



May 4, 2021

President Robert O. Davies
Central Michigan University
Warriner Hall, 106
Mount Pleasant, MI 48859

Re: Men's Track and Field

Dear President Davies:

The American Civil Liberties Union (ACLU) of Michigan has watched with concern as the Committee to Reinstate Men's Track and Field at Central Michigan University and other individuals and organizations have urged you to revive an athletic program that is of exceptional importance to many students and their families. We echo the call for reinstatement of the program because eliminating it has profound and far-reaching racial implications.

Race in America is complex, and it affects everything. While you may not have consciously contemplated the racial dimensions of the track program's demise, even an administrative decision about track and field and the university's budget cannot be divorced from the nation's racial history. That history begins with the founding of the country.

Although the United States is often heralded as a monument to democracy, it has a long history of exclusion. Soon after the ratification of the Constitution, the franchise was extended only to white men with wealth and property. Even the Constitution itself reflects in Article 1, section 2, the results of maneuvers by and for a white male elite. That provision allowed use of enslaved persons as unenfranchised political placeholders for southern planters who were disadvantaged in apportionment by their residence in rural areas with sparse white populations.

Even white women were not allowed to vote, and if they were excluded from the political process, then certainly indigenous nations and enslaved Africans had no place in the new country. Lest there be any doubt, the Supreme Court made this point clear in the cases of *Dred Scott v. Sandford*, and *Johnson v. M'Intosh*.

In *Dred Scott*, the court stated:

"But it is too clear for dispute that the enslaved African race were not intended to be included, and formed no part of the people who framed and adopted this declaration, for if the language, as understood in that day, would embrace them, the conduct of the distinguished men who framed the Declaration of Independence would have been utterly and flagrantly inconsistent with the principles they asserted, and instead of the sympathy of mankind to which they so confidently appealed, they would have deserved and received universal rebuke and reprobation."

Notwithstanding the eventual abolition of slavery, to ensure continuing exclusion, “Black Codes” were enacted to establish statutory limits on the participation of people of African descent in the society. The entire Jim Crow era was dedicated to not only segregation, but also the marginalization of Black communities. The unavoidable consequence of such treatment was the extreme limitation of life choices for African American individuals. My own family is a case in point.

My ancestors were enslaved and held in bondage in Alabama. Though my parents were Depression-era children raised in extreme Alabama poverty, the collective support of their respective villages allowed them to pursue higher education at historically Black universities. My father’s undergraduate major was physics. He excelled in the subject and described it as “fun.” My mother’s academic concentration was in chemistry and biology. Logic suggests that both would pursue careers in science and technology. However, during the 1940s, the available career options for African Americans were extremely limited, and certainly there were no significant opportunities for young Black adults with my parents’ training. They were forced to make practical decisions. For the most part, a young, educated African American could aspire only to the ministry, teaching, the postal service, military service, industrial labor, or in rare cases law or medicine. My parents became educators.

As the Civil Rights Movement began in earnest during the second half of the 20th Century, opportunities in education and employment began to expand slowly, but oppressive discrimination in almost all arenas stifled or denied Black talent. African Americans found what vaguely resembled a meritocracy only in the fields of entertainment and sports. Significant numbers of Blacks who succeeded in these fields used their notoriety to push for expanded opportunities for their community in all arenas as they generally demonstrated excellence and forced acknowledgment of the humanity and talent of an oppressed people.

The heroic African American entertainers and athletes who advanced the cause of civil rights and human rights are too numerous to list. Athletes who spoke up for justice included, among many others: Jackie Robinson, Henry Aaron, Kareem Abdul-Jabbar, Muhammad Ali, Arthur Ashe, and in more recent years, LeBron James and Colin Kaepernick. But perhaps the most impactful and enduring statement was made by Tommie Smith and John Carlos, two track athletes, during the 1968 Olympics. During a medal ceremony, with the entire world watching, each raised a black gloved clinched fist as the U.S. national anthem filled the arena. That one iconic moment rocked the world and focused attention on racial injustice in ways that many other demonstrations had not.



The impact of track and field on the Black community has also been more personal because it has offered many a way out of oppressive poverty. Such poverty causes far too many brilliant Black children to regard higher education as an elusive dream, as they languish in under-resourced schools and become demoralized by the thought of their economic circumstances limiting their life options. In desperation they flirt with street crime, which all but guarantees incarceration because of the heavy police surveillance of people of color and the absence of the type of legal defense that routinely rescues more affluent white youth from criminal justice system entanglement - a fatal hazard of youthful indiscretion of the kind that afflicts children of all races. Yet, despite the obstacles they face, not all Black youth become casualties. In fact, a widely held belief that there are more Black men in prison than in college is factually incorrect. Many Black students find their way into universities with the assistance of various forms of financial aid, including academic and athletic scholarships that allow them to flourish as student athletes in what has become one of the American public university's most significant contributions to social mobility. These sources of support are literal lifelines that account in significant ways for the continuing socio-economic elevation of many African American families from generation to generation.

It is against this historical backdrop, and within this racial context, that CMU is eliminating an athletic program of a kind that not only gave Tommie Smith and John Carlos a platform for their profound, impactful statement on race, but which has also served as a springboard to upward mobility for substantial numbers of Black CMU students. By eliminating men's track and field at the university, the door is effectively slammed in the faces of children of communities that already have more than their share of challenges, obstacles, and barriers.

In the lives of many people, there are moments when they are called by circumstances to step out of the routine and to emerge from mediocrity into exceptionalism. This can be such a moment for you if you recognize the gravity of current circumstances and leave open the doors of opportunity for young people whose communities have been historically excluded and marginalized. We strongly urge you to reverse the decision to eliminate the men's track and field program at CMU.

Sincerely,
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The Michigan chapter of the National Conference of Black Lawyers (NCBL) shares the concerns expressed by the ACLU of Michigan, and it concurs in the sentiments expressed in this letter.

Sincerely,
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