflections and Seminar Conversations*, 31 U. Fla. L. Rev. 903 (1997) (referring to this process of rational discrimination which involves the development of cognitive beliefs to mask impermissible motives such as racial discrimination).

<sup>47</sup> Davis, *supra* note 32, at 338.

<sup>48</sup> Id. at 338.

<sup>49</sup> Jules Tygiel, *Baseball’s Great Experiment: Jackie Robinson and His Legacy* 32-33 (1997).

<sup>50</sup> Id. at 33.

and customs that prohibited white and black social interaction and athlete participation.<sup>51</sup> Finally, owners articulated the fear that integration would alienate their white customer fan base and erode the financial position of clubs since few blacks attended major league baseball games.<sup>52</sup> Here, race converged with economics since owners feared an influx of black players and fans would prompt white fans to desert their ballparks. In this regard, historian Jules Tygiel wrote, “white indifference, rather than fan hostility, posed the principal obstacle to integration. Northern whites knew that the major leagues were segregated, but the issue seldom intruded upon their thoughts.”<sup>53</sup>

#### **4. The Majority Response to Segregation**

During the segregation era, the absence of African Americans from professional sports leagues and southern college teams was largely ignored. The position taken by whites involved in the sports industry mirrored that taken by whites in broader American society:

For the majority of whites, no “negro problem” existed in baseball or American society. This attitude, which has been dubbed the “conspiracy of silence,” could be easily adhered to in the case of baseball since the sport was played primarily in northern venues, removed from the areas in which Jim Crow was rigidly enforced.<sup>54</sup>

The conspiracy of silence during this period in baseball and other American institutions reflect an approach that persists. Commenting on the tendency of Americans to ignore race-related issues, one commentator remarked that:

[W]e approach questions of race and treat them like a family who is hiding the crazy aunt in the attic (or the crazy uncles in the basement). Everyone knows she is there, we feel her presence, but we refuse to admit that her shouts and musing are creating a dysfunctional situation. We choose

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<sup>51</sup> Id.

<sup>52</sup> Id. at 33-34.

<sup>53</sup> Id. at 34.

<sup>54</sup> Davis, *supra* note 32, at 337-38.

instead to continue our charade, behaving as if their intrusions have not influenced our behavior toward or relationships with one another.<sup>55</sup>

## 5. The African-American Response to Segregation

The African-American response to highly segregated American society between the late 1800s and the 1940s was to form separate organizations. One example is the National Bar Association, formed by black lawyers excluded from membership in the American Bar Association before 1943.<sup>56</sup> Due to the exclusionary practices of the American Medical Association, African Americans created the National Medical Association in 1895.<sup>57</sup> African Americans formed other parallel business and professional organizations during this period including the Independent National Funeral Directors Association, the National Negro Press Association, and the Nation Negro Insurance Men's Association. Additionally, segregation led African Americans to create social and cultural institutions such as fraternities and sororities as well as professional organizations.

Once again mirroring developments in other segments of American professional and social life, the reaction of blacks in sports was to form their own sports organizations. Perhaps the best known of these were the National Negro Baseball League and the American Negro League, which competed against each other and were the cornerstone of black baseball for over twenty years during the 1930s and 1940s.<sup>58</sup> Lesser-known but nonetheless significant were the sports leagues and organizations established by the black community at the high school and college levels. Formed in 1906, the Interscholastic

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<sup>55</sup> Calmore, *supra* note 46, at 903.

<sup>56</sup> Hylton, *supra* note 18, at 395.

<sup>57</sup> National Medical Association, About the NMA: History, [http://www.nmanet.org/index.php/nma\\_sub/history](http://www.nmanet.org/index.php/nma_sub/history) (last visited Apr. 28, 2008).

<sup>58</sup> Wiggins, *supra* note 17, at 31. See generally Alfred D. Mathewson, Major League Baseball's Monopoly Power and the Negro Leagues, 35 *Am. Bus. L.J.* 291 (1998).

