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UNITED SKATES: **A CALL FOR LEISURE JUSTICE** **FOR BLACK URBAN ADULT ROLLER** **SKATERS**

REGINA AUSTIN*

The documentary “United Skates”¹ is an exuberant celebration of a national community of Black adult roller skaters. It is also a deflating account of the obstacles they face in an environment where Blacks’ access to leisure spaces has historically been and still is subject to restraints.²

It is difficult to find the words to describe the roller skating captured by “United Skates.” Black adult skaters have adapted various forms of Black social dancing to roller skating. Some styles are acrobatic and punctuated with splits, lifts, and flips, while others feature skaters gliding through twists and turns and kicks and dips, all done in time with the music. They skate on their heels and the sides of their wheels. They remove the stops from the front of their skates and twirl on their toes like ballerinas on point. They take to the floor as singles skating alone, duos holding hands, trains of three or more weaving like snakes, and lines two and three persons deep executing synchronous dance moves. The various couplings telegraph their affinity by wearing matching tees, tops, and accessories. The skaters organize themselves into groups or clubs with names like the Smokin’ Aces, the Honeyrollers, or S.W.A.T. (“Skaters with Amazing Talent”).

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1. UNITED SKATES (Sweet Ninja Films 2018).

2. For a full exploration of constraints on leisure from a legal perspective, see Regina Austin, “Not Just for the Fun of It!” *Governmental Restraints on Black Leisure, Social Inequality, and the Privatization of Public Space*, 71 SO. CALIF. L. REV. 667 (1998).

Black roller skating is known by various terms, including style skating or jam skating.³ The roller rink business characterizes the skaters themselves as “urban” skaters. Skating styles vary with geography. The form of skating associated with Detroit differs markedly from that common in Baltimore or Philadelphia. Local musical acts impacted the development of each city’s style:

Up-tempo club anthems gave New Yorkers their bent-knee, bouncy moves; Chicago’s J.B. style, known for its show-stopping tricks, got its name from the James Brown music that created it; D.C. favored the kind of slow jams played on the legendary Howard University Radio program, “The Quiet Storm,” which lent itself to the fast, smooth, and straight-up style the city’s skaters are still known for.⁴

“United Skates” could be salaciously viewed as pulling back the curtain or offering a peek over the fence to reveal an aspect of Black life about which most Whites and a fair number of Blacks know nothing. Indeed, some early reviews of the documentary compared it to “Paris Is Burning,” White director Jennie Livingston’s film about the Black gay balls of Harlem circa 1970.⁵ “Paris” provoked a torrent of criticism for exploiting its subjects and failing to address the material circumstances of their lives, particularly the toll that prostitution and AIDS were taking. “Paris” was a spectacle for the consumption of voyeuristic audiences unfamiliar with, and otherwise hardly interested in, the ball walkers or the conditions of their lives. The latter were nonetheless able to subvert the viewers’ low expectations and wrestle a measure of respect for their humanity and collective will to resist the ravages of social denigration.

“United Skates” is different. First, the White female directors of “United Skates” approached the subject with the understanding that it was not necessarily their story to tell.⁶ They embedded themselves in the community

3. A.J. Samuels, *Roller Skating, Civil Rights, and the Wheels Behind Dance Music*, Electronic Beats (Feb. 4, 2021), <https://www.electronicbeats.net/roller-skating-civil-rights-and-the-wheels-behind-dance-music/>. “Jammin’” is a term popularized by the King of Disco Skating, Bill Butler, who is Black. ANN-VICTORIA PHILLIPS, *THE COMPLETE BOOK OF ROLLER SKATING* 110–119 (1979) (profiling Butler). See also Julie Carmel, *Meet Bill Butler, the Godfather of Roller Disco*, N.Y. TIMES (Jan. 4, 2021), <https://www.nytimes.com/2020/12/30/arts/dance/bill-butler-empire-rollerdrome.html?searchResultPosition=1> (recounting the career of 87-year-old Bill Butler, roller skating innovator and teacher, who temporarily hung up his skates because of the pandemic).

4. Amy Reinink, *Rollerskating Lives*, WASH. CITY PAPER (May 20, 2011), <https://washingtoncitypaper.com/article/218989/rollerskating-lives/>.

5. PARIS IS BURNING (Miramax 1990). The documentary “Rize” also comes to mind; it was the overrated exposé of clowning and a dance form known as “krumping” that originated in Los Angeles. RIZE (HSI Productions 2005). Both “Paris” and “Rize” were ostensibly about the recreational practices of an “underground subculture” of Black people who were struggling because of severe material and social stigma.

6. Elyssa Goodman, *The Overlooked History of African American Skate Culture*, VICE (Feb. 14, 2019, 5:29 PM), https://www.vice.com/en_us/article/8xy8wk/the-overlooked-history-of-african-american-skate-culture.

and earned its acceptance. The production team was multi-racial and multi-ethnic and included Black shooters on roller skates moving backward. The cinematography smoothly captures the momentum of the skaters. John Legend eventually signed on as an executive producer.

Although Black adult roller skating is frequently referred to as an “underground” activity, the mainstream’s ignorance of this community’s culture does not make it so. “Underground” connotes an endeavor that is antithetical to the mainstream, secret, deviant, or illegal. The participants in the Black adult roller skating community are acting very much above ground and are not opposed to garnering attention in the media. Indeed, accounts of their activities appear in many media sources, including newspaper articles,⁷ television news segments,⁸ a *New York Times* “Dance in the Real World” video,⁹ an earlier feature-length documentary,¹⁰ scores of YouTube videos, and multiple social media postings.

The skaters do possess characteristics that defy expectations, but these make them awe-inspiring. They range in age from young to old; they include men and women in their 50s, 60s, 70s, and 80s. They are multigenerational; adult skaters attribute their interest in skating to their parents and grandparents and take pride in having introduced their children and grandchildren to the activity. The events often start late in the evening and continue into the wee hours of the morning when seniors are assumed to be in bed.

7. Bravetta Hassell, *Merrily Rolling Along Fads Come and Go, but for Betty Dodds, Skating Puts a Happy Spin on Life*, WASH. POST (July 29, 2006), <https://www.washingtonpost.com/archive/lifestyle/2006/07/29/merrily-rolling-along-span-classbankheadfads-come-and-go-but-for-betty-dodds-skating-puts-a-happy-spin-on-lifespan/69e763ae-5a74-4776-ad89-a0df266346cf/> (profiling the Washington, D.C. adult Black roller skating scene); Laura Malt Schneiderman & Michael M. Santiago, *Rolling on the Three Rivers*, PITTS. POST-GAZETTE (Aug. 5, 2019), <https://bit.ly/2KgnWO4> (