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Section: PERSPECTIVE

The Kerner Report warning still applies: THE MORALIST

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The Civil Rights Act of 1964 and the Voting Rights Act of 1965 were supposed to be steps forward, but by 1967 several nervous years of urban unrest broke out across the nation from Los Angeles to Detroit, Washington to New Brunswick.

For five days rioting raged in Newark, sparked by the arrest and beating of cab driver John Smith, accused of a minor traffic offense. The predominantly black neighborhoods of Central Ward and downtown Newark were scenes of looting, fighting and property destruction. The intervention of the New Jersey State Police and the National Guard did not prevent the deaths of 26 people.

African-Americans had won long over-due civil rights by making patient, orderly use of the courts, legislation and collective action. The Montgomery bus boycott and the historic march on Washington were civil demonstrations of discontent. How could rioting in 100 cities follow Thurgood Marshall and company's three-piece suited courtroom prowess? How could violence be the successor of Rosa Parks' gracious defiance or Martin Luther King's principled civil disobedience?

A National Advisory Commission on Civil Disorders was convened by President Lyndon Johnson in 1967. Its mandate was to study the causes of rioting in the "ghettos." The commission precisely defined "ghetto" as "an area within a city characterized by poverty and acute social disorganization, and inhabited by members of a racial or ethnic group under conditions of involuntary segregation."

The commission's report - dubbed the Kerner Commission Report after Illinois Gov. Otto Kerner, the commission's chair - was released early in 1968. In April 1968, more riots erupted, following King's assassination. It felt like a conspiracy to kick blacks down.

"They killed Dr. King," my mother said to me, explaining why I found her drooping over the kitchen sink.

The Kerner Report linked the rioting to African-Americans' inequality. The report advised the nation to give the rioters what their communities needed: respectful police

practices, jobs, housing, education, recreational facilities, political power, fair lending and egalitarian racial attitudes. The commission warned that a future of "coercion and mob rule" lay ahead if the nation didn't eliminate its ghettos.

I recently spoke to a member of the Kerner Commission, former Sen. Fred Harris, a Democrat representing Oklahoma who is now retired and living in New Mexico. Harris maintains that the report "didn't predict or condone violence," though it was accused of doing both. It did, however, identify unconscious institutional "racism" as a substantial factor in the deplorable conditions in the ghettos: "(W)hite racism is essentially responsible for the explosive mixture which has been accumulating in our cities since the end of World War II."

Harris has his own take: "White people drove around the cities, right past black neighborhoods without noticing the poverty. They didn't think about it. They didn't have to think about it."

The Kerner Commission identified black pride and self-esteem as contributing to the violence. The riots "didn't occur in a climate of hopelessness," Harris told me. For years blacks half believed the negative stereotypes of themselves as ignorant, unwashed and undeserving. The Civil Rights Movement replaced self-hate with pride.

In the space of a few years "Negroes" and "coloreds" with deferential manners and straightened hair became assertive "blacks" and "Afro-Americans," many with natural hairstyles and African-inspired names and fashions to prove it. The self-esteem made possible by the civil rights won through peaceful law and moral philosophy made angrier, violent uprisings psychologically possible.

Critics of the Kerner Report have complained that it over-blames white racism for the creation of the segregation and poverty that bred explosive, frustrated racial ghettos. Critics complain that the report calls for expensive government programs to "close the gap between promise and performance."

They say blacks got what they were owed when they won formal legal equality, rejecting the new liberal philosophy that formerly subordinated minorities are owed much more. Conservative critics of the riots pointed the finger of blame at individual bad actors, or communities that willfully turned their backs on functional values, such as marriage and two-parent households.

But the report assiduously avoided the conclusion that the riots were either the moral misconduct of a few bad actors or the deserts of a self-degraded community.

Instead the report told stories based on their investigations about what happened in particular cities, suggesting that some of the unrest resulted from bad judgment on the part of police and civilian municipal authorities. The report noted the efforts of blacks within the "ghettos" to organize for peace. And the report emphasized the age and gender of the rioters. The typical rioter was an African-American teenager or young adult male,

15 to 24 years old. He was frustrated, disgusted with "the system," and was "a lifelong resident of the city in which he rioted, a high school dropout . . . usually underemployed or employed in a menial job." He was also "proud of his race, extremely hostile to both whites and middle-class Negroes and, although informed about politics, highly distrustful of the political system."

The report ultimately characterized the riots as a pathological implosion of disorganized black-against-black crime perpetrated by frustrated youth. The damage was to authority and property in African-American neighborhoods, rather than against whites. And "the overwhelming majority of the persons killed or injured in all disorders were Negro civilians." Many of the riots were precipitated by grievances against the police, as in Newark.

The wording of the report's famous conclusion is curious: "Our nation is moving toward two societies, one black, one white - separate and unequal."

But the nation was not "moving toward" polarization, it was already polarized. Democratic values had been compromised and neglected in America since the founding. Despite *Brown vs. Board* and the Civil Rights Act of 1964, two societies, one black, one white, were a reality in the deep South, to be sure, but also in the North, Midwest and far West.

I asked Harris why the report spoke of "moving" toward two societies when so much segregation was already the norm. His answer: The report was designed to catch the attention of a public that was not mindful of the segregation and inequality all around them.

The lawyers and philosophers who masterminded the civil rights movement left us with an imperfect gift. The gift is an edifice of law and principle that never worked consistently well for the least advantaged. We have much the same mess in cities today that we had in the 1960s when the riots broke out. With so many black teens dropping out of school, so many handguns in the streets, so much drug addiction and AIDS, the quality of life is probably worse in the "hood" than it was in the 1960s "ghetto."

Fortunately, one does not sense a powder keg of self-destruction waiting to explode. But we can see depression, resignation and acceptance of antisocial lifestyles as legitimate tools for survival. Legal measures, such as mandatory health care insurance for children, could make a difference today. I believe gun control laws and fairer policing and criminal justice could help, too.

But African America needs a new philosophy. Constructive and inspiring practical philosophies such as drove African-American leadership during the civil rights era are in short supply. And so is racial self-respect. The self-esteem of the mid-1960s is slipping away, replaced by dysfunctional bravado. Young men boldly refer to one another as "nigga," "bull" and "dog." They shoot their peers over sneakers, pot and bikes. "The hood" has come to be a state of mind, a philosophy of life, as much as a place where

people live. The celebration of "the hood" deprives young blacks of the ability to want and strive for what well-off Americans call "better lives."

The Kerner Report was a warning to government, and those whose race or class places them on the sunny side of the racial divide, to do more than build fences and count blessings. Riots may not be a thing of the past entirely - they broke out in France a couple of years ago when poor minority youths got fed up with being shut out. But it should not take fear of violent rebellion to prompt redoubled efforts to save our cities and our ideals.

Notes: Anita L. Allen, a University of Pennsylvania professor of law and philosophy, may be reached at [moralistcolumn@yahoo.com](mailto:moralistcolumn@yahoo.com).

Infobox: "White people drove around the cities, right past black neighborhoods without noticing the poverty. They didn't think about it. They didn't have to think about it." --  
FORMER SEN. FRED HARRIS, MEMBER OF KERNER COMMISSION