Athletic Association was comprised of schools from black high schools located in Washington, D.C.; Indianapolis; Wilmington; and Baltimore. It organized contests in football, baseball, basketball, and track and field.<sup>59</sup> Other such organizations were formed in different parts of the United States to provide organized interscholastic competition for African-American high school students. The development of organized sports leagues at historically black colleges complemented the interscholastic programs.

#### D. The Civil Rights Era: Reintegration

The convergence of several forces led to the reintegration of college and professional sports in the period following World War II. These included the weakening of the conspiracy of silence regarding American racism given the contradiction between the democratic ideals articulated in support of the U.S. war effort and the racism practiced against African Americans and other persons of color. Other variables which marked incremental yet real progress for African Americans included the improvement in the quality and accessibility of black education, increased participation in electoral politics and political power, laws passed in northern states prohibiting racial discrimination in employment, the *Brown v. Board of Education* decision, and the increase in the 1940s of the median income of nonwhite wage- and salary-earners.<sup>60</sup> There was also the shift in racial attitudes of some whites that gained momentum in the late 1930s and subsequently led to increased interracial activities and greater appreciation and respect for nonwhite Americans.<sup>61</sup> The increased commercialization of college sports played a prominent role leading to their integration, when those in leadership

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<sup>59</sup> Id. at 27.

<sup>60</sup> Marable, *supra* note 25, at 15.

<sup>61</sup> David K. Wiggins, *Glory Bound: Black Athletes in White America* 89-90 (1997).

positions at predominately-white institutions realized that not allowing African-Americans athletes to play on their team constituted poor financial policy.<sup>62</sup>

Although often overlooked, the post-World War II integration of organized professional sports was also a consequence of organized campaigns to end the racial segregation in sport. Young African-American sports writers aggressively campaigned to integrate baseball. By criticizing baseball's segregationist policy, these writers and their allies (the Communist party, civil rights groups, progressive whites, and radical politicians) brought previously ignored issues into the public arena.<sup>63</sup> Beginning in 1933, Wendell Smith, the sports editor for the *Pittsburg Courier-Journal*, began a campaign that aggressively protested the exclusion of African Americans from baseball.<sup>64</sup> The initial goal of the *Courier-Journal's* efforts was convincing owners of major league teams that black players possessed the ability and character to compete effectively in the big leagues.<sup>65</sup> In this regard, the *Courier-Journal* conducted interviews with white players regarding the skills of black players, and it published articles about the accomplishments of black players in the Negro Leagues, as well as black players' success against white major leaguers in exhibition games.<sup>66</sup>

Internal events also helped to set the stage for the integration of baseball. The death of baseball commissioner Landis removed a major impediment to integration. The manpower shortage due to the military draft was a factor, in addition to other relevant

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<sup>62</sup> Sage, *supra* note 1, at 9.

<sup>63</sup> Davis, *supra* note 32, at 340-41. One such ally was the *Chicago Tribune's* Westbrook Pegler, who in 1931 posed the question of how baseball could be the National Pastime if blacks were excluded. Wiggins, *supra* note 61, at 81.

<sup>64</sup> *Id.* at 80-81.

<sup>65</sup> *Id.* at 80, 83.

<sup>66</sup> *Id.* at 80, 84.

economic considerations.<sup>67</sup> One writer noted at the time that “[a]dding impetus for the drive for baseball’s integration was the ever-more-apparent success of the Negro League,” which proved the willingness of blacks to spend on baseball entertainment.”<sup>68</sup>

At the intercollegiate level, the black press and its allies also campaigned to increase participation opportunities for African-American student-athletes. In the early 1940s, protests by African-American athletes and their supporters revealed that discriminatory practices at predominately-white colleges would no longer be quietly condoned.<sup>69</sup> The decision of New York University to follow the then-common practice of benching black players when its team competed against southern teams led to a mass protest by NYU students against the university’s administration and its athletic department.<sup>70</sup>

### **1. Reintegration of Professional Sports**

The Brooklyn Dodgers’ signing of Jackie Robinson in 1945 broke the color barrier in baseball. Initially the pace of desegregation in baseball proceeded slowly due to the lack of financial incentives for owners to sign black players, racism, and the conservative nature of baseball owners. The pace of integration quickened in the 1950s, and by 1959, when the Boston Red Sox promoted Pumpsie Green from its minor league affiliate, all major league baseball teams had integrated.<sup>71</sup>

The signing of Jackie Robinson and the events that influenced baseball’s willingness to desegregate precipitated the desegregation of other organized sports,

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<sup>67</sup> Davis, *supra* note 32, at 341.

