

Cultural Colonization In the Hollywood Film: The Harlem Debates—Part 2

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Are films merely products of the business of entertainment or does their hold on the consciousness and imagination of American society make them much more significant? Professor Greene presents a fictional dialogue that explores the questions of minority access to film production and filmic portrayal. His friendly adversaries present contesting viewpoints and cover issues such as cinematic revision of history, the monopoly of the studio in filmmaking, and the prior experiences and future possibilities of minorities participating in the medium. While the focus is on the Black experience in Hollywood, comparisons are made to the portrayals of Asian Americans and the Hong Kong film industry.

Peter Burns was a law professor. More specifically, he was an African-American law professor who taught for fifteen years at a minimally racially-diverse law school in the Midwestern United States. After having fought hundreds of battles over the last decade and a half to diversify the student body of his institution, last spring his doctor gave him a lecture on: “The World According To Stress”: “Mr. Burns, if you don’t turn down your intensity and start getting away from this place, you could be dead from a stroke before any of your colleagues start to do the right thing. If you want to live to see the Millenium, I would start taking some vacations.”

With those words of wisdom, Peter decided to spend his summer away from the campus. He needed a place that was laid-back and less stressful than his “homestead” in a 99% white town in the Northern Midwest. The answer came to him immediately: New York City! Harlem, to be exact. And so he was off to spend the summer in the place of his birth.

That series of events was one of the factors which led him into his Friday lunch meetings at Chandler’s Cafeteria with his old “friend,” law professor Cyril Lewis.

His Friday lunches during his “summer in the city” had begun as a chance meeting on 125th Street of two African-American law school

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classmates but had evolved into a weekly intellectual aerobics workout over soul food, which Cyril had dubbed "the Harlem Debates."

The lunch discussions had no pre-arranged topic. The subject of their argument/discussions seemed to come down to whatever it was which they disagreed about most, which was practically everything.

Although both were born and raised in Harlem, Cyril represented the third generation of lawyers in his family, while Peter was the first college graduate in his clan. Cyril's upbringing was firmly middle-class, while Peter's family had been much more economically-challenged.

Peter taught criminal law and legal ethics at a state university law school and lived in a small town in the Midwest, whereas Cyril taught corporations and contracts at a smaller, elite private law school in the New York area and lived in an eight room apartment on 160th Street and Riverside Drive which overlooked the Hudson and faced New Jersey.

However, their most significant difference was probably their politics: Cyril was a proud, Black conservative. Peter was not. In fact, at their first lunch, Cyril claimed that Peter's perspectives on political issues were "disturbingly subversive." Peter later learned that Cyril had confessed to a mutual friend of theirs that he had sought to make their lunch meetings into a weekly event because he felt that "slicing up Peter's crypto-revolutionary rhetoric sharpened his intellectually conservative sword." Peter was never sure if Cyril wanted to grow up to be William F. Buckley, Clarence Thomas or George Schuyler,¹ but he always found their talks stimulating.

Chandler's Cafeteria was at 135th Street and Lenox Avenue, a perfect location for Peter. Each summer, he sublet an apartment one block away in the Lenox Terrace Apartments and spent Monday through Friday doing research at the Schomburg Center for Black Research, which was just across the street from Chandler's. So his "Harlem world of summer" was much more proximate than his snowy, rural winters, where long drives and snow chains were a big part of his reality.

Cyril and Peter met at Chandler's at 11:30, to beat the noontime rush. The cafeteria's food was good, and the prices were reasonable. Yet, it was somewhat small, which meant that for lunchtime comfort, one had to get there early, grab your tray, find a table and watch the madding crowd go by.

Walking into Chandler's, Peter saw that Cyril was already seated in a booth. The restaurant was still quiet, so after a quick selection of fish, okra and black-eyed peas with a large iced tea, Peter slid into the booth opposite Cyril.

Cyril had his usual, smug smile.

1. George Schuyler (1895-1977) was an African-American journalist and author of the novel, *BLACK NO MORE* (1931) and the non-fiction book, *BLACK AND CONSERVATIVE* (1966).

CYRIL: "Good afternoon, Professor Burns."

PETER: "Good afternoon, Professor Lewis." He looked down and said a silent grace before his meal.

CYRIL: "Peter! Have we been reborn?"

Finishing his prayer, Peter looked up at him.

PETER: "Cyril, is today's discussion about religious practices?"

Cyril was caught off-guard.

CYRIL: "Well, no . . . it's just that . . ."

PETER: "Then you should probably leave my little grace before meals alone." Then Peter smiled.

PETER: "So how's the short ribs?"

CYRIL: "Well, damn! You certainly have reclaimed your New York edge in two short weeks. So what have you been researching *this* week at the Schomburg?"

Cyril had a genuine gift for changing the subject.

PETER: "This week I've been doing research on the motion picture industry."

Cyril shook his head in pity.

CYRIL: "Is that a euphemistic way of telling me that you've taken this week off to watch videos? And here I was thinking that you taught law school, not cultural studies."

It sounded to Peter as if Cyril had decided to begin his "debate" even before he had chosen a topic. So Peter decided to toss him a lifesaver.

PETER: "Cyril, if you were to apply an African-American political analysis to the business practices, history, and the *depiction* of American history by the motion picture industry, you would find the same pathologically racist dynamics which are evidenced in American society in general. In fact, racism in motion pictures may be of greater consequence because of the continuing contribution which the film industry makes to American racial conflict."²

Peter watched Cyril's eyes widen in outrage. Cyril clearly felt that Peter had thrown down the gauntlet, and he was "ready to rumble." Cyril began sputtering and for a moment, Peter wasn't sure if Cyril was angry or excited by the prospect of a good argument.

CYRIL: "You . . . You . . . that's ridiculous!"

Peter smiled. Although Cyril enjoyed the art of argumentation, it always took some time for him to get warmed up.

Cyril forged ahead.

CYRIL: "You think that you're such an expert on movies. Well, movies are just *one part* of the entertainment business. The entertainment

2. See Richard A. Oehling, *The Yellow Menace: Asian Images in American Film*, in *THE KALEIDOSCOPE LENS: HOW HOLLYWOOD VIEWS ETHNIC GROUPS 182-83* (Randall M. Miller ed., 1980) [hereinafter *THE KALEIDOSCOPE LENS*].

business! That is, a business that *entertains* people. That's all! So no matter how you try to blow movies up into this huge socio-political propaganda monster, it's just another business where a lot of money changes hands."³

Cyril slammed his hand down on the table and shouted, "It's only a movie!"

Peter looked around and saw several patrons who obviously didn't realize that Cyril's aggression was intellectual and not physical. Cyril glanced around the room and embarrassedly toasted the restaurant with his iced tea glass. Annoyed by his outburst, the customers turned back to their meals.

Peter remembered that whenever they discussed film, Cyril's *bete noir* emerged, which seemed to be the fact that for a brief period ten years ago, Peter had been the legal counsel for several African-American actors and directors. Although it was work that had turned out to be highly frustrating for him because of the racism and treachery he encountered in the film business, it was as if Cyril secretly resented the fact that Peter had been to Hollywood to "take a meeting." But rather than allowing himself to be distracted by emanations from Cyril's Id, Peter decided to go for the "light."

PETER: "My Brother, let's examine your statement: 'It's only a movie.'"

CYRIL: "Fine."

PETER: "For the purposes of this discussion, why don't we limit the definition of movies to motion pictures produced and/or distributed by Hollywood Studios?"

CYRIL: "How relevant is that definition when this year's Academy Award nominations were dominated by independent films."⁴

PETER: "Most of those so-called independent top nominees were, at the very least, distributed by a unit of a major or a mini-major studio. For example, *The English Patient* had twelve nominations. It was distributed by Miramax which is a unit of Disney Studios.⁵ *Shine* had seven nominations and was distributed by Fine Line, which is a unit of Time/Warner.⁶ *Fargo* had seven nominations and was distributed by Gramercy, which is a

3. Theatrical film box-office in U.S. theaters in 1996 rose to an all-time high of nearly \$5.9 billion. THE HOLLYWOOD REPORTER, Jan. 2, 1997. It marked the fifth consecutive year of box-office increase.

4. Bernard Weinraub, *Studios Smarting From Oscars Snub Of Hollywood Fare*, N.Y. TIMES, Feb. 17, 1997, at A1.

5. THE ENGLISH PATIENT (Miramax Films 1996). See John Beifuss, *Independents May Reign, But Studios Take Cut Of Gold*, COM. APPEAL, Mar. 26, 1997, at A8 (discussing the relationship between the Hollywood studios and many of the films nominated for Academy Awards which are generally believed to have produced independent of the studio system).

6. SHINE (Fine Line Features 1996). See Beifuss, *supra* note 5, at A8.

unit of the Polygram conglomerate.”⁷

CYRIL: “So what?”

PETER: “So, if we’re going to talk about the business of film, it’s important to talk in terms that have some reality base. When we look at the issue of ‘independent film’ and see that they are distributed to the public with the support of the major Hollywood studios, it illustrates the extent of real power the studios assert in spite of the illusion of ‘independent power.’⁸ The contrast between motion picture mythology generated by their marketing departments and the operational reality of the film industry is the way that the game is played. First look at the power that the film studios wield and then look at what the movie-going public considers to be *entertainment*. I think that it would be pretty difficult to say that it’s only a movie.”

Cyril laughed.

CYRIL: “Your definition of film doesn’t even include documentaries.”

PETER: “Why should it?”

CYRIL: “Because for my taste, I prefer documentary to fiction films. I get tired of explosions and car chases. At least in a documentary you get to see reality.”

PETER: “As constructed as it may be.”

CYRIL: “Documentary films are the cinematic equivalent of non-fiction books.”

PETER: “In the last six months, how many documentaries have you seen?”

CYRIL: “Well . . . I haven’t had the chance to see any.”

PETER: “And why is that?”

CYRIL: “There haven’t been any around.”

PETER: “You mean that there haven’t been any documentaries distributed to theaters in New York City where you could see them.”

CYRIL: “I didn’t say that. There might have been one or two around that I just didn’t hear about.”

PETER: “How do you think that happened?”

CYRIL: “What?”

PETER: “That documentaries are made that you don’t get a chance to see or to hear about. Especially you, who likes documentaries and lives in New York City where there are so many movie theaters.”

CYRIL: “I presume that documentaries aren’t as profitable for film distribution companies as feature films are.”⁹

PETER: “Actually the average documentary has a much lower pro-

7. FARGO (Gramercy Pictures 1996). See Beifuss, *supra* note 5, at A8.

8. See Beifuss, *supra* note 5, at A8.

9. See W. HUGH BADDELEY, *THE TECHNIQUE OF DOCUMENTARY FILM PRODUCTION* 243-45 (1963) (explaining the challenges of distribution for documentary film).

duction cost than the average studio film.”¹⁰

CYRIL: “Well maybe the general public isn’t as interested in seeing documentaries as I am.”

PETER: “Well, you admit that you may not be finding out what documentaries are around. That’s a function of marketing dollar commitment. If you don’t hear about the film, you can’t find out where it’s playing and support it.”

CYRIL: “Obviously. So what’s your point.”

PETER: “My point is that documentaries don’t get a fair test market in most cases, to even determine that they are economically feasible.¹¹ So what’s the last example of this cinematic non-fiction that you’ve seen?”

CYRIL: “*Hoop Dreams*.”¹²

PETER: “And what was that about?”

CYRIL: “Don’t be dense. You know that the film was about the lives of two inner city boys who were aspiring to someday play ball in the NBA. The boys were real, not actors. Their families, coaches and fellow players were real, not actors. So where is your grand construction?”

PETER: “The film is a construction of the director’s choice of what story is to be told, who the camera focuses on, what shots will be included, and how long the film runs among other things. And that’s just the *beginning* of the conscious construction of a documentary.”¹³

CYRIL: “And your point is?”

PETER: “I’m just trying to point out that what you identify as *real* in documentary is actually a highly developed construction based upon a series of choices by filmmakers.”

CYRIL: “But the characters in a documentary are real people, not actors.”

PETER: “That is true. As long as they are unaffected by having a film crew standing around their breakfast and dinner table with lights, cameras and tape recorders.”

CYRIL: “Peter, I’m sorry, but I just can’t buy the way that you try to make movies such an important part of American life. Movies are no more than just another industry that happens to entertain people.”

Peter laughed.

