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Preface

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## PREFACE

With the publication of this final issue of Volume 8 of the *Black Law Journal*, we usher in the Orwellian year—1984. It is customary in American society to begin each new year by remembering the events of the year past. This practice is undoubtedly undertaken to savor our victories, lick our wounds, reassess our position and plot our strategy for the new year. Cursory reflection on the year 1983 will assuredly lead many people, black and white, to assert that black Americans, as a group, made tremendous gains. They might further contend that these strides demonstrate and substantiate the claim that white America has “now” begun to recognize and acknowledge the contributions of blacks in this country.

Numerous events in 1983 foster this mistaken belief because in this year we witnessed a myriad of “firsts” for black Americans—Reverend Jesse Jackson became the first black man to run for president; Harold Washington (Chicago) and W. Wilson Goode (Philadelphia) were the first blacks to be elected as mayors of cities with citizens known for their unyielding conservatism, and often blatantly racist attitudes; Lt. Col. Guion Bluford made history as the first black astronaut to participate in a space mission; the late Martin Luther King, Jr. was bestowed the honor of being the first black person to have a national holiday to commemorate his achievements; and Vanessa Williams was the first black woman to be crowned Miss America. As the saying goes “all in all it was a very good year indeed.”

Or was it? The media, and to some extent government officials, have certainly been vociferous in extolling these accomplishments as reasons for black Americans to rejoice. Without denigrating the importance of these achievements, most of which are truly illustrative of the resilience and perseverance of blacks, these collective events are not ones which significantly move the race as a whole forward. If these attainments are juxtaposed to the defeats and setbacks suffered by blacks in 1983, they indicate that there were no fundamental changes during the course of this year which remedy the ongoing systematic deprivations of people of color’s civil and human rights. A close inspection of the events of 1983 which will have the most lasting and devastating consequences for the masses of blacks in their daily existence reveals that the past year left behind a path of destruction and annihilation.

While the Congress and President Reagan proclaimed January 15th a national holiday, they almost concurrently dealt a lethal blow to the U.S. Commission on Civil Rights. When Reagan discovered that he could not completely dismantle the Commission, he fired a majority of the existing liberal members and replaced them with people who epitomize and espouse his views. Ironically, he appointed a “black” man, Clarence N. Pendleton, and a “hispanic” woman, Linda Chavez. The new majority members of the Commission immediately announced their independence from the White House, yet simultaneously they made statements denouncing the use of quotas in employment and in higher education and authorized a study which will examine the adverse effects of affirmative action programs on white Americans of eastern and southern European descent. We are surely suffering from symptoms of the Orwellian year when a black man and a Chicano

woman cannot only endorse a report to determine the detrimental consequences of less than twenty years of affirmative action on whites, but actually believe that there is a need to use the taxpayers' money to undertake such an endeavor.

The Reagan Administration's assault on civil rights has resulted in the trimming down or total eradication of most affirmative action programs in employment and higher education. Their lack of commitment to enforcement of civil rights law is one of the main causes of the spiraling black unemployment rate, especially among black teenagers. Furthermore, because of this Administration's lack of empathy to the concerns of people of color, they have continually decreased funding for human need programs such as medicare and social security.

The year 1984 marks the thirtieth anniversary of the *Brown v. Board of Education* decision, yet the public school systems not only remain largely segregated, they have become political battlegrounds. For the first time in the history of this country, the importance of education has come into serious question and debate by the Reagan Administration.

On the global front in 1983, President Reagan constantly used his "communist threat" and "world peace" rhetoric, reminiscent of the Cold War and the McCarthy era, to bolster support for increasing the military budget and for continuing U.S. intervention in Beirut, Nicaragua, El Salvador, and other Central American and Middle Eastern nations. In no other area is Reagan's imperviousness to the mandates of the legislature and public opinion so apparent. His decision to invade Grenada against the wishes of the legislature, the public and America's foreign allies is the clearest illustration of his uncompromising, and often ruthless, nature. At no other time in current history has there been an administration so profoundly indicative of the mockery of the democratic process in this country.

However, despite the fact that our recently obtained and valiantly won civil and human rights are being methodically stripped away, as a group we remain apathetic, complacent and lethargic. The unselfishness, courage and passion which ignited the civil rights movement of the 1960s seems to have ebbed, as a few blacks begin to achieve some measure of material success. Tragically, many black Americans, especially those with the potential power to maintain and create new inroads, have forgotten the meaning of sacrifice and become sidetracked by their personal aspirations. As blacks become more and more factionalized along class, economic and political lines, our position continues to weaken. Our heritage illustrates and dictates that collectivism is our primary means for effectuating substantial changes in the American system.

It is especially important that black professionals, because they possess the monetary and intellectual resources to make a difference, share their knowledge. However, many black professionals refuse to acknowledge their responsibility to the community and believe that they are immune from the racism endemic to this society by virtue of their "status." The treatment of Lenell Geters, a black engineer, serves as the most glaring example, at least in 1983, of the fact that blacks still face a skewed system. Geters was indicted by white prosecutors, convicted by an all white "jury of his peers," and sentenced to life imprisonment by a white judge for allegedly robbing a

Kentucky Fried Chicken restaurant of less than \$100. Whether we are multiple offenders, actors, lawyers, maids or doctors, people of color are not safe from the injustice inherent in American society.

Thus, it is imperative for blacks to remain focused and to realize that personal and communal accomplishments are not mutually exclusive. By sharing our knowledge, our resources and our experiences, we are able to enlighten, teach and advance our culture. The *Black Law Journal* serves as a vehicle for addressing and analyzing social, political, and economic issues which impact on people of color. This particular issue of the *Journal* encompasses articles in all three areas—*The New Federalism and the Unfinished Civil Rights Agenda* focuses on Reagan's new federalism and how it impacts on civil rights; *An Assessment of Minority Income Differences* discusses the current Administration's economic policies and their effects on the black community; *Nationalism, Federalism and Political Consensus* examines Reagan's political philosophy. The authors of these three articles, Marguerite Ross Barnett, Professors Raphael Thelwell, and Linda S. Greene, respectively, initially presented these papers at the Minority Group Section of the Association of American Law Schools in January, 1982. The issues presented remain pertinent and timely as the Reagan Administration has not strayed from its course over the past two years. The article *Abolition and Wooden Nutmegs: Repealing the Gag Rule* by Professor Karen Williams Bistman explores the use of the political process to bring about a desired result.

The speech "Black Americans in Reagan's America" by John E. Jacobs, the President of the National Urban League, evaluates the performance of the organization during 1983 and discusses their future course of action for 1984. Damon Martin's comment, *State Prisoners' Rights to Medical Treatment: Merely Elusive or Wholly Illusory*, concerns the courts' treatment of inmates' constitutional and statutory rights to medical care. In the profiles section, Peoples College of Law is highlighted for its commitment to bringing diversity to the legal field. Finally, in the book briefs section, the authors critique works addressed to legal and international issues.

In this last issue of Volume 8 of the *Black Law Journal*, the Board of Editors has attempted to publish articles which lend insight into the year past and the new year. As we enter 1984, the *Black Law Journal* remains a voice for the expression of political, social, legal and economic issues which substantially impact upon people of color.

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