<sup>68</sup> *Id.* at 340-41.

<sup>69</sup> Davis, *supra* note 40, at 633, n. 82

<sup>70</sup> *Id.* The protest at NYU brought together a broad coalition comprising “all facets of the university community, white and black, fraternities and sororities, Communists and would-be Jesuit missionaries, the Women’s Coalition, various Jewish students’ organizations, and concerned faculty.” Donald Spivey, *The Black Athlete in Big-Time Intercollegiate Sports, 1945-1968*, 44 *Phylon* 116, 119 (1983).

<sup>71</sup> Wiggins, *supra* note 17, at 34.

particularly at the professional level. The National Football League's predecessor, the American Professional Football Association was formed in 1920 and initially permitted blacks to play. This ended in 1934, when a gentlemen's agreement barred African Americans from playing in the league. Twelve years later, both the National Football League and the All-American Football Conference were integrated.<sup>72</sup> African Americans were permitted to use the lanes of the American Bowling Congress in 1949.<sup>73</sup> In 1950, professional basketball was integrated, and Althea Gibson was the first African American allowed to play at Forest Hills in the United State Tennis Championship.<sup>74</sup>

## **2. Integration of College Sports**

Nationwide, racial integration at the interscholastic and collegiate levels moved at a slower pace. It should be noted, however, that beginning in the 1930s there was a substantial increase in the number of black athletes competing for positions at predominately-white institutions. This was due, in part, to the increasing commercialization and competitiveness of college sports and the desire by some northern schools to secure the services of the best athletes available, regardless of race.<sup>75</sup> By the end of War World II, virtually all predominantly-white northern schools had opened their doors to black athletes.<sup>76</sup> The pace of change was slower in the south, which continued to bar black athletes in the years immediately following World War II. In 1963, the Atlantic

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<sup>72</sup> Id. at 35. In 1962, the NFL's last all-white team was integrated when the Cleveland club traded Bobby Mitchell to the Washington club.

<sup>73</sup> Id. Football was reintegrated in 1946, when Bill Willis and Marion Motley signed contracts to play for the Cleveland Browns, and Kenny Washington and Woody Strode signed with the Los Angeles Rams. Jarrett Bell, Trailblazer with stories: Bill Willis, who helped reintegrate the NFL 60 years ago, is a patriarch to today's African American players, USA Today, Nov. 22, 2006, C1.

<sup>74</sup> Id.

<sup>75</sup> See Davis, *supra* note 40, at 633 n. 81. Another factor was the greater influx of black students enrolled at predominantly white institutions due in part to the migration of blacks from the South to the North that accelerated in the 1930s and ebbed somewhat in the 1940s. Id.

<sup>76</sup> Id. at 634 n. 85.

Coast Conference, the ACC, was the first to break the color line when Darryl Hill played football for the University of Maryland.<sup>77</sup> The number of African Americans competing for southern intercollegiate teams would not increase substantially until the late 1960s.<sup>78</sup>

### **3. The African American Athletes' Experience**

During the Civil Rights era, African Americans began to and eventually gained access to opportunities to compete in college and professional sports that were previously off-limits. Access to such opportunities did not eradicate the influence of race in sports. During the initial periods of reintegration, team owners and managers reacted to the potentially substantial influx of African Americans by imposing artificial limits on the number of African Americans who could participate on professional teams<sup>79</sup> and on college teams on predominately-white campuses.<sup>80</sup> Moreover, only the most accomplished African Americans earned roster spots since this wave of African-American athletes had to overcome the perception that they lacked the requisite skill to compete adequately against white players.