PETER: “Cyril, for someone who teaches corporate law and securities regulations, I’m amazed at your naiveté. Take a look at the history of

10. David Lieberman, *Big-budget Binge For '97 Films*, THE SEATTLE TIMES, Dec. 27, 1996, at F6 (discussing how the production and marketing expenses are growing far faster than sales). The cost of an average film in 1996 increased to \$61 million, about 13 % more than last year. Ten documentaries could easily be produced for that much. *See id.*

11. BADDELEY, *supra* note 9, at 244.

12. HOOP DREAMS (Katemquin Films/KCTA-TV 1994).

13. *See* ERIK BARNOUW, DOCUMENTARY 287-88 (1974) (discussing the fact that documentary film is less a product of journalistic objectivity than it is a product of the filmmaker’s approach to the subject).

the movie industry, and you'll see a history of evolving monopolies.¹⁴ At the turn of the century, in the early days of film, the industry was an intellectual property-driven monopoly.¹⁵ The Motion Picture Patent Company controlled the leading patents on cameras, film and projectors.¹⁶ Studios such as Fox, Warner Brothers, and Universal actually started out as theater chains.¹⁷ The anti-trust division of the Justice Department brought suit against the Motion Picture Patent Company. In 1918, the company disbanded after years of litigation.¹⁸

"This event enabled the major exhibitors to move into motion picture production and fill the power void left by the Motion Picture Patent Company.¹⁹ Their response to the death of one monopoly was to take control of the motion picture in this country through the creation of a newer form of motion picture combination: a vertically integrated monopoly.²⁰ The studios produced motion pictures, which they distributed to their own theaters. This industry structure enabled seven film companies to dominate the film industry for about thirty years."²¹

Cyril shook his head in dismay.

CYRIL: "Peter, as a 'Business Law Type,' I enjoy a good trustbusting story as much as the next person, but what does any of this have to do with Black folks?"

PETER: "The African-American community was definitely affected by all of this. In the early days of the film industry, the Motion Picture Patent Company through the power of their patent trust controlled who could be players in the film industry. Therefore, they were able to define what films were made."²²

Cyril laughed.

CYRIL: "I smell one of your conspiracy theories about to rear its ugly head."

PETER: "Let's just look at some of the titles of films that were produced in the first ten years of this century which depicted African Americans: *Coon Town Suffragettes*, *Wooin' and Wedding of A Coon*, *Rastus In*

14. See MICHAEL CONANT, *ANTITRUST IN THE MOTION PICTURE INDUSTRY* 16 (1960).

15. *Id.* at 18.

16. *Id.* at 18.

17. Jeanne Thomas Allen, *The Decay of the Motion Picture Patents Company*, in *THE AMERICAN FILM INDUSTRY* 119, 122-31 (Tina Balio ed. 1976) (discussing the rise of the exhibition chains into the Hollywood studios).

18. CONANT, *supra* note 14, at 21.

19. *Id.* at 23.

20. *Id.* at 23-25.

21. See MAE D. HUETTIG, *ECONOMIC CONTROL OF THE MOTION PICTURE INDUSTRY* 143-50 (1944) (discussing the rise to power of the early film studios).

22. GEORGE N. GORDON, *THE COMMUNICATIONS REVOLUTION: A HISTORY OF MASS MEDIA IN THE UNITED STATES* 114 (1977) (explaining the control the Motion Picture Patent Company exercised over the early film industry).

Zululand.²³ Need I continue?"

CYRIL: "So a bunch of racist hustlers at the turn of the century made some racist shorts. In the same historical period, Tuskegee Institute flourished under Booker T. Washington,²⁴ and Dubois had his doctorate from Harvard and was editor of the NAACP's *Crisis* magazine.²⁵ That's what was real!"

PETER: "Another thing that was real was the rise of one of the most powerful vehicles of propaganda in the history of the world²⁶ with African Americans being grievously defamed by it.²⁷ And at the time that this defamation was happening on-screen, African Americans were being lynched in this country at a rate higher than any other point in U.S. history.²⁸

"African Americans were kept out of the film industry then, they were kept out of the game in the days of the vertically integrated monopoly, and they are still kept out today!"²⁹

CYRIL: "And why is that? Lack of entrepreneurial endeavor on our parts? It's not as if African Americans have taken over a significant portion of *any* particular business sector. For example, African Americans don't own Boeing or Hughes or any other leading company in the aerospace industry and I don't hear you complaining about that. So what's the difference?"

PETER: "The motion picture industry has had a significant impact on world consciousness in this century. It's helped to shape the way America sees the world and the way the world sees Americans. Film in this country has constructed a mythology that has sung an ode to white heroism and white superiority with no concern about historical accuracy.³⁰ In the 'Golden Age' of Hollywood, Black men were Stepin Fetchit.³¹ Black women were Hattie McDaniel.³² Asian men were Charlie Chan³³ played by

23. See DONALD BOGLE, TOMS, COONS, MULATTOES, MAMMIES, AND BUCKS 8-9 (1973) (discussing the racism of early film images of African Americans).

24. See BOOKER T. WASHINGTON, UP FROM SLAVERY 310-13 (1905) (discussing the physical and economic achievement in the building of Tuskegee Institute).

25. See JOHN HOPE FRANKLIN & ALFRED A. MOSS, JR., FROM SLAVERY TO FREEDOM: A HISTORY OF NEGRO AMERICANS 288 (6th ed. 1988).

26. Philip Sterling, *A Channel for Democratic Thought*, in CELLULOID POWER 52-65 (David Platt ed., 1992).

27. See EDWARD MAPP, BLACKS IN AMERICAN FILMS: TODAY AND YESTERDAY 16-20 (1972).

28. FRANKLIN & MOSS, *supra* note 25, at 288-89 (discussing the efforts by the NAACP to get the federal government to respond to the rash of lynchings in the South).

29. JESSE ALGERON RHINES, BLACK FILM/WHITE MONEY 79-87 (1996) (discussing racial discrimination in the hiring practices of the motion picture industry).

30. ED GUERRERO, FRAMING BLACKNESS 9-10 (1993) (discussing the history of racist stereotypical depictions of African Americans throughout a century of film).

31. Lincoln Perry (1902-1985) was an African-American actor who appeared in over forty films portraying Black stereotypical male characters.

32. Hattie McDaniel (1895-1952) was an African-American actress who was the first African American to win an Academy Award. She usually played the role of a lovable, outspoken maid.

Warner Oland or Fu Manchu played by Boris Karloff, with his daughter played by Myrna Loy.³⁴ White men were Erroll Flynn playing George Armstrong Custer³⁵ and Clark Gable as Rhett Butler.³⁶ White women were Bette Davis as Jezebel³⁷ and Joan Crawford as Mildred Pierce.³⁸

CYRIL: "The problem with all of you cultural nationalists is that you overemphasize the importance of all this arts and crafts. You talk tough about how bad white folks have been to us with the movies they produced with their money, but you get all soft when it comes to confronting the realities of business in this country. You just can't deal with the golden rule of business: *He who has the gold makes the rules!*"

PETER: "Cyril, do you feel that African Americans have made much of any significant contributions to the development of this country?"

Cyril scoffed.

CYRIL: "Of course I do, but that's not the issue."

PETER: "That's exactly the issue. Look at history in terms of how it's *recorded* and *defined*. Today's media entertainment is tomorrow's recorded history."³⁹

CYRIL: "Peter, a movie is a movie. It doesn't feed the hungry or make the sick healthy!"

PETER: "But movies can certainly make the healthy sick!"

CYRIL: "Clever line but a ridiculous idea. Movies have about as much to do with real life as cartoons do."

PETER: "Cyril, I'll grant you that movies in this century started out primarily recording real life events,⁴⁰ but the increasing popularity of the new art form eventually put filmmakers and studios in the position to redefine people's perceptions of the world and to be able to impact humankind's consciousness.⁴¹

"For people of color, their depictions were generally stereotypical and negative.⁴² Many of the racial misperceptions and stereotypes that

33. Hollywood has produced forty-eight Charlie Chan feature films. The character is based upon a series of novels written by Earl Derr Biggers, a white male.

34. Eleven feature films have been produced about the fictional Asian villain, Dr. Fu Manchu, created by English author, Sax Rohmer (real name-Arthur Sarsfield Wade). All of the films starred white actors in the title role. In 1932, MGM produced THE MASK OF FU MANCHU, with Boris Karloff in the title role and Myrna Loy playing his daughter, Fah Lo See.

35. THEY DIED WITH THEIR BOOTS ON (Warner Brothers 1941).

36. GONE WITH THE WIND (Selznick International Pictures 1939).

37. JEZEBEL (Warner Brothers 1938).

38. MILDRED PIERCE (Warner Brothers 1945). Joan Crawford won the Academy Award for this role.

39. See MARSHALL McLUHAN, UNDERSTANDING MEDIA 257-58 (1st ed. 1964) (explaining the effect of film on the consciousness of humans).

40. GERALD MAST, A SHORT HISTORY OF THE MOVIES 19-29 (1976) (discussing the early days of the film industry when Edison and the Lumiere Brothers were the leaders in the business).

41. *Id.* at 115-25.

42. THOMAS CRIPPS, SLOW FADE TO BLACK 33 (1977) (discussing the negative depiction of Blacks, Asians and Hispanics in early American films).

people believe today, at the end of the Twentieth Century, are extensions of racist social imagery from films produced in the first third of this century. And the social images of people of color in films of this period did more than simply *entertain*, they also presented different groups of color in a manner which had a social utility of perpetuating the dominance of Whites in this society. This could be accomplished through the creation of social mythologies, constructing a hierarchical structure of communities of color and demonizing communities of color through stereotypical depictions.”

CYRIL: “If you think that’s what happened, prove it.”

PETER: “Let’s look at the phenomena of how the Asian community has been positioned by white writers as a *model minority*.”⁴³

CYRIL: “Fine.”

PETER: “If this were a Freshman Composition course, I would ask you to tell me in 500 words or less: ‘What does the term model minority mean to you?’”

CYRIL: “Do you want me to answer that?”

PETER: “Please, Professor.”

CYRIL: “To me, model minority is a ‘loaded’ term. It’s a compliment to one group at the expense of another. It is synonymous with ‘good’ minority which inevitably implies that there is such a thing, somewhere out there, as a ‘bad’ minority.”

PETER: “And if there is a ‘bad’ or ‘less than model’ minority somewhere out there, who would that be?”

CYRIL: “Generally, any economically disadvantaged minority group who has been in America for decades and hasn’t achieved within their group a critical mass of ‘success sagas.’ When certain conservatives and pseudo-liberals, who use terms like model minority, think of ‘bad’ minorities, they see African Americans in their mind’s eye.”

PETER: “Do you think that their application of the term ‘model’ to a minority group involves a political agenda?”

CYRIL: “Yes. It compliments one group and insults the others. And the complimented group might buy into the petting by the majority, or the insulted might feel animosity toward the complimented group, but in either

43. See Cynthia Kwei Yung Lee, *Race & Self-Defense: Toward a Normative Conception of Reasonableness*, 81 MINN. L. REV. 367, 424-28 (1996) (discussing the problematic issues which arose for Asian Americans when placed into a model minority status by the media in the wake of the shooting of Latasha Harlins and the Los Angeles Rebellion. See also, Natsu Saito Jenga, *Finding Our Voices, Teaching Our Truth: Reflections on Legal Pedagogy and Asian-American Identity*, 3 ASIAN PAC. AM. L.J. 81, 83-86 (1995); Frank H. Wu, *Neither Black Nor White: Asian Americans and Affirmative Action* 1995, 15 B.C. THIRD WORLD L.J. 225, 225-27 (1995); Robert S. Chang, *Toward an Asian American Legal Scholarship: Critical Race Theory, Post-structuralism, and Narrative Space*, 81 CAL L. REV. 1241, 1258-65 (1993), 1 ASIAN L.J. 1, 18-25 (1994); Pat K. Chew, *Asian Americans: the “Reticent” Minority and Their Paradoxes*, 36 WM. & MARY L. REV. 1, 24-33 (1994); Alfred Chueh-Chin Yen, *The Diversity Among Us*, 19 W. NEW ENG. L. REV. 36, 37-38 (1997).

case, energy is drained from the analysis and challenge of the majority's domination."

PETER: "How do you see the criticism of the analysis of American Race Relations being restricted to a Black/White Paradigm?"⁴⁴

CYRIL: "Personally I see it as a demand by other groups of color to get some attention to their issues and problems that they don't see being addressed at present."

