

INTRODUCTION

*Kevin D. Brown**

When looking at a bottle filled to the halfway point with water, some will see it as half full. Others, however, will see it as half empty. Those people who have a positive outlook on life and a tendency to look on the bright side of things will see the bottle as half full. In contrast, those with a negative outlook on life and a tendency to focus on the difficult aspects of a situation will see the bottle as half empty. Both views are accurate and true, in the sense that they describe the amount of water in the bottle.

This simple distinction accurately captures the situation of African-Americans in the United States in the New Millennium. As Dickens wrote, these are “the best of times” and these are “the worst of times.”¹ The 21st Century has seen a black man make a credible run to be elected President of the United States—the most powerful office in the world. Blacks have been appointed to some of the highest political offices of the nation by a Republican administration that is not beholden to black electoral support. These posts include Secretary of State, Secretary of Education, Secretary of Housing and Urban Development, and Chairman of the Federal Communications Commission. Black members of the lower House of Congress hold chairpersonships of the powerful House Ways and Means Committee, the House Judiciary Committee, and the House Homeland Security Committee. Blacks now hold the governorships in the States of Massachusetts and New York. African-Americans are running and have run some of America’s most powerful Fortune 500 companies, such as Merrill Lynch, American Express, and Aetna Inc. Americans have come to expect that African-Americans will be among the faculty members and students in our most prestigious educational institutions, including the Harvard and Yale Law Schools. However, these are also the worst of times. This past summer, the Supreme Court issued an opinion that will greatly restrict the ability of schools to integrate their K-12 student bodies.² The inevitable consequence is a continuation of the increasing racial and ethnic segregation we have observed occurring in our public schools over the past twenty years. The percentage of black men in jail is reaching record levels, as is the percentage of blacks born to single-parent families.

As with the proverbial bottle of water, you can see the situation of African-Americans in the United States with an emphasis on the positive.

* Professor of Law and Director of the Hudson & Holland Scholars Programs, Indiana University Bloomington; B.S., Indiana University, 1978; J.D., Yale Law School, 1982.

1. CHARLES DICKENS, *A TALE OF TWO CITIES* 1 (Toby Press 2003) (1859).

2. *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*, 127 S. Ct. 2738 (2007).

In so doing you can celebrate the successes and revel in the overcoming of barriers of historic racial oppression that have occurred in recent times. Conversely, you can focus on the failures. You can be discouraged by both the lack of progress and the formidable obstacles that continue to stand in the way of true racial equality. Either depiction would be an accurate and true description of the current condition of the African-American community. Whether you focus on the positive or the negative, however, implied in your view of the African-American Community in the New Millennium are the limitations of the bottle itself. Whether we look at the situation of African-Americans as half full or as half empty, we are looking at the waters of progress, or lack thereof, as confined by the size and shape of the bottle produced through contrasting the African-American situation to that of non-Hispanic whites. Given the long historical struggle of the African-American community against racial oppression in the United States, there is ample justification for this comparative framework. However, an enduring problem for African-Americans is that this framework always views the African-American situation in a negative light. Even when acknowledging progress, it can only be acknowledged with the candid recognition that there is still a long way to go.

What we seek to do is change the bottle into which we pour the water of progress of the African-American community. While we recognize that the normal framework of comparing African-Americans to non-Hispanic whites is legitimate, it is certainly not the only way to look at the accomplishments, or lack thereof, of the African-American community in the United States. Rather than compare African-Americans to just non-Hispanic whites, we could also compare them to other oppressed groups around the globe, such as Dalits in India. In such a comparison, the cup of progress of African-Americans does "runneth over." By comparing African-Americans to other oppressed groups in the world, we are far better able to appreciate their successes and strengths. Such a comparison is just as true and valid as the traditional comparison to non-Hispanic whites; however, it yields a far more positive understanding about the accomplishments of the African-American community in the United States. Thereby, it allows us to develop a fuller understanding of the African-American community than we get when our understanding is limited to the traditional framework.