Positional stacking was another manifestation of the persistence of racism following the reintegration of professional and southern college teams. Positional stacking is the phenomenon that assigns certain individuals to specific athletic positions

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<sup>77</sup> Wiggins, *supra* note 17, at 36.

<sup>78</sup> *Id.*

<sup>79</sup> Rhoden, *supra* note 10, at 161. Black football star R.C. Owens remarked that following the integration of the NFL it was rare to see more than two to four black players on football squads. Those who made the roster possessed exceptional skills. Owens also recalled that there were never an odd number of black players on a team. During the early stages of the NFL's reintegration, black players were on teams in pairs of two or four. *Id.*

<sup>80</sup> David K. Wiggins, *Prized Performers, but Frequently Overlooked Students: The Involvement of Black Athletes in Intercollegiate Sports on Predominantly White University Campuses, 1890-1972*, 62 *Res. Q. for Exercise & Sport* 164, 172 (1991). "Although athletic programs [after World War II] increasingly viewed black athletic talent as a means to achieve national recognition and were quick to lay claim to helping improve race relations in America, northern institutions still continued to recruit only black superstars and set quotas as to how many of them could participate on their teams at one time." *Id.*

based on presumed racial or ethnic characteristics rather than ability.<sup>81</sup> Blacks were channeled into positions, such as the outfield in baseball, where it was believed players could excel by relying on natural ability, speed, and instinct. Thus, African-American athletes were steered away from positions perceived as requiring mental acumen and organizational and leadership abilities, such as center, free safety, and quarterback in football, and second base, shortstop, pitcher, and catcher in baseball.<sup>82</sup>

Although African Americans gained the access to opportunities to compete in college and professional sports, racism manifested most acutely in discriminatory forms of treatment by both fans and management. Black players, particularly in the minor leagues, were frequently subjected to the racial insults of fans. Management rarely assigned white and black players as roommates on road trips. Notwithstanding the racially tense environment of the early years of the reintegration of American sports, the relationship between most black and white players were primarily cordial notwithstanding limited social contact, friendship, and occasional fights.<sup>83</sup>

Author William Rhoden notes that blacks confronted another issue. Despite their ability, style, and on-field accomplishments, black athletes were not embraced by the media and public on an equal footing with the white athlete. Greats such as Willie Mays were not included in baseball folklore.

[T]he element of perceived intimacy and familiarity that made Mickey Mantle a folk hero, and pulled even cold characters like Joe DiMaggio and Ted Williams into the nation's bosom, remained just beyond Mays's grasp.

Just as a black sportswriter could never be Red Smith, and Hank Aaron could never be Babe Ruth, Mays would never eclipse Mantle as a

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<sup>81</sup> Davis, *supra* note 40, at 659.

<sup>82</sup> Rhoden, *supra* note 10, at 161.

<sup>83</sup> Tygiel, *supra* note 49, at 254-55.

cultural icon, no matter what he did. As heroes go, Mays had hit a glass ceiling. . . .

The isolation and invisibility, the bitter awareness of being accepted but not embraced, and the anger at this cultural glass ceiling—[were] feelings that athletes like Mays shared with the majority of the black population of the country. . . .<sup>84</sup>

African-American athletes who played sports in the early stages of reintegration recognized that not only were they in the vanguard in sport, but their performance would be perceived as a reflection of the capabilities of African Americans in the broader society. Therefore, their response to limitations based on unfounded stereotypes was to excel on the playing field, often bringing their own unique style of play.<sup>85</sup>

The emergence of African Americans' innovative forms of on-field performance created tensions that simmer under the surface today.

The popularity of sports that blacks dominate today coincided with the beginning of this stylistic transformation of the game, the opening up of the game to these ways of playing. . . .

In virtually every decade since the 1950s, black athletes have been at the core of some stylistic or structural innovation in sports. From the alley-oop pass and the spin move in basketball to the spike and the ritual of the end-zone shimmy in football. From slapping palms to donning baggy pants and executing wildly creative dunks and elaborate end-zone celebrations, the African American presence in sports has redefined and reordered the traditional way of doing things...