PETER: "But what's going on when Angela Oh and others have criticized the initial focus of the President's Race Panel on the slavery experience and Black/White relations?"⁴⁵

CYRIL: "That's about people wanting to have their story heard. Self-interest is natural in politics."

PETER: "Yet the thing that is particularly interesting to me is that, as in the model minority scenario, the context is defined by the majority. In other words, the Asian-American community didn't dub itself a model minority. The majority media did that. Just as the Black/White model of race discourse that is under attack is perpetuated by the majority media. And the Presidential Panel on Race was selected by President Clinton! So minority groups end up arguing over terminology and symbolic benefits which are systematically controlled by the majority, which remains unchallenged due to the utilitarian divisiveness of these empty benefits."

CYRIL: "Interesting point, but what's all this got to do with the film industry?"

PETER: "Are you familiar with Charlie Chan?"

CYRIL: "As in Charlie Chan of the Honolulu Police Department?"

PETER: "The one and only."

CYRIL: "Of course! But don't tell me that you're going to try to argue that Charlie Chan has something to do with model minorities and Black/White paradigms?"

PETER: "He is one of the first cinematic symbols of the model minority!"

CYRIL: "Peter, you don't want to try to debate about Charlie Chan. He's my favorite movie detective and I know his films too well!"

PETER: "Great. So what do you as an African American like about Charlie Chan?"

44. John O. Calmore, *Exploring Michael Omi's "Messy" Real World Of Race: An Essay For "Naked People Longing To Swim Free,"* 15 LAW & INEQ. J. 25, 32-64 (1997) (arguing the ineffectiveness of using a Black/White paradigm in contemporary race analysis, in large part due to the vast demographic diversity in the composition of communities of color).

45. William Douglas, *Panel Meant To Heal Is Split/Race-Relations Group Divided On History,* NEWSDAY, July 15, 1997, at A15 (discussing the disagreement which arose between members of the Clinton Race Panel, Black historian John Hope Franklin and Angela Oh, Los Angeles attorney and the panel's sole Asian member. In their first meeting, Oh expressed a desire for the discussion on race to go beyond slavery and Black/White relations and Franklin argued that a discussion on race couldn't be removed from a historical analysis).

CYRIL: "For one thing Chan was an outsider: an Asian dealing authoritatively in a white world with the power of the law behind him."

PETER: "So where did this authority and power of the law come from?"

CYRIL: "As I said, he was a detective on the Honolulu Police Force."

PETER: "And since prior to 1960, Hawaii was an American Territory, we'll say Chan was controlled by a white, U.S. governmental authority?"

CYRIL: "Fine. But *he* was Chinese and for me, that's what made the difference between him and Sherlock Holmes,⁴⁶ for example."

PETER: "But as you said, Charlie Chan was operating in the white world and he served a function there: to solve the murder mysteries of the white world. So in a sense, he was an Asian hero with uncanny detective skills, whose function was to travel the world, bearing white authority and solving white crimes for white people."

CYRIL: "I suppose that's one simplistically negative way of describing Charlie Chan as a film hero. But he was the first hero of color to have a film series!"

PETER: "What about the Cisco Kid?⁴⁷ He was on film before Charlie Chan⁴⁸ and he was Mexican."

CYRIL: "Yes, but he was played by a white actor."⁴⁹

PETER: "In the early films. But the Cisco Kid was also portrayed by Hispanic actors in films."⁵⁰

CYRIL: "Peter, I know that Charlie Chan was a fictional character created by a white writer. I just think that there is power in the very idea of an Asian screen detective with Chan's skills, regardless of him being played by a white actor."

PETER: "So it's the thought that counts?"

CYRIL: "In culture, yes. Particularly considering all the negative depictions of Asians as the 'Yellow Peril' that were projected in earlier films

46. Sherlock Holmes is a fictional detective character created by Sir Arthur Conan Doyle in 1887, who was the first and one of the most frequently depicted detective characters in American film. See WILLIAM K. EVERSON, *THE DETECTIVE IN FILM* 4-19 (1972).

47. The Cisco Kid is a fictional character created by O. Henry (real name William Sidney Porter) and first seen in a story published in 1907, *The Caballero's Way*. See CHICANO CINEMA-RESEARCH, *REVIEWS AND RESOURCES* 28-29 (Gary D. Keller ed., 1985)

48. The Cisco Kid was first seen on film in *THE CABALLERO'S WAY* (Universal 1914). See JOHN TUSKA, *THE FILMING OF THE WEST* 440 (1976).

49. Warner Baxter, a white actor, portrayed the Cisco Kid in three films. See CHICANO CINEMA-RESEARCH, *REVIEWS AND RESOURCES*, *supra* note 47, at 29. Baxter's portrayal of the Cisco Kid in his first film of the series, *IN OLD ARIZONA* (Twentieth Century Fox 1929), earned him the Academy Award for best actor that year. See ROY PACKARD, *THE OSCARS FROM A-Z* 78 (1978).

50. Hispanic actors Cesar Romero and John Gilbert both portrayed the Cisco Kid in feature films. Romero played the part in six films and Gilbert, in six films. See CHICANO CINEMA-RESEARCH, *REVIEWS AND RESOURCES*, *supra* note 47, at 29.

of the era.⁵¹ You, yourself, mentioned Dr. Fu Manchu.”

PETER: “In fact, the character of Dr. Fu Manchu had a feature film series before Charlie Chan did.⁵² And guess who originated the role of the ‘evil genius’?”

CYRIL: “I believe that you said it was Boris Karloff.”

PETER: “No, the actor who played Fu Manchu in three films prior to Karloff was Warner Oland, a Swedish character actor who went on to star as Charlie Chan in sixteen films.⁵³ Interestingly, in 1931 he played both characters in the same year.”⁵⁴

CYRIL: “I think Warner Oland did the best portrayal of Chan. He played the part with dignity.”

PETER: “Dignified or not, he wasn’t Asian.”

CYRIL: “Did you consider that possibly there weren’t any Asian actors around Hollywood to play the role?”

PETER: “Asian actors such as Sessue Hayakawa had starred in American films a decade before the first Chan film was produced.⁵⁵ More to the point, Asian actors had portrayed Charlie Chan in the first two films which had featured the character!⁵⁶ So there definitely were Asian actors who could have done the job.”

CYRIL: “We always come to the same point of difference: I see movies as a form of entertainment and you see them as more. To me it isn’t terribly important whether Fu Manchu or Charlie Chan was played by an Asian actor or a white one. None of it is reality. The absurdity of the whole thing is exemplified by the fact that the same actor played Fu Man-

51. See Oehling, *supra* note 2, at 187-92 (discussing films such as *TYPHOON* (N.Y. Motion Picture 1914), *THE CHEAT* (Jesse L. Lasky Feature Play Company 1915) and *THE YELLOW MENACE* (Serial Film Company 1916), which depicted Asians as treacherous, homicidal and sexually depraved).

52. As a screen character, Charlie Chan made his first film appearance in *THE HOUSE WITHOUT A KEY* (Pathé 1925), a silent serial, in which Chan was merely a supporting character. It wasn’t until the fourth film in which the Chan character appeared, *CHARLIE CHAN CARRIES ON* (Twentieth Century Fox 1931), that Chan was the lead character in the story. See EVERSON, *supra* note 46, at 73. Dr. Fu Manchu began as a film series with *MYSTERIOUS DR. FU MANCHU* (Paramount 1929) in 1929. See *ETHNIC IMAGES IN AMERICAN FILM AND TELEVISION 149-50* (Randall M. Miller ed., 1978) (discussing the history of Fu Manchu as a literary and film character).

53. EVERSON, *supra* note 46, at 73.

54. Warner Oland starred as Dr. Fu Manchu in *MYSTERIOUS DR. FU MANCHU* (Paramount 1929), *THE RETURN OF DR. FU MANCHU* (Paramount 1930) and *DAUGHTER OF THE DRAGON* (Paramount 1931). Oland’s first appearance as Charlie Chan was in *CHARLIE CHAN CARRIES ON* (Twentieth Century Fox 1931), followed by *THE BLACK CAMEL* (Twentieth Century Fox 1931). LESLIE HALLIWELL, *HALLIWELL’S FILM GUIDE 192*, 389 (2d paperback ed. 1983).

55. Japanese actor, Sessue Hayakawa (1890-1973), starred in over twenty early silent films including *TYPHOON* (N.Y. Motion Picture 1914) and *THE CHEAT* (1915). He eventually became so frustrated with the racial discrimination he encountered both in the American film industry and American society that he left the United States. See Oehling, *supra* note 2, at 188-91.

56. In the first film the Charlie Chan character appeared, *HOUSE WITHOUT A KEY* (Pathé 1925), Chan was played by Japanese actor, George Kuwa. In the second film in which Chan appeared, *THE CHINESE PARROT* (Universal Pictures 1927), he was portrayed by Japanese actor Kamiyama Sojin. See EVERSON, *supra* note 46, at 73.

chu and Charlie Chan.”

PETER: “Or Boris Karloff playing Fu Manchu and then later, Mr. Wong, another Chinese film detective.”⁵⁷

CYRIL: “Exactly!”

PETER: “But you realize that in taking that position, you’re adopting the viewpoint of the white majority without giving any consideration to the Asian perspective on the issue. Such as how does it feel to be a member of a group who is cinematically demonized, occasionally lionized, and generally marginalized, with your cinematic depicitors for the most part being white actors in *yellowface*.”

CYRIL: “Intellectually, I understand what you’re saying. But how realistic is it for me as an African American to view Charlie Chan from an Asian perspective?”

PETER: “As an African American I feel that you have an ethical imperative to try to perceive imagery of all people of color with a responsible consciousness.”

CYRIL: “Because of some sort of *Third World Coalition* theory?”

PETER: “Because as an African American, you know what it’s like to watch *Birth of a Nation* and see your community ridiculed and lied about by D.W. Griffith and his actors in blackface. One of the greatest perversions of the Charlie Chan saga is that the character of Chan wasn’t merely some fictional figment of a white writer’s imagination! Earl Derr Biggers based the character, Charlie Chan, on a *real* Chinese detective on the Honolulu Police Force, Chang Apana, whom Biggers read about in the newspaper.⁵⁸ So fiction books and fiction movies reconstructed reality. Chang, an Asian detective in real life, became Chan, an Asian character portrayed primarily by white actors in over forty Hollywood films.”

CYRIL: “It isn’t as if Black people were treated so gingerly in Charlie Chan movies. Remember the character of Birmingham Brown, Charlie Chan’s chauffeur, played by Mantan Moreland?”⁵⁹

PETER: “Of course. His performances in the Chan films contained some of the most offensive racial stereotypes in film history. When Bir-

57. Mr. Wong is a fictional Asian detective based upon stories by Hugh Wiley. The character was featured in six films beginning with MR. WONG, DETECTIVE (Monogram 1938). In five of the films, Boris Karloff portrayed Mr. Wong. However, in the last film of the series, PHANTOM OF CHINATOWN (Monogram 1940), Asian actor, Keye Luke, replaced Karloff in the title role. This made Luke one of the few Asian actors to portray an Asian detective in a Hollywood film. At the time, Keye Luke was best known for having been featured as Lee Chan, “Number One Son,” in nine Charlie Chan films. See EVERSON, *supra* note 46, at 72-82.

58. *Ask The Globe*, THE BOSTON GLOBE, June 12, 1990, at 26 (discussing the Charlie Chan film series and the fact that Earl Derr Biggers got the idea for the series from an article he read mentioning Chinese detective Chang Apana in a Honolulu newspaper, at the New York Public Library, in their out-of-town newspaper collection).

59. Mantan Moreland (1902-1973) was an African-American comic actor who appeared in over seventy-five films. He appeared in seventeen Charlie Chan films as Chan’s chauffeur, Birmingham Brown. See HALLIWELL, *supra* note 54, at 192.

mingham sensed that he was in danger, he would widen his eyes and scream: 'Mr. Chan!! Mr. Chan!!' or 'Feets, don't fail me now!!'"

CYRIL: "Which is one of the reasons that I preferred the earlier Warner Oland Chan films, because that Birmingham character didn't exist in them."

PETER: "True, but Stepin Fetchit was featured in *Charlie Chan in Egypt* as the character 'Snowshoes,' and *that* was a Warner Oland film."⁶⁰

CYRIL: "But according to your logic, although Stepin Fetchit and Mantan Moreland were depicting Black people in a degrading, stereotypical fashion, Black people were better off because they were being degradingly depicted by actual Black people. That sounds pretty weak to me."