...The dilemma for the sports industry was that as the appetite for black style increased, so did the black presence on the fields of mainstream sports. As black players and style took center stage, so did a rising tension over style.<sup>86</sup>

In short, the considerable influx of African Americans into sports (particularly football and basketball) after World War II coincided with the emergence of a tension

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<sup>84</sup> Rhoden, *supra* note 11, at 155. Rhoden goes on to argue that Mays and other black athletes responded to the glass ceiling by incorporating a “cool style” of play that became a reflection not only of their gracefulness, creativity, and skill but also an outlet for their sense of powerlessness. “[R]ather than try to fight [the lack of acceptance], to argue or plead for the acceptance that they’d never find, many black athletes let that damaged soul bleed out of them in their style on the field.” *Id.* at 156.

<sup>85</sup> *Id.* at 161.

<sup>86</sup> *Id.* at 152-53.

and struggle that persists today regarding how tightly to control African American expression in sport.<sup>87</sup>

### **III. Post-Civil Rights Era**

Each wave of athletes has had to confront the face of racism, as it existed during their era.<sup>88</sup> In the post civil rights era, most overt discrimination has been eliminated from public places in the United States, and polls suggest that whites harbor fewer prejudices than in the past.<sup>89</sup> Yet the problem of discrimination persists. One scholar has noted, “[R]ace is still a fundamental determinant of people’s position in the social structure. African Americans are still defined as racially different by the white majority and singled out for a broad range of individual and institutionalized discrimination.”<sup>90</sup> For example, only a handful of African Americans move beyond middle-management levels in private enterprise in the United States.<sup>91</sup> Gaps persist in the educational attainment and income levels of white and black Americans.<sup>92</sup> There are often sharp contrasts in the ways in which whites and blacks perceive issues ranging from their overall station in life to the continuing prevalence of racism in American society.

One phenomenon of the post civil rights era is the transformation of the nature of racism into a form that is much more implicit and abstract in nature.<sup>93</sup> Implicit bias refutes the belief of a colorblind American society in which racial considerations do not influence how we relate to one another. The reality is that these subconscious biases

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<sup>87</sup> Id. at 164.

<sup>88</sup> Rhoden, *supra* note 10, at 158.

<sup>89</sup> Sage, *supra* note 1, at 4.

<sup>90</sup> Id. at 3 (arguing that “[a]lthough laws protecting the civil rights of African Americans now exist and provide improved conditions in some private and public sectors, domination and subordination of African Americans is still institutionally systemic in American society”).

<sup>91</sup> Id. at 4.

<sup>92</sup> See Cheryl I. Harris, *Whitewashing Race: Scapegoating Culture*, 94 Cal. L. Rev. 907, 924-25 (2006).

<sup>93</sup> Rhoden, *supra* note 10, at 158.

have a profound impact on behavior and thus the interactions between whites and racial minorities in American society.<sup>94</sup> As adroitly captured by one scholar,

[Social cognition] research demonstrates that most of us have implicit biases in the form of negative beliefs (stereotypes) and attitudes (prejudice) against racial minorities. These implicit biases, however, are not well reflected in explicit self-reported measures. This dissociation arises not solely because we try to sound more politically correct. Even when we are honest, we simply lack introspective insight. Finally, and most importantly, these implicit biases have real-world consequences . . . in the . . . mundane, everyday realm of social interactions.<sup>95</sup>

Even in the post-civil rights era, American sport has not escaped the prevailing form of racial discrimination. While most forms of overt racial discrimination have been eradicated in sports, implicit racial bias persists and negatively affects racial minorities. Professor Duru has written that “the idyllic picture of uniform racial cohesion in American sports lies largely in the misguided belief that the cessation of overt racial barriers to membership on athletic teams meant the elimination of racism from sports altogether.”<sup>96</sup> This view is in part a product of the access players of color have to competitive opportunities in major team sports and their numerical predominance in sports such football and basketball. As Professor Duru concludes, however, “rather than signaling an end to discrimination in sport, [b]lack visibility in collegiate and professional sports has merely served to mask the racism that pervade[s] the entire sport establishment.”<sup>97</sup>

Recent studies confirm the prevalence of implicit bias in sport. A study published in 2005 examined why entry-level positions in team sports are integrated but managerial

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<sup>94</sup> Harris, *supra* note 92, at 927.