PETER: "It may sound weak, but to test the concept, simply look at the film *Check and Double Check*.⁶¹ It's an old Amos and Andy film, where Freeman Gosden and Charles Correll,⁶² who created the characters and played them on radio, portrayed them on the screen in blackface. Then watch an episode of the Amos n' Andy television series,⁶³ where the same characters are portrayed by Black actors. I'll bet that you will find the same type of comedy dialogue that is riddled with minstrel dialect, Southern drawl and malapropisms, much less offensive than when you see it delivered by white male actors in shiny blackface!"

CYRIL: "You make a pretty convincing case that people of color couldn't win in the early days of Hollywood. If you have a hero like Charlie Chan or Mr. Moto, the part is reserved for white actors. If you have a powerful villain like Dr. Fu Manchu, who must be respected although feared, that part is reserved for white actors. But when you have a comic relief, stereotypical role for a character of color, such as a houseboy or a chauffeur, that part can be played by a member of the victim group!"

PETER: "The bad thing is that Hollywood today is no more enlightened than it was sixty years ago. In fact, there is a new Charlie Chan feature film in development in Hollywood as we speak."⁶⁴

CYRIL: "Well, who is going to play Chan? Certainly not a white actor in Asian makeup."

60. HALLIWELL, *supra* note 54, at 192. See also THE AFRO-AMERICAN CINEMATIC EXPERIENCE, 221 (Marshall Hyatt ed., 1983).

61. CHECK AND DOUBLE CHECK (RKO 1930).

62. Freeman F. Gosden (1899-1982) and Charles Correll (1890-1972) were the two white actor/producers who created and performed the roles of Amos and Andy on radio for over thirty years and in one feature film, CHECK AND DOUBLE CHECK (RKO 1930).

63. *Amos 'n' Andy* is a television series which ran for fifty-eight episodes on CBS from 1951-1953. The show featured African-American actors Alvin Childress and Spencer Williams in the title roles, as well as Tim Moore as Kingfish. The series was ultimately taken off the air as a result of continued protest by the NAACP against CBS's airing of the show. See Greg Braxton, *Tuning In To 'Amos 'N' Andy' Again; The Long Banished TV Comedy Is Being Rediscovered, Especially By Blacks. And While Not Everyone Is Laughing, Some Are Looking At The Show With A New Perspective*, L.A. TIMES, July 3, 1997, at A1.

64. Somini Sengupta, *Charlie Chan, Retooled for the 90's*, N.Y. TIMES, Jan. 5, 1997, § 2, at 20.

PETER: "No. The papers say that the Asian actor, Russell Wong, is attached to star."⁶⁵

CYRIL: "Thus showing that things in the Hollywood films are better today for minorities than you're willing to admit."

PETER: "Let's put it like this: I haven't read the script or seen the finished film, but there has been a lot of negative response by Asian artists and scholars both to this remake⁶⁶ and to the concept of Charlie Chan in general.⁶⁷ There is also talk of Hollywood doing remakes of the '70s films *Shaft*⁶⁸ and *The Mack*.⁶⁹

CYRIL: "So what do you think all this recycling is about?"

PETER: "I don't know. Maybe some of the remakes will improve upon these flawed movie icons, or maybe it's just a new Hollywood hustle, designed to exploit some updated, racist intellectual properties from their vaults, at the expense of contemporary audiences. Rebirthing stereotypes for the millenium! The result is that people of color will be globally defamed by Hollywood films in the Twenty-first Century the way that we were in the Twentieth Century, with our realities appropriated and reconstructed into the image of their racist fiction."

CYRIL: "Peter, with all due respect, that is a ridiculous overstatement. I still contend that films are simply a form of entertainment, no different than books. There are fiction books and non-fiction books. Non-fiction books analyze history or treat current events. Fiction books deal with fantasies. Documentary films deal with reality the same way a non-fiction book does."

PETER: "You say that a non-fiction book is a depiction of reality. But whose reality does it depict? It represents the perceived reality of the writer of the book, or in the case of a documentary film, the vision of filmmakers.⁷⁰ The alleged objectivity of a non-fiction book or documentary film is a product of the subjective view of its creators."⁷¹

CYRIL: "Well, everything in the world is an extension of one's

65. Miramax has purchased the rights to produce the Chan films. They have announced that they plan to reincarnate Charlie Chan as a "hip, slim, cerebral, sexy and a martial-arts master." *Id.* at 3.

66. Frank Ritter, *It's A Mystery Why They'd Make Charlie Chan PC*, THE TENNESSEAN, Jan. 8, 1997, at 9A.

67. CHARLIE CHAN IS DEAD xxi-xxii (Jessica Hagedorn ed., 1993) (discussing Charlie Chan as being as offensive an image to many Asians as Amos 'n' Andy is to many African Americans).

68. SHAFT (Metro-Goldwyn-Mayer 1971). See Elaine Dutka, *Rediggin' The Scene; Blaxploitation Films and Related Cultural Touchstones Of The '70s Are Inspiring A Big Screen Revival*, L.A. TIMES, June 30, 1997, at F1 (discussing the current popularity of the Black films and music of the Seventies, and how Hollywood is attempting to cash in on this phenomena by remaking Black films of the period).

69. THE MACK (Cinerama 1973). See Dutka, *supra* note 68, at F1 (discussing the proposed remake to be produced by the makers of NEW JACK CITY (Warner Brothers 1991)).

70. BARNOUW, *supra* note 13, at 288.

71. *Id.*

However, if I were a person who saw that film and who had very little exposure to African Americans and had nothing to compare the film with, I bet that, if the issue of Black people came up at a social gathering of my friends, it would be very difficult for me not to quote things that I saw in that film.”

CYRIL: “There’s no intelligent person, regardless of what they’ve seen or been exposed to, who is going to think that a character portrayed in *The Color Purple* or a Stepin Fetchit or a Hattie McDaniel is like a Black person in the real world.”

PETER: “So you don’t think that negative stereotypes of African Americans in the mass media do any harm?”⁷⁸

CYRIL: “Maybe fifty years ago when that was the only type of Black person that some white folks might have been exposed to. But Black people never confused those stereotypical characters with real people.”⁷⁹

PETER: “Because they knew other African Americans so they could compare them and they could understand the difference between social types and stereotypes. However, when they left the Black world they had to go into the white world where these stereotypical images proliferated unchallenged.”⁸⁰

Cyril sighed in annoyance.

CYRIL: “Don’t you ever get tired of complaining about film and how we’ve been done wrong? Our first academy award was won by Hattie McDaniel for *Gone With The Wind*, playing the part of Mammy.⁸¹ That must really bother you.”

PETER: “Hattie McDaniel winning the Academy Award was an incredible achievement. She was competing against some of the top white actresses in Hollywood, including Olivia DeHavilland, who was actually a co-star of the film.⁸² Her win is particularly amazing when you closely analyze the film and note that in some of her biggest dramatic scenes, she’s completely in the shadows. Obviously the scenes had been lit to accentuate the white actors working with her. But the entire film itself is a

78. See Randall M. Miller, *Introduction to THE KALEIDOSCOPIC LENS*, *supra* note 2, at 11-12 (Randall M. Miller ed., 1980).

79. See Thomas Cripps, *The Dark Spot in the Kaleidoscope: Black Images in American Film*, in *THE KALEIDOSCOPIC LENS*, *supra* note 2, at 15-18.

80. See Miller, *supra* note 78, at 12.

81. Since McDaniel’s Oscar victory in 1939, there have only been four other African Americans to win Academy Awards in acting: Sidney Poitier (*LILIES OF THE FIELD* (United Artists 1963)), Louis Gossett, Jr. (*AN OFFICER AND A GENTLEMAN* (Paramount 1982)), Whoopi Goldberg (*GHOST* (Paramount 1990)) and Cuba Gooding, Jr. (*JERRY MCGUIRE* (Tri Star 1996)).

82. The 1939 Academy Awards nominees for Best Performance by a Supporting Actress competing against McDaniel were: Olivia DeHavilland (*GONE WITH THE WIND* (Selznick International Pictures 1939)), Geraldine Fitzgerald (*WUTHERING HEIGHTS* (Samuel Goldwyn 1939)), Edna Mae Oliver (*DRUMS ALONG THE MOHAWK* (Twentieth Century Fox 1939)) and Maria Ouspenskaya (*LOVE AFFAIR* (RKO 1939)).

opinion.”

PETER: “Granted, but it becomes difficult to argue about the superior objective truth of non-fiction over fiction once you acknowledge that it’s all a matter of opinion. More importantly, film has such a cultural power that, even the most unadulterated fictional depiction of history or current events can, over time, take on an aura of historical authority, particularly for people who don’t know much about the subject matter.”⁷²

CYRIL: “What do you mean?”

PETER: “Here’s an example. Imagine viewing a very expensively produced fiction film depicting the life of an Eskimo family in Alaska between 1919 to 1939. Imagine the film’s production values were very richly detailed and it was very moving and persuasive. After having seen this powerful film, I would bet that if you were at a cocktail party and someone brought up the topic of ‘Eskimo people,’ you would be hard pressed not to make reference to things that you had seen in that film. Not because you would be unable to differentiate between fiction and non-fiction, but rather that the film’s artistic excellence might touch your mind and heart and become a part of your consciousness around the subject of ‘Eskimo people.’”

Cyril looked at Peter very skeptically.

CYRIL: “I doubt that. But what is the point you’re trying to make?”

PETER: “Just imagine the impact of the film, *The Color Purple*,⁷³ on the consciousness of people around the world who had had little or no exposure to African Americans prior to seeing that film. This is a feature film adapted from a work of fiction written by an African-American author, Alice Walker,⁷⁴ depicting a period of African-American life in the South between 1919 and 1939. It was a very lavishly produced, fictional motion picture, directed by Steven Spielberg,⁷⁵ a white male who up to that time had used very few African-American actors in his films. The film was written by a white male, Menno Meyjes.⁷⁶ Now, regardless of how richly textured Alice Walker’s Pulitzer Prize winning novel may have been, that still couldn’t compensate for the facial absurdity of those two men making that movie. Particularly with all the African-American pathology that’s built into the story, particularly in the depiction of African-American men. Yet Hollywood has deep pockets and no shame when it comes to depicting African-American life.⁷⁷ So they created a very expensively produced film which earned eleven Academy Award nominations and won nothing.

72. See Randall M. Miller, *Preface* to THE KALEIDOSCOPIIC LENS, *supra* note 2, at xii (discussing the prestige and credibility which is projected onto people through media exposure).

73. THE COLOR PURPLE (Warner Brothers 1985).

74. Alice Walker (1944-) is a Pulitzer Prize-winning, African-American novelist and poet.

75. Steven Spielberg (1947-) is an Academy Award-winning, white male director.

76. Menno Meyjes is an Academy Award-nominated screenwriter.

77. GUERRERO, *supra* note 30, at 9-10 (discussing the offensive, racist nature of the African-American images which have been projected in American cinema).

revisionist lie based on a romance novel by Margaret Mitchell,⁸³ which rhapsodized a Camelot, antebellum Southern world that never existed.”⁸⁴

CYRIL: “I didn’t realize that Margaret Mitchell wrote *Gone With The Wind* just to ridicule black people. Did David O. Selznick⁸⁵ produce the movie for the same reason?”

PETER: “You seem very intent on missing my point. I’m not saying that Southern novelists and Hollywood producers sat around scheming about how to make films which ridiculed Black people or how to rewrite the role of Black people in American history. But throughout this century, what has consistently occurred in the motion picture industry has been the manufacture of a legion of films reflective of their producers’ cultural biases, which have depicted history in a revisionist, racist fashion. Moreover, there is a willingness in this society to accept racist media as being entertainment, with a shrug and a rationalization that ‘it’s only a movie.’

“And regardless of the motivation of the makers, this body of cinematic literature has gone out into the marketplace for decades usually defaming, and rarely depicting honestly, people of color.⁸⁶ A body of racist, propagandistic entertainment has arisen which has affected how people see themselves and the world around them.”

CYRIL: “Well, if movies are so damn important, why haven’t Black people ever gone into film production in the manner that John Johnson⁸⁷ went into magazine publishing?”

PETER: “African Americans have always produced films. William Foster was producing films in 1910.⁸⁸ Noble Johnson founded the Lincoln Motion Picture Company in 1915,⁸⁹ and they produced several films that were dedicated to the depiction of positive images of African Americans.⁹⁰ Oscar Micheaux produced and directed films for thirty years which were focused on African-American life.”⁹¹

83. MARGARET MITCHELL, *GONE WITH THE WIND* (1936).

84. *Four Million Dollars Worth of Wind: David Selznick’s Gone with the Wind*, in *CELLULOID POWER* 324 (David Platt ed., 1992) (discussing the fantasy aspect of the film *GONE WITH THE WIND*).

85. David O. Selznick (1902-1965) was a motion picture studio executive and producer of *GONE WITH THE WIND*.

86. GUERRERO, *supra* note 30, at 16-17.

87. John H. Johnson (1918-) is the African-American publisher of *EBONY* and *JET* magazines.

88. See MARK A. REID, *REDEFINING BLACK FILM* 7 (1993) (discussing African-American film production companies in the early part of the Twentieth Century).

89. *Id.* at 9.

90. *THE REALIZATION OF A NEGRO’S AMBITION* (Lincoln Motion Picture Company 1916); *TROOPER OF COMPANY K* (Lincoln Motion Picture Company 1916). Both films were productions of the Lincoln Motion Picture Company, headed by African-American actor, Noble Johnson. Johnson eventually left the company due to pressure from his employers at the Hollywood studios, who were vexed by the fact that in some cities, Lincoln’s films were outgrossing their studio product. Johnson went on to act in many Hollywood films such as *KING KONG* (RKO Radio Pictures 1933). See CRIPPS, *supra* note 42, at 75-86.

91. Oscar Micheaux (1885-1951) was an African-American film director, writer, producer, distributor, novelist and publisher who produced forty feature films between 1918 and 1948.

CYRIL: "Well then it sounds like the workings of a free market economy, to me."

PETER: "So was slavery."

CYRIL: "White folks made films that you say were racist. Black folks made films that you say were positive images of black people. That sounds like an open marketplace of ideas. So what's your problem?"

PETER: "The problem is the uneven playing field. Black-produced movies were independents and were never distributed as widely as the white movies."⁹²

CYRIL: "I'm sure that if they were good movies, they would have been seen."

PETER: "Merit doesn't mean much in the face of monopoly. They weren't seen because they didn't have the distribution. They didn't have the distribution because the industry at that point was controlled by studios who distributed the films that *they* produced to *their* theaters. And that Professor, is why it is called a vertically-integrated monopoly."⁹³

CYRIL: "Well, why didn't the Black film producers distribute their films to Black-owned movie theaters? Were there any at the time?"

PETER: "Many of the Black-owned theaters which existed across the country went under during the depression, due both to economic hardship and to the pressures exerted by the monopolistic trade practices of the studio-connected theater chains."⁹⁴

CYRIL: "Well then how did Oscar Micheaux make films for thirty years?"

PETER: "He was a gifted businessperson in the tradition of Madame Walker⁹⁵ and C.C. Spaulding.⁹⁶ Micheaux would write a novel, distribute and sell that, then write a screen adaptation of the novel, raise money for the film, then produce and direct the film, and then distribute the film himself by driving around the country, theater to theater, with a print of the film in the trunk of his car."⁹⁷

CYRIL: "Well it's good to hear that at least one person succeeded in spite of this vast, century-old conspiracy of yours. Although I still don't see why you feel that we should consider movies as being a consequential force in our society."

PETER: "In today's world, movies and television are teaching history to young people who don't read very many books and who are minimally

92. RHINES, *supra* note 29, at 13.

93. GORDON, *supra* note 22, at 218-19.

94. RHINES, *supra* note 29, at 31.

95. Madame C.J. Walker (1867-1919) was an African-American businesswoman who formed a hair care business, the success of which made her the first Black female millionaire.

96. In 1898, C.C. Spaulding headed North Carolina Mutual Life Insurance Company, one of the foremost African-American businesses prior to World War II.

97. RHINES, *supra* note 29, at 24-27 (discussing the manner in which Micheaux produced and distributed his productions).

engaged with school.⁹⁸ They also get a lot of their social and ethical concepts from the media that they view.”⁹⁹

CYRIL: “So are you calling for some sort of Maoist Cultural Revolution?”¹⁰⁰

PETER: “How about just some critical viewing.”

CYRIL: “Well, of course we should have critical viewing.”

PETER: “It’s amazing to me that film developed as a technology in the same historical period as the rise of American imperialism into the Caribbean and Pacific,¹⁰¹ the Black Codes,¹⁰² the Genocidal Wars against the Native Americans,¹⁰³ the Chinese Exclusion Act,¹⁰⁴ the Gentlemen’s Agreement¹⁰⁵ and the Annexation of Hawaii.¹⁰⁶ During the same period of time in which there was all of this American apartheid and colonization going on, a new technology was developed which turned out to be one of the most seductive mediums ever created. A medium which enabled people to actually reshape current events and to define history itself. So although territorial colonization may be dead in 1997 in terms of the takeover of physical land, (and I’m not even sure about that)¹⁰⁷ the real game going into the millennium is the colonization of history.”

CYRIL: “Such as?”

PETER: “Such as the Civil Rights Movement, which has been in the process of being colonized by Hollywood for the last 10 years.”¹⁰⁸

CYRIL: “Now you’ve got to humor me here. With Arnold Schwarzenegger and Harrison Ford and Kevin Costner and Clint Eastwood and Julia Roberts and Michelle Pfeiffer and Meg Ryan and the re-release of the Star Wars trilogy, why should the film industry want to colonize the history of the civil rights movement?”

PETER: “To give their heroes a new playground! Think of it as *Tar-*

98. McLuhan, *supra* note 39, at 290-92.

99. *Id.* at 12.

100. Marci A. Hamilton, *Art Speech*, 49 VAND. L. REV. 73, 99 (1996) (presenting a traditionalist view of the Chinese Cultural Revolution, critiquing the lack of “artistic freedom,” while failing to recognize the legacy of Western, cultural imperialism which had created the necessity for China to culturally disassociate from the West).

101. GEORGE BROWN TINDALL, *AMERICA VOL II*, 911-21 (1988) (discussing the U.S. acquisition of former Spanish colonies in the Caribbean and the Pacific, through the Treaty of Paris at the close of the Spanish American War).

102. *Id.* at 708.

103. *Id.* at 761-68.

104. *Id.* at 829.

105. *Id.* at 930-31.

106. *Id.* at 902, 925.

107. We can see the “gunboat diplomacy” which the U.S. has used in the last fifteen years in Granada, Haiti, Somalia, and Kuwait.

108. Besides *MISSISSIPPI BURNING* (Orion Pictures 1988), *A LONG WALK HOME* (New Visions 1990) and *GHOSTS OF MISSISSIPPI* (Castle Rock/Columbia 1996), there have been a number of other films which have used civil rights as an element or the backdrop to the story, such as *A TIME TO KILL* (Warner Brothers 1996), *HEART OF DIXIE* (Orion 1989) and even *FORREST GUMP* (Paramount Pictures 1994).

zan meets the Ku Klux Klan!! Did you see *Mississippi Burning*?"

CYRIL: "There was so much controversy around the film, I had to see it so that I could intelligently participate in the discussions."

PETER: "Well, what did you think of the film?"

CYRIL: "I admit that it was a bit of a stretch as a Civil Rights story . . . somewhat melodramatic. But I thought that the acting was good. And I think that it showed certain aspects of the Civil Rights Movement that were very important to be shown. Of course, I presume that you hated it because it had Whites starring in it."

PETER: "*Mississippi Burning*'s structure was a historical lie! The heroes of the story are two FBI agents: one who is older, world-weary and slightly corrupt. The other agent is younger and idealistic. Between them they solve the mystery of 'whatever happened to Chaney, Goodman and Schwerner.'¹⁰⁹ Many of the FBI agents stationed in the South at that time were friendly with the local law enforcement people and were generally hostile to Black people."¹¹⁰

"An even more offensive aspect of this film was the depiction of the African-American community, where the only voice of moral strength was a Black child. They made it seem as if the Black men and women who were driving the civil rights movement as protesters and supporters, were muted and passive. What it does is reframe the Civil Rights Movement in terms of white paternalism, where the only significant good that was accomplished was done by white people working for Black people."

CYRIL: "There were many white people who worked in the Civil Rights Movement! Goodman and Schwerner were white. Chaney was the only Black person murdered in that incident."¹¹¹

PETER: "Of course there were Whites who worked in the Civil Rights Movement! What I'm saying is that the film completely ignored the documented history of the Black Activism in Mississippi at the time and reconstructed the period to appear as if the social change which occurred came about as a result of the hard-working, white agents of the FBI. That is a lie!"¹¹²

Cyril leaned back smiling.

CYRIL: "Well as you know, growing up, I spent all my summers in the South. I saw the movie very differently. I agree that the filmmaker

109. Civil rights workers James Chaney, Andrew Goodman and Michael Schwerner were kidnapped and murdered in Mississippi by members of the Ku Klux Klan (including a local sheriff's deputy). They were missing for forty-four days before their bodies were found, as the result of a \$30,000 bribe paid by the FBI to a local white male.

110. DAVID J. GARROW, *THE FBI AND MARTIN LUTHER KING, JR.* 56 (1983) (describing the racist attitudes of Marion Cheeks, an FBI agent stationed in Albany, Georgia who was also from the region).

111. Wayne King, *Fact vs. Fiction in Mississippi*, N.Y. TIMES, Dec. 4, 1988, § 2, at 15 (discussing the historical inaccuracies of the film).

112. *Id.* at 15.

overemphasized the role of the FBI in that incident. But what I saw in the film that I thought was very true and very important was the manner in which they powerfully depicted the pervasive nature of white violence against Blacks in the South at that time. Do you remember that sequence when the National Guard was dragging the swamps for the bodies and the reporters were interviewing local residents? The cold, contemptuous way that those men and women said that 'those troublemakers got what they deserved' was a very powerful reminder of the South that I knew as a child. The film exposed the shameless aspect of white mob violence which has existed for centuries. That was the important aspect of the film to me."

PETER: "I agree with you on that. White Southern violence was very powerfully depicted. That was possibly due to the fact that the film was directed by an Englishman.¹¹³ Possibly he saw that violence was a phenomena of nationality, rather than of race."

CYRIL: "Did you see that movie about the Montgomery Bus Boycott with Whoopi Goldberg?"

PETER: "Yes. I thought it was an incredibly perverse film."

CYRIL: "How can you say that? That was a film dealing with the effect of the Montgomery Bus Boycott on an African-American woman and her family. It showed the personal cost of the struggle for her and her children. It showed how her feet bled when she came home from work, as a result of the long walk she had to take, rather than taking the bus. It showed her having to work on holidays rather than being with her own family. The film depicted the importance of the Black church in the African-American community. The movie had all the things that you just complained *Mississippi Burning* didn't have. So what's wrong with it?"

PETER: "What's wrong with *A Long Walk Home* is that it isn't a film with Whoopi Goldberg at the center. The movie tells the story of the Montgomery Bus Boycott, not from Whoopi Goldberg's perspective, but from the perspective of the white housewife, who she works for and from whose home she has to take the 'long walk home.' At the center of the film is the story of a white housewife who has a good heart, a conservative husband and a racist brother-in-law, who belongs to the White Citizens Council.

"The film is about her moral victory in liberating herself through her support of the bus boycott. She even ends up as the sole white woman driving in the carpool, giving rides to the Black people who are boycotting the segregated buses. The narrator of the film is the grown daughter of the white woman, who the viewer sees in the film as a child.¹¹⁴ That story is the central theme of the film!"

113. Alan Parker (1944-) is an English director of films such as *FAME* (MGM 1980), *MIDNIGHT EXPRESS* (Columbia 1978) and *EVITA* (Hollywood Pictures 1996).

114. Mary Steenburgen, Academy Award winning actress and star of the television series, *Ink*, performed the voice of the daughter.

CYRIL: "But what difference does that make if the film's central focus is on the boycott's impact on the white community as long as the film positively portrays Black people doing constructive things?"

PETER: "The problem is that the movie takes the story of a crowning moment in the Civil Rights Movement and turns it into *Sheena Goes Radical!* African Americans are given a second position in a Black historical event to a white character who never existed! In the Hollywood colonization of history, African Americans have 'no place to be somebody!' The Civil Rights Movement was not a figment of the white imagination. It was the product of the life and death commitment of thousands of African Americans and their allies."¹¹⁵

CYRIL: "So I presume that you weren't too thrilled with *Ghosts of Mississippi*. Did you see that?"