<sup>95</sup> Jerry Kang, *Trojan Horses of Race*, 118 *Harv. L. Rev.* 1489, 1493-94 (2005); see Harris, *supra* note 92, at 926 (arguing that racial inequality persists even in the absence of overt discriminatory intent to produce negative consequences for racial minorities).

<sup>96</sup> N. Jeremi Duru, *Friday Night Lite: How De-Racialization in the Motion Picture *Friday Night Lights* Disserves the Movement to Eradicate Racial Discrimination from American Sport*, 25 *Cardozo Arts & Ent. L.J.* 485, 487 (2007).

<sup>97</sup> *Id.* at 487.

level positions are not, and why managerial positions are more integrated in some sports than others. For instance, players are more integrated than coaches and administrators, and basketball is more integrated than football. The authors concluded that at the managerial levels of professional sport, subconscious racism combines with institutional complexity, which increases the difficulty of measuring candidates' relative qualifications, and limits opportunities for African Americans. The decision-making process for managerial positions is "replete with ambiguity and uncertainty. This uncertainty encourages the use of stereotypes, attributions, and decision frame biases to simplify this subjective decision process. These biases work to the detriment of minority managerial candidates."<sup>98</sup>

Two recent studies concluded that race might influence officiating in professional baseball and basketball. The authors of the baseball study concluded that

[p]itches are more likely to be called strikes when the umpire shares the race/ethnicity of the starting pitcher, an effect that only is observable when umpires' behavior is not well monitored. The evidence also suggests that this bias is strong enough to affect pitchers' measured performances and games' outcomes. As in many other fields, racial/ethnic preferences work in all directions – most people give preference to members of their own group. The difference in MLB, as in many other fields of endeavor, is that power belongs disproportionately to members of the majority – White – group.<sup>99</sup>

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<sup>98</sup> Robert E. Thomas & Bruce L. Rich, Under the Radar: The Resistance of Promotion Biases to Market Economic Forces, 55 Syracuse L. Rev. 301, 319 (2005).

<sup>99</sup> Christopher A. Parsons, Johan Sulaeman, Michael C. Yates & Daniel S. Hamermesh, Strike Three: Umpires' Demand for Discrimination 24 (Dec. 3, 2007). In a study examining racial discrimination among NBA referees, the authors concluded, "players earn up to 4% fewer fouls and score up to 21/2% more points on nights in which their race matches that of the refereeing crew. . . . Thus, while the external validity of these results remains an open question, they are at least suggestive that implicit biases may play an important role in shaping our evaluations of others, particularly in split-second high-pressure decisions." Joseph Price & Justin Wolfers, Racial Discrimination Among NBA Referees, National Bureau of Economic Research Working Paper No. 13206, 27 (June 2007).

According to one columnist, these studies reveal that the “subconscious bias that has been associated with real estate sales, taxi pickup and other non-athletic areas, also impacts sports.”<sup>100</sup>

The impact of implicit bias is clear in college sports. African-American student-athletes constitute a disproportionately high percentage of Division I basketball and football players when compared to the percentage of African-American students at Division I institutions. A different picture emerges with respect to coaching and administrative positions at Division I schools. With the exception of men’s basketball, coaching positions, particularly in football, have largely remained closed to African Americans and Latinos. The underrepresentation of African Americans, Latinos, and Asians also appears in upper echelon collegiate sports and NCAA management. Progress has been made in professional sports, such as football, with the hiring of African-American head football coaches, yet blacks and other racial minorities have had limited success in gaining senior level management positions within the NFL.<sup>101</sup>

The new face of racism in sports often combines with other variables such as gender and economics to negatively impact the interests of people of color. With respect to the convergence of race and gender, critics question whether African-American women have benefited from the increased opportunities for female student athletes generated by Title IX in college sports.<sup>102</sup> The growth of black female participation in intercollegiate sports is confined to basketball and track;<sup>103</sup> otherwise, intercollegiate

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<sup>100</sup> Alan Schwarz, A Finding of Umpire Bias is Small but Still Striking, N.Y. Times, Aug. 19, 2007.