PETER: "It is the same old thing. A film that is ostensibly about the assassination of Medgar Evers, but is actually a drama about the white male who successfully prosecuted Evers' assassin thirty years after the killing."

CYRIL: "Bobby DeLaughter *did* reopen the case after 30 years and *did* successfully prosecute the killer, Byron De La Beckwith. That is true."¹¹⁶

PETER: "Of course it's true. The problem is that by the end of the movie, you don't know any more about Medgar Evers than you did when you walked into the theater."¹¹⁷ But you do know all about the heroism of DeLaughter.

"Furthermore you learn very little about Myrlie Evers-Williams,¹¹⁸ Medgar Evers' wife. Her tireless pushing of the issue for thirty years was the prime motivator for DeLaughter's reopening of the case. In the film Ms. Evers-Williams is made to appear pushy, political and ungrateful. DeLaughter is depicted as a sincere, thoughtful character who is able to transcend her distrust and brusque manner. The film is so unabashedly focused on DeLaughter's life that even when he is being manipulative and political, we're supposed to feel that if Medgar's widow only knew him like *we* in the audience did, she wouldn't be so suspicious."

CYRIL: "What are you talking about?"

PETER: "Remember the issue of DeLaughter finding the murder

115. Stokely Carmichael, *SNICK and 'Black Power': 1966*, in *CHRONICLES OF BLACK PROTEST* 262 (Bradford Chambers ed., 1968) (Stokely Carmichael discusses the Student Non-violent Coordinating Committee).

116. Chris Vognar, *Real-life Mirror Lacks Drama. Adhering To Accuracy From Limited Perspective Turns Reiner's True-crime "Ghosts of Mississippi" Into Uncompelling Tale*, PEORIA JOURNAL STAR, Jan. 9, 1997, at C4.

117. Ron Weiskind, "Ghosts" Is A Whitewash," PITTSBURGH POST-GAZETTE, Jan. 3, 1997, at Arts & Entertainment 4 (discussing how little attention the film gives to Medgar Evers, whose life was so important to the Civil Rights Movement in Mississippi).

118. Myrlie Evers-Williams is the former Chairperson of the NAACP.

weapon at his father-in-law's home and keeping it a secret from Ms. Evers-Williams?"

CYRIL: "Then the story got out and all hell broke loose!"

PETER: "And the *hell* was the public furor that the civil rights and political leaders raised when they found out. We so understood DeLaughter 'good intentions' that, in the context of the film, all of that Black protest appeared to be a lot of annoying 'Black whining.'

"The really interesting moment in the film for me is when the Evers case is about to be taken from DeLaughter and given to an African-American woman in the role of Special Prosecutor. Of course, DeLaughter wants to keep the case. And of course, the *viewer* cares about him and wants him to be able to keep the case. His moral victory comes when in the end Ms. Evers-Williams trusts him and supports going forward with him. The audience has a feel-good moment.

"However, later in the film when DeLaughter's family suffers a bomb threat, he has a crisis as to whether or not he should drop the case. What keeps him on the case is the strength and insistence of his wife; she is his second wife. His first wife was the daughter of a segregationist judge. So it's obvious that if he had still been married to her, he would have dropped the case.

"Therefore his whole commitment to the Medgar Evers Case ended up depending upon the circumstance that he was married to a woman committed to social justice. But when his superiors had considered replacing him with a Black lawyer, it was set up as if it were a crime against nature, because he had pushed the case for so long. Yet one serious threat and he was ready to drop the case! What is never considered is the possibility that the Black lawyer might have been more committed to the case due to a greater fundamental connection between Evers' work, his death and *her* life.

"The film puts such an incredible focus on DeLaughter's resistance to the segregationist attitudes of his fellow white people, that the death of Medgar Evers seemed to be a mere vehicle for DeLaughter's heroics."

CYRIL: "What I found disturbing was the way the critics kept focusing on James Wood's portrayal of De La Beckwith. They kept raving about his acting and his makeup, as if the murderer he portrayed was a new version of Hannibal Lecter."¹¹⁹

PETER: "As an African-American I find it offensive that the Civil Rights Movement is being mined to find starring vehicles for white actors. For centuries, white colonization activities were done to provide wealth for the dominant race of the mother country. Today, the United States is the mother country, and the majority population is aggressively rewriting

119. Anthony Hopkins won the 1991 Academy Award for his performance as a cannibalistic murderer, Dr. Hannibal Lecter, in the Orion film, *SILENCE OF THE LAMBS* (Orion Pictures 1991).

'history for profit' through the mass media. They are creating white heroes in a historic period, such as the Civil Rights era, when in actuality many citizens of the majority were on the wrong side of the issue."

CYRIL: "Motion pictures are a business! Certain movie actors are stars and have drawing power at the box office. People go to see the stars in a movie. There are more white movie stars than there are Black movie stars. The white stars sell more tickets than the Black ones. So white people want to make movies with white actors to make the most money. The basic economics of that scenario seems to escape you."

PETER: "Tell me this: when you call people stars, do you believe that every movie that Gene Hackman, or Sissy Spacek or Alec Baldwin makes is automatically a box office winner?¹²⁰ Don't you think African Americans go to movies¹²¹ and support films that star African Americans in African-American stories?"

CYRIL: "If you look at the economic data, you'll see that the African-American films which made the most money dealt with teenage thugs in the hood and had rap soundtracks.¹²² Then compare their box office grosses to that of films like *To Sleep with Anger*¹²³ or *Daughters of the Dust*.¹²⁴ They don't earn anywhere near the kind of money that *Boyz 'N the Hood*¹²⁵ and *New Jack City*¹²⁶ made."

PETER: "Well, you've certainly got the Hollywood party line down. But compare the marketing budgets of these two types of film: the urban exploitation film such as *Boyz 'N the Hood* versus the more adult-oriented film, like *To Sleep with Anger*. More money is committed to the urban exploitation film in advertising and in the number of screens they distribute the film to.¹²⁷ The more advertising dollars, prints and theaters, the more

120. Benjamin Svetkey, *Switchhitters: Despite Their Fair Share of Duds, Madonna, Whoopi, Sly, Jim, Sharon, Alec, and Julia Really Want Us To Like Them, So They're Changing Their Careers. What Went Wrong? What Will They Do Now? A Panel of Experts Answers Your Questions*, ENTERTAINMENT WEEKLY, Nov. 1, 1996, at 22.

121. Elaine Dutka, *Black Directors Enjoy Success, Regret Limitations*, COM. APPEAL, Feb. 24, 1995, at 1C.

122. Mark Lowery and Nadirah Z. Sabir, *The Making of Hollywood*, BLACK ENTERPRISE, Dec. 1994, at 104 (discussing the limitations which Black film directors experience).

123. TO SLEEP WITH ANGER (Samuel Goldwyn Films 1990). The film grossed \$1.161 million in its domestic theatrical release. *All-Movie Guide* (visited Oct. 12, 1998) <http://allmovie.com/film_finder.htm>.

124. DAUGHTERS OF THE DUST (American Playhouse 1992). It grossed \$1.642 million in its domestic theatrical release. *All-Movie Guide* (visited Oct. 12, 1998) <http://allmovie.com/film_finder.htm>.

125. BOYZ'N THE HOOD (Columbia 1991). It grossed \$57.504 million in its domestic theatrical release. *All-Movie Guide* (visited Oct. 12, 1998) <http://allmovie.com/film_finder.htm>.

126. NEW JACK CITY (Warner Brothers 1991). The film grossed \$47.624 million in its domestic theatrical release. *All-Movie Guide* (visited Oct. 12, 1998) <http://allmovie.com/film_finder.htm>.

127. Alonzo Crawford, *Hollywood Manipulates Black Needs in Movies of Violence*, THE WASHINGTON TIMES, Feb. 23, 1992, at D1 (discussing the importance of marketing dollars for a film to achieve success and the lack of support non-exploitation Black films receive).

money at the box office.¹²⁸ But there is a dark side to the hyper-marketing of these urban exploitation films: look at the shootings which occurred at the theaters on the opening weekend of *Boyz 'N the Hood*. Violent marketing begat violence in the theaters."¹²⁹

CYRIL: "Well they're not even making those kinds of films any more."¹³⁰

PETER: "Because just like in the Black Exploitation Film period of the 1970's,¹³¹ the white producers and distributors flooded the market with exploitative Black movies. Eventually when their novelty wore off even the core audience for them stopped supporting the films."¹³²

CYRIL: "Well, the directors also matured artistically, so their subject matter moved beyond teen urban audiences. Spike Lee went from *Do The Right Thing* to *Malcolm X* and *Get on the Bus*."¹³³

PETER: "And *Clockers* and *Girl Six*."¹³⁴

CYRIL: "John Singleton has gone from *Boyz 'N the Hood* and *Poetic Justice* to *Rosewood*."¹³⁵

PETER: "*Rosewood* is a film which shows that twisted, Black historical films aren't the exclusive domain of Hollywood white directors."

CYRIL: "What's your problem with *Rosewood*? I've read that they blew the number of Black folks who were killed way out of proportion."¹³⁶

PETER: "It's just a poorly-written, relentlessly brutal film, full of weird directorial choices. For example, the film opens with a montage of the town of Rosewood. We see nice homes, the A.M.E. Church and the Masonic Hall. Then we see a white woman call a Black boy over to her door, hand him a plate of food and tell him to take the breakfast over to her husband, Mr. Wright, at the store. Then we cut to the store, where we see a Black woman on her back with her legs open wide, and this white man having sex with her, as she screams, 'Oh, Mr. Wright! Oh, Mr. Wright!' The scene is exploitative as well as gratuitous because it has no signifi-

128. *Id.* at D1.

129. See Richard Natale, *Violence Erupts in Opening Week of 'Higher Learning.'* L.A. TIMES, Jan. 20, 1995, at F2 (discussing the violence which occurred in the opening weekends of *BOYZ'N THE HOOD* and *HIGHER LEARNING* (Columbia 1995), Singleton's third film).

130. See RHINES, *supra* note 29 at 161-63. (discussing the difficulties African-American directors encounter in achieving a career in Hollywood after having broken through).

131. Out of this film period, films such as *SHAFT* (Metro-Goldwyn-Mayer 1971), *SUPER FLY* (Warner Brothers 1972), *CLEOPATRA JONES* (Warner Brothers 1973), *FOXY BROWN* (American International 1974), *THE MACK* (Cinerama 1973) and *BLACULA* (American International 1972) were produced and distributed.

132. See RHINES, *supra* note 29, at 45-46.

133. *DO THE RIGHT THING* (Universal Pictures 1989); *MALCOLM X* (Warner Brothers 1992); *GET ON THE BUS* (Columbia 1996).

134. *CLOCKERS* (Universal Pictures 1995); *GIRL 6* (Fox Pictures 1996).

135. *BOYZ'N THE HOOD* (Columbia 1991); *POETIC JUSTICE* (Columbia 1993); *ROSEWOOD* (Warner Brothers 1997).

136. Mark Caro, *People Are Still Taking Sides, This Time Over Hollywood's Version of 1923 Atrocity*, CHICAGO TRIBUNE, Feb. 21, 1997, at TEMPO 1.

cance to the plot's development. Later in the film, a white female is photographed in a consensual sexual encounter with a white male which *is* a significant plot point. It is an episode which eventually leads to the mob violence directed at the Black people of Rosewood by their white neighbors. In this sexual encounter, the white female is not photographed in the same sexually-exploitative manner as the Black female was. The sex act of the Whites is depicted primarily through close-up shots of the white female's face in the throes of ecstasy. However, in the Black female's sex scene, you initially couldn't even see her face, but rather just her thighs up in the air!

"Then at the end of the film, we see the husband of the white woman, who triggered all the violence with her lie that she had been attacked by a Black man, return home from three days of lynching and burning Black men, women and children. He has been told by the sheriff that most of the white people suspect that his wife had been lying because she was notoriously unfaithful to him. The viewer sees the husband walk into his home and the camera remains outside as we hear him first shouting at the woman and then, her screaming as he beats her.

"Another bizarre set of directorial choices by Singleton is when the mob shoots to death the elderly Black woman who works for the 'unfaithful wife.' She is in the process of telling the mob of armed white males that 'no Black man was involved in the incident.' Suddenly, we *hear* her get shot. We don't see it on screen. Then we see her slowly fall to her knees. Yet when her son later retaliates and shoots two white men, who break into his front door, their deaths are graphically depicted on screen."

CYRIL: "Well maybe they were trying to tell a tragic story without upsetting people too much."

PETER: "How can you make a film about a 1923 orgy of white mob violence, which lasted for several days and burned an entire Black township to the ground, without upsetting people? What they were doing was exploiting a horrible episode in American history in a jaded and cowardly fashion. The African-American characters of Rosewood had minimal development in the script, so the audience didn't connect with them emotionally. Then when the violence breaks out, the atrocities that the viewer observes the African Americans undergo, has all of the emotional impact of a CNN clip on Bosnian genocide.

"The most developed character in the film is a Sergio Leone-type cipher, mysteriously named Mann, whose entire backstory consists of the fact that he was a hero in World War I. So Singleton projects into the film this cowboy genre/Bronze Buckaroo weirdness to the film."¹³⁷

137. See Laurence Chollet, *A Town In Flames: John Singleton Dramatizes a Genuine American Tragedy*, THE RECORD, Feb. 16, 1997, at Y01 (Singleton discusses how he studied John Ford westerns for inspiration for his work on ROSEWOOD).

CYRIL: "Most of the critics whom I read seemed to like the film.¹³⁸ Why would they praise something if it's as bad as you say? It sort of undercuts your white media conspiracy theory."

PETER: "For most major film critics, who happen to be white, to denounce a film with a racially-charged theme, which the studio dropped into the market at a slow point of the year, would have been more trouble than it was worth. So they simply patted it on the head and moved on."

CYRIL: "You criticized the Hollywood studios for not supporting adult-oriented Black films, yet this film got a wide release *and* significant marketing support, but that isn't enough for you."

PETER: "The studio did the same thing that the critics did. The film wasn't released at Christmas to make it eligible for an Academy Award.¹³⁹ It wasn't released for the Martin Luther King Holiday and then rolled into Black History Month. It was dumped into the marketplace near the end of Black History Month with enough screens to avoid the criticism that they had given the film a 'limited release.' The distributors knew that, in spite of *all* the hype and *all* the buzz, they had an inaccessible, bad film on their hands, which could be a political disaster for them if it wasn't carefully handled. So they handled it."

CYRIL: "Once again it sounds like you're saying there is a conspiracy to keep Black people from being players in the film game. I'm sorry, but in spite of all of your film insider knowledge, it ends up sounding like old-fashioned Black paranoia."

Peter laughed.

PETER: "Cyril, since you're a business person, let's put this motion picture industry discussion into the context of game theory.¹⁴⁰ What game do you think the motion picture studios are playing?"

CYRIL: "I presume that they're playing the game of making movies that make money."

PETER: "So the film studio's *big game* is: to make movies that make money. Now who are the players in the studio's film game?"

CYRIL: "In the big game, the film studios are competing against each other to take the maximum amount of money out of the public's pocket, and *that's* the win."

138. See *Movies/Critical Mass*, ENTERTAINMENT WEEKLY, Mar. 7, 1997, at 48 (shows the positive responses from critics across the country for ROSEWOOD).

139. See Rebecca Aschervalsh et al., *Features/Fall Movie Preview*, ENTERTAINMENT WEEKLY, Aug. 23, 1996, at 30 (discussing upcoming films which will be Academy Award contenders, one of which is ROSEWOOD. However to be eligible, the film must be exhibited in a theater for one week prior to December 31. ROSEWOOD ultimately was released in late February, which made it ineligible for Academy consideration. Something obviously changed in the release schedule between the time of the article's writing and the end of the year).

140. See generally JOHN McDONALD, *THE GAME OF BUSINESS* xix-xxx (Anchor Books 1977) (1975) (discussing the development of game theory from its roots with Von Neumann and Morganstern to its applicability to corporations).

PETER: "Remember that there are key factors in the game such as the agencies,¹⁴¹ stars, directors and writers who actually create the films. Now this is a positive sum game, where you can have more than one winner. In other words, if the movie costs \$10.00 to produce, market and distribute and after all expenses, you net \$11.00, you have made a profit and are a winner. And more than one film can be profitable at the same time."

CYRIL: "Because there is no set limit to what the public will spend on movies. One week x number of people will go to the movies and the next week it may be $x+y$ people or $x-y$ people *depending on what's playing*."

PETER: "But there is a dollar gross which is generally approached each year by the film industry."¹⁴²

CYRIL: "And there can only be one studio who earns the *highest* gross."

PETER: "True. But remember that technically you could earn the highest gross and still not be the most successful studio. True economic success is determined by how much the film cost the studio to produce and distribute compared to what it earns."¹⁴³

CYRIL: "So a studio could make a roster of big budget, high-grossing films, be number one in box office grosses but be number three in actual profit."

PETER: "Exactly. Now, you have a limited universe of theaters or screens where the movie can play. So there is competition at the first level as to how many screens a studio can get their film onto.¹⁴⁴ So in order to be effectively competitive, studios have to get their films into as many screens as possible and *that* will be the movie that has the greatest chance for success. And not just any screen, but the screens with the large seating capacities."

CYRIL: "So now we have the factors. We have agents, stars, creative people, x number of screens and a huge potential audience that the studios compete for."

PETER: "And that's the universe of the film game. Now if you look at the data over the last decade, you see that there are not very many players in the game¹⁴⁵ and that no studio remains number one for very long."

141. The three talent agencies which handle the most economically-important clients in the motion picture industry are Creative Artists Agency (CAA), the William Morris Agency and International Creative Management (ICM).

142. See *supra* note 3 and accompanying text. (In 1997 the motion picture industry seeks to surpass its previous year's performance, but the 1996 box office total, although the best in five years, was actually only the best since 1959. When you factor in the difference in ticket prices and inflation over the decades, it is not as bright a picture as it might seem).

143. See *id.* (When the inflation of star salaries and increased production costs are taken into account the economic projection for Hollywood feature films is somewhat bleak).

144. See RHINES, *supra* note 29, at 11-13 (discussing the competitive nature of film distribution).

145. See Weinraub, *supra* note 4, at A1 (discussing the shrinking universe of studio players despite the appearance of diverse players).

Every studio makes some money. Very few players are ever total failures. That reality is possible because there is a limited universe of players.

“Now if you were to expand the number players, it would create a lot more volatility and competition in the game. So if you are the studios and want to minimize economic volatility, what you do is to control the factors in the game and limit the number of participants who actually play the game. It’s the studios who are making sure that all the players in the game are playing the same game, with the same equipment. Basically, the studios are competing for the same number of theaters and competing for the same number of potential patrons in the movie going public.

“However if we look at the demographics of the moviegoing public, we’ll see that a significant portion of them are Black, Brown and Yellow people who live in and around the cities.¹⁴⁶ These filmgoers of color are disproportionate media consumers who faithfully go to see the big budget Arnold Schwarzenegger, Bruce Willis, and Clint Eastwood movies.¹⁴⁷ Occasionally they’ll have the chance to go see a Wesley Snipes or Jackie Chan movie.

“If you’re a motion picture studio, you don’t want your control over captive consumers disrupted. These consumers spend and don’t demand to see more positive images of themselves or to see their history accurately portrayed on the screen. You don’t put producers and directors of color into play who might create films that could wake up those captive consumer of color from their sleep of passivity. You put into play filmmakers of color who make films like *Rosewood*, or who want to remake *Shaft*. That way the game remains stable and controllable, in a critically-white, limited universe, with no ‘disruptive’ challenges to conscious or unconscious racism. So from a studio-game theory analysis, the best strategy is to keep the players as limited as possible and to keep the game as stable and limited as possible by never giving up power to ‘outsiders’ unless they’re going to play the game your way.

“*That* is why you’ll see white Hollywood actors as the focus of African-American historical themes. *That* is why the Hollywood studios colonize the history of color with impunity. Who is going to protest? The Hollywood players of color who are seeking employment from the studios? The critics who smugly accepted *Rosewood* and raved about ‘Hannibal de la Beckwith’? The captive consumers?”

CYRIL: “Well, you certainly paint a bleak scenario.”

PETER: “I know, totally Afro-paranoiac conspiracy theory.”

CYRIL: “No. When you put the situation in terms of games, your ideas about the film industry start to make sense to me. Which I must con-

146. See Karen Grigsby Bates, *They’ve Gotta Have Us*, N.Y. TIMES, July 14, 1991, at 15 (discussing the importance of the Black film consumer to the market).

147. *Id.*

fess makes me worry about my sanity. So is there any answer to all of this cultural imperialism that you're starting to convince me may exist?"

PETER: "It isn't just the imperialism that's the problem. The European-American racial hegemony rarely grants social significance to the cultural property and experiences of people of color which haven't been 'reborn' into a white phenomena. That dynamic is particularly pernicious."

CYRIL: You mean like Paul Whiteman¹⁴⁸ being called the 'King of Jazz' or Elvis Presley¹⁴⁹ being dubbed the 'King of Rock and Roll?'"

PETER: "Or how about the phenomena of the martial arts film?"

CYRIL: "Once again you've succeeded in losing me."

PETER: "Do you remember Bruce Lee?"¹⁵⁰

CYRIL: "Of course I do! Now that was a tragedy. If he hadn't died, *Enter The Dragon* would have made him the first non-white action star."

PETER: "I agree. But Bruce Lee only got to *that* point after he had left Hollywood for their discriminatory casting practices. Then he went to Hong Kong and starred in two films which became huge hits when they were distributed in the American market. And *then* Warner Brothers starred him in *Enter The Dragon*, which they shot in Hong Kong."¹⁵¹

CYRIL: "So you're saying that without the Hong Kong film industry, Bruce Lee might never have been recognized by Hollywood?"

PETER: "That recognition didn't end up being worth much to Bruce Lee. But more importantly, the Hong Kong film industry created a genre, the martial arts film, which has had a significant impact on the American film business.¹⁵² But only after the genre was made 'mainstream,' by being produced in America with white actors."

CYRIL: "I don't know about that. Even a Hollywood-financed film like *Enter The Dragon* had a primarily Asian cast."

PETER: "Do you remember how those early martial arts films were ridiculed by a lot of the movie-going public? And how some of the critics

148. Whiteman (1890-1967) was a European-American bandleader who also appeared in a number of films such as *THE KING OF JAZZ* (MCA/Universal 1930) and *RHAPSODY IN BLUE* (Warner Brothers 1945).

149. Presley (1935-1977) was a European-American singer who sold over 600,000,000 records and appeared in 33 films, among which were *JAILHOUSE ROCK* (MGM 1957), *KING CREOLE* (Paramount 1958) and *BLUE HAWAII* (Paramount 1961).

150. Martial artist and actor Bruce Lee (1940-1973) became the first international martial arts star. After having co-starred in the Green Hornet television series, he starred in feature films such as *FISTS OF FURY* (National General Pictures/Raymond Chow 1972), *THE CHINESE CONNECTION* (Golden Harvest/ Pagoda Films 1972), *ENTER THE DRAGON* (Warner Brothers 1973). Posthumously released films which starred Lee were *RETURN OF THE DRAGON* (Bryaniton Pictures/Golden Harvest 1973) and *GAME OF DEATH* (Columbia Pictures/Raymond Chow 1978).

151. See BRUCE THOMAS, *BRUCE LEE FIGHTING SPIRIT*, 99-146 (1994).

152. See Lewis Beale, *Revenge of Kung Fu. Martial Arts Films Are Socking Away The Dough*, *CHICAGO TRIBUNE*, Nov. 15, 1992, at C22 (discussing the powerful economic and financial effect that martial arts films have had on the American film industry).

referred to them as 'chop socky' movies?"¹⁵³

CYRIL: "But they were still patronizing those films."

PETER: "For a while. But then Hollywood realized that they could appropriate the genre, recast it with white actors like Chuck Norris, Jean-Claude Van Damme and Steven Seagal,¹⁵⁴ and all the laughing would stop. And it did."

CYRIL: "Well that certainly didn't stop the Hong Kong Film industry. All of that happened twenty years ago and they're still producing movies in Hong Kong."¹⁵⁵

PETER: "Of course. The Hong Kong film business didn't need Hollywood or America for that matter. They represent one of the few film markets in the world which isn't dominated by the Hollywood product.¹⁵⁶ In fact, one of Hong Kong's leading producers, Raymond Chow, was one of the producers of *Teenage Mutant Ninja Turtles*, a superhit in America."¹⁵⁷

CYRIL: "Well that certainly gives a great deal of power to Asian film artists."