<sup>101</sup> Timothy Davis, The Persistence of Unconscious Racism in College Sport, *in* Diversity and Social Justice in College Sports 264 (D. Brooks & R. Althouse eds. 2007).

<sup>102</sup> *Id.* at 265.

<sup>103</sup> Lauren Smith, Black Female Participation Languishes Outside Basketball and Track, Chron. Higher Ed. Nov. 20, 2007, available at <http://chronicle.com/weekly/v53/i43/43a03401.htm> (last visited Apr. 28, 2008).

athletic participation by black women has languished.<sup>104</sup> “Between 1999 and 2005, the number of black women participating in collegiate sports increased by only 336, compared with 2,666 for white women. International athletes even surpassed black women, gaining nearly 1,000 spots.”<sup>105</sup> Analysts offer cultural and financial considerations to explain these disparities.<sup>106</sup> Black women often experience of a lack of comfort in fitting into the culture of sports such as soccer or lacrosse.<sup>107</sup>

Race also contributes to the lack of opportunities for black women in sports administration. A combination of stereotypical images, gender bias, and structural barriers impede opportunities for African-American women in collegiate coaching and athletic administration.<sup>108</sup>

Racial and cultural inequity and insensitivity lie at the heart of efforts to eradicate the uses of Native Americans as mascots, nicknames, and logos at all levels of sport.<sup>109</sup> In 2005, the NCAA completed an analysis of its member institutions which, at the time, used Native American mascots and nicknames. That same year, the NCAA Executive Committee adopted a policy that prohibited “NCAA colleges and universities from displaying hostile and abusive racial/ethnic/national origin mascots, nicknames, or imagery at any of the 88 NCAA championships.”<sup>110</sup> Unless the nineteen member institutions identified at the time as using such mascots could establish that their use of

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<sup>104</sup> Id.

<sup>105</sup> Id.

<sup>106</sup> Id.

<sup>107</sup> Id.

<sup>108</sup> Robertha Abney, African American Women in Intercollegiate Coaching and Athletic Administration: Unequal Access, *in* Diversity and Social Justice in College Sports: Sport Management and the Student Athlete 51 (Dana D. Brooks & Ronald C. Althouse eds. 2007).

<sup>109</sup> Davis, *supra* note 101, at 265.

<sup>110</sup> Gary T. Brown, Policy applies core principles to mascot issue, NCAA News Aug. 15, 2005, at 1, 19. See Glenn George, Playing Cowboys and Indians, 6 Va. Sports & Ent. L.J. 90 (2006) (discussing NCAA mascot policy).

such imagery did not fall within the definition of hostile or abusive, they would be prohibited from hosting NCAA championship events.<sup>111</sup> Certain schools established that their use of Native American imagery was neither hostile nor abusive.<sup>112</sup> Other institutions discontinued or expressed an intent to discontinue the use of such mascots, while other schools resisted the NCAA's policy.<sup>113</sup>

The new face of racism in sports also has an international dimension where it converges with economic and social status. Concerns have surfaced regarding the potential exploitation of young Latinos who aspire to play professional baseball in the United States. Internationally, soccer players and coaches of color must contend with the pervasive racist behavior of players, coaches, officials, and fans.<sup>114</sup>

While the forgoing represent some of the more important and salient examples of the persistence of race in sport, many other illustrations are relevant. The convergence of racial discrimination, economics, and culture restricts opportunities for African Americans in tennis and golf.<sup>115</sup> Similar factors have decreased the numbers of African Americans in Major League Baseball.<sup>116</sup> The racial insensitivity of media personalities such as Don Imus and Kelly Tilghman shone the spotlight on whether the media fosters

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<sup>111</sup> Id.

<sup>112</sup> NCAA, Native American Mascot Policy – Status List (Feb. 16, 2007), [http://www2.ncaa.org/portal/media\\_and\\_events/press\\_room/2007/february/20070220\\_mascot\\_status\\_report.html](http://www2.ncaa.org/portal/media_and_events/press_room/2007/february/20070220_mascot_status_report.html) (last visited Apr. 28, 2008).

<sup>113</sup> Id.

<sup>114</sup> Nancy Armour, Racism casts a cloud over World Cup 2006, *Seattle Times*, June 9, 2006, available at [http://seattletimes.nwsourc.com/html/sports/2003049643\\_cuprace09.html](http://seattletimes.nwsourc.com/html/sports/2003049643_cuprace09.html) (last visited Apr. 28, 2008). See also Dana D. Brooks, Ronald C. Althouse & Delano Tucker, African American Coaching Mobility Models and the “Global Market Place”, in *Diversity and Social Justice in College Sports: Sports Management and the Student Athlete* 117, 130-31 (Dana D. Brooks & Ronald C. Althouse eds., 2007) (discussing the racism endured by players and coaches of color in international soccer competition).

<sup>115</sup> See Bob Harig, And still, Tiger stands alone, *St. Petersburg Times*, Aug. 31, 2006, at 1A; Jay Mariotti, Diversity only major goal eluding Tiger, *Chicago Sun-Times*, June 29, 2005, at 143.

<sup>116</sup> Larry Stone, The changing face of baseball, *Seattle Times*, Aug. 28, 2005, at C1.

racial stereotypes in sports.<sup>117</sup> Race is also a relevant factor in the criticism of today's black athletes for their failure to take a more activist stance on social issues including race.<sup>118</sup> The views of African Americans and whites regarding Barry Bonds's home run chase and whether he has been made a scapegoat for baseball's performance-enhancing drug problems are polarized. Finally, there are the racial tensions within the athletic agent industry and the tension between some black and Latino players that were exposed by black major league baseball player Gary Sheffield.<sup>119</sup>

#### **IV. Conclusion**

This article has briefly outlined how race and viewpoints about it have had an effect on African Americans engaged in sports in the United States. The role of race in sports has paralleled racial perceptions that manifest in broader American society. Thus, sports have reflected the racial attitudes that existed during various periods of American history. Yet the prominence of sports in our society imbues it with the potential to influence the construction of racial attitudes that will lessen the impact of harmful stereotypes that nurture the most prevalent form of racism today. For this to become a reality, however, it will require individuals in positions of power in sports (including athletes) to take bold actions that defy the unconscious racism that plagues sports and our

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<sup>117</sup>Don Imus inflamed activists with a comment about "nappy-headed" women's basketball players on his radio show. Associated Press, Fox News, Don Imus Fired by CBS Radio for Racist Comments, One Day after MSNBC Drops Show, Apr. 13, 2007, available at <http://www.foxnews.com/story/0,2933,265701,00.html> (last visited Apr. 27, 2008). Kelly Tilghman, an anchor with cable television's Golf Channel, caused considerable controversy when she suggested that the best chance other golfers might have to end Tiger Woods' dominance in professional golf might be to lynch Woods. Golf.com, Golf Channel Anchor Kelly Tilghman Suspended for "Lynch" Remark about Tiger Woods, Jan. 8, 2008, [http://www.golf.com/golf/tours\\_news/article/0,28136,1701417,00.html](http://www.golf.com/golf/tours_news/article/0,28136,1701417,00.html) (last visited Apr. 27, 2008).

<sup>118</sup> See generally Rhoden, *supra* note 10; Shaun Powell, *Souled Out?: How Blacks Are Winning and Losing in Sports* (2008).

<sup>119</sup> Dan Le Batard, *You Think Gary Sheffield Dissed Hispanics? I Think He Was Right*, ESPN The Magazine, July 2, 2007, at 16.

larger society. If this occurs, sports can be a forceful vehicle that assists in transforming racial attitudes not only in sports but in other social institutions within American society.