PETER: "Potentially. The problem is finding a way to produce Asian films with Asian stars, made by Asian directors which get distributed in America. The point is to develop a greater market for Asian film artists in this country rather than having their cultural property appropriated and re-made into American films with white actors and directors."

CYRIL: "Do you think that it will happen?"

PETER: "It may be possible with the latest wave of Hong Kong film artists led by Jackie Chan,¹⁵⁸ Michelle Yeoh¹⁵⁹ and director John Woo."¹⁶⁰

153. *Id.* at C22 (discussing how the entertainment industry trade paper, *Variety*, created this term to describe the early martial arts films produced in Asia).

154. These were some of the white martial artists who emerged as film stars in the 1980's when Hollywood film companies began producing the genre. Van Damme and Seagal are still starring in feature films in the 90's, whereas Norris now stars on a television series, *Walker, Texas Ranger* (CBS).

155. See Victoria Hui, *Hong Kong Film Industry Dethrones Hollywood*, U.P.I., Aug. 8, 1988 (discussing how by the late 80's, the Hong Kong film industry was generating \$1.2 billion in theatrical box office receipts, 75% of which was earned by Hong Kong produced films).

156. See Alison Dakota Gee, *What's Playing At the Sino-Plex?*, L.A. TIMES, Aug. 1, 1993, at C7 (discussing the Hong Kong film industry and how in the '90's the Hong Kong produced films still represents 75% of Hong Kong theatrical revenues).

157. See Bruce Lee, *Ninja Turtles Helped Create A Hong Kong Movie Mogul*, L.A. TIMES, Feb. 23, 1995, at D9; Nigel Andrews, *The Kung Fu King*, FINANCIAL TIMES, Jan. 15, 1996, at 17 (discussing the career of Raymond Chow, Hong Kong's foremost producer).

158. Chan (1954-) is an international star of Hong Kong cinema whose combination of martial arts, acrobatics and humor has enabled him to develop a huge American audience for his films. His film *RUMBLE IN THE BRONX* (Golden Harvest/New Line 1996) was the first Hong Kong martial arts film to open at number one in box office receipts in America. See Chris Nashawaty, *Kong Kings*, ENTERTAINMENT WEEKLY, Mar. 8, 1996, at 28.

159. Yeoh (1963-) is a Malaysian born actress who became a star working in Hong Kong films and is currently featured in the latest James Bond film, *TOMORROW NEVER DIES* (United Artists 1997). She was chosen in 1997 by *PEOPLE* magazine as one of "The 50 Most Beautiful People in the World."

CYRIL: "I don't see what makes them any less vulnerable than their predecessors to the Hollywood discrimination that you've described. I love Jackie Chan films but Chuck Norris is on television everyday.¹⁶¹ Michelle Yeoh was great in *Supercop*, but Renee Russo was also a martial arts queen in *Lethal Weapon III*.¹⁶² John Woo gets critical acclaim, but so have other Asian directors like Kurosawa¹⁶³ and Ozu."¹⁶⁴

PETER: "Jackie Chan is different because there is no Hollywood actor who both stars in films and performs his own extreme stunts. The way that Hollywood films are complemented by reams of insurance policies, it isn't possible. Not only is Michelle Yeoh a talented actress with excellent martial arts skills, she too performs her own stunts and has an international following. And John Woo, unlike Ozu and Kurosawa, has entered the Hollywood system and directed several box office hits with top Hollywood talent."¹⁶⁵

CYRIL: "I still see problems."

PETER: "And what are they?"

CYRIL: "Well with Jackie Chan, what makes him special are his stunts. If the insurance companies which finance studio films won't allow American actors to do their own stunts they won't allow him either. Once he stops doing his own stunts, despite his unique talents, he'll lose his edge in the market. Michelle Yeoh, in spite of her talent and beauty, has relegated herself to this year's Bond Girl in her latest film.¹⁶⁶ And it isn't as if Asian women haven't been depicted in Hollywood films as exotic sexual icons before. You remember Asian film actresses Anna May Wong,¹⁶⁷

Yeoh is a former Miss Malaysia.

160. Woo (1948-), born in Southern China and raised in Hong Kong, became a top film director in the Hong Kong industry with such hits as *THE KILLER* (Film Workshop 1989) and *HARD-BOILED* (Golden Princess Film Production Limited/Milestone Pictures 1992). He has moved to America and directed several Hollywood feature films.

161. Chuck Norris' television series, *Walker, Texas Ranger* (CBS), is running both in prime time and in syndication on cable, so that it plays seven days a week on American television.

162. *LETHAL WEAPON III* (Warner Brothers 1992).

163. Akira Kurosawa (1910-) is a world-acclaimed Japanese director who has directed such classic films as *RASHOMON* (Daiei Productions 1950), *YOJIMBO* (Toho Productions 1961) and *SEVEN SAMURAI* (Toho Productions 1954).

164. Yasujiro Ozu (1903-1963) was a Japanese film director who directed such critically praised films as *TOKYO STORY* (Takeshi Yamamoto 1953).

165. Woo has directed three Hollywood films, *HARD TARGET* (Universal Pictures 1993), *BROKEN ARROW* (Twentieth Century Fox 1996) and *FACE/OFF* (Paramount Pictures 1997), the last of which earned over \$100 million at the box office. See Bernard Weinraub, *A Specialist In Esthetics Of Offbeat Violence*, N.Y. TIMES, June 30, 1997, at C9.

166. See Clare Raymond and Tanith Carey, *The Tomorrow Never Dies Files: The Life And Times of James Bond*, *THE MIRROR*, Dec. 8, 1997, at 18 (discussing the history of the James Bond character and the "Bond girls" from the first film, *DR. NO* (United Artists 1962) (an Asian character reminiscent of Dr. Fu Manchu, portrayed by white actor Joseph Wiseman), starring Sean Connery and Ursula Andress, to Bond number eighteen, starring Pierce Brosnan and Michelle Yeoh).

167. Asian-American actress Wong (1905-1961) performed in Hollywood films for over four decades such as *DAUGHTER OF SHANGHAI* (Paramount 1937), *LIMEHOUSE BLUES* (Paramount 1934), *A STUDY IN SCARLET* (World Wide/Tiffany 1933) and *SHANGHAI EXPRESS* (Paramount 1932).

Nancy Kwan¹⁶⁸ and France Nuyen¹⁶⁹ don't you? And with John Woo, what does it matter if an Asian director or a Hispanic director or an African-American director achieves success in the Hollywood system if he becomes consumed by the limitations of its vision. An action film starring a white male Hollywood star is still escapist pulp regardless of who is directing it. So if the uniqueness of the director of color's cultural experience isn't reflected in his or her work, then according to *your* value system, their success would be interesting, but hardly important."

PETER: "I would agree with you to a certain extent. But what your reservations point out for me is the critical importance that Jackie Chan, Michelle Yeoh, John Woo and his former lead actor, Chow Yun-Fat,¹⁷⁰ maintain their base in the Hong Kong film industry, so that they don't end up being exploited, replicated, discarded and disconnected, without a place that they can professionally call home. The very existence of the Hong Kong film industry gives Asian film artists a historically unique position among artists of color in the global media market."

CYRIL: "It will be interesting to see if the film industry changes in Hong Kong now that the former British colony has been reunited with mainland China."

PETER: "If it does, I certainly hope that's its only for the better.¹⁷¹ At present it's one of the few centers of commercial film production featuring people of color that is internationally distributed."¹⁷²

CYRIL: "Outside of the Hong Kong film industry, do you see any other prospects for people of color to break through the Hollywood cultural hegemony that you talk about?"

PETER: "Well, another thing that should happen is that people of color have to go beyond celluloid and start working in media where they can produce and tell their own stories."

168. Asian-American actress Kwan (1939-), born in Hong Kong, has appeared in over twenty Hollywood films including starring in the title role of the film *THE WORLD OF SUZIE WONG* (Paramount 1960).

169. French born Nuyen (1939-) is an Asian-American actress who has performed in nearly thirty American films and television shows from *SOUTH PACIFIC* (Magna 1958) and *A GIRL NAMED TAMIKO* (Paramount 1962) to *THE JOY LUCK CLUB* (Hollywood Pictures 1993).

170. Hong Kong born actor Chow Yun-Fat (1955-) starred in a number of highly successful films directed by John Woo such as *THE KILLER* (Film Workshop 1989) and *HARD-BOILED* (Golden Princess Film Production Limited/Milestone Pictures 1992). Chow is presently starring opposite Mira Sorvino in *THE REPLACEMENT KILLERS* (Sony Pictures 1998).

171. There have been extensive complaints and rumors about the alleged involvement of the criminal Triad in the financing of the Hong Kong film industry. Leading producer Raymond Chow, acknowledges this issue but feels that the greater threat to the future of the Hong Kong filmmakers is the possible censorship and control by the Chinese government after their takeover of Hong Kong. See Andrews, *supra* note 157, at 17.

172. The leading producers of motion pictures in the world are the U.S., India, Hong Kong and Japan. See Jeffrey Ressler, *Hong Kong's Flashy Films Battle for American Fans*, N.Y. TIMES, May 9, 1993, § 2, at 14. However the Hong Kong martial arts films are one of the few types of film among these foreign producers to have received wide distribution in the lucrative American market.

CYRIL: "Are you talking about making videos?"

PETER: "The retail video market is a part of it. Many movies do more business in the home video format than they do in their theatrical release.¹⁷³ The technology of film is one hundred years old and virtually unchanged for the last sixty years.¹⁷⁴ The hardware is costly and outdated¹⁷⁵ and its software is structurally restricted to a formula.¹⁷⁶ Big Hollywood films are no longer a very good investment as we approach the millennium.¹⁷⁷ But independently produced films can be marketed, distributed and even exhibited over the Internet.¹⁷⁸ That breaks the studio's control over distribution and exhibition. Home videos can be sold, rented or even shown in independent screening rooms connected to neighborhood video stores. Videos can even be sold by vendors on the street, as they already are in many cities.¹⁷⁹

CYRIL: "So there is some hope."

PETER: "Plenty of hope. Nowadays people of color no longer have to be culturally dominated and have their history colonized. The Hollywood motion picture industry can pitch, but people of color no longer have to catch."

CYRIL: "Well, on that note, Professor, I've got to run. We'll do this again next Friday afternoon, won't we?"

PETER: "You've got a date to debate, my brother."

CYRIL: "But I won't give you the edge by talking movies."

The two men got up from the table, and together they walked out of Chandler's Cafeteria, shook hands and went opposite ways up Lenox Avenue.

173. See *Film Distribution Industry Grows In '94*, U.P.I., Mar. 3, 1995, at (discussing the extraordinary revenues which the film industry pulls in from home video sales in the world market).

174. See *Inventors of the Cinema*, SCREEN DIGEST, Feb. 1, 1996, at (discussing the Lumiere Brothers, Edison and other pioneers of the motion picture industry, whose inventions of a century ago are not very different in structure from today's equipment).

175. See Alice Rawsthorn, *Rin Tin Tin And Lassie Never Had It This Good: Alice Rawsthorn Looks At The Rising Cost Of Filmmaking In Hollywood*, FINANCIAL TIMES, May 21, 1996, at 21.

176. See Michael Rezendes, *Robert McKee Teaches The Complex Art Of The Simple Screenplay*, THE BOSTON GLOBE, Oct. 6, 1996, at N9 (discussing a screenwriting teacher, who has created a dramatic-structure formula which he teaches very successfully both to aspiring screenwriters and to Hollywood studio executives).

177. See Gregg Kilday, *Sony's Long, Not-so-hot Summer; Industry Watchers Are Wondering Just How Long the Studio Can Go On Making Flop After Flop*, ENTERTAINMENT WEEKLY, Sept. 6, 1996, at 24.

178. See Ron Resnick, *Movies On The Web*, VARIETY, June 16-22, 1997, Special Supplement: *AFI At 30*, at 10 (discussing how the American Film Institute is broadcasting classic Buster Keaton and Charlie Chaplin films over the Internet).

179. See *Pirate Video Seizures Reach All Time High*, ONE TO ONE, Apr. 1, 1996, at 12 (discussing the huge business which exists in the sale of bootleg videos by street vendors in cities such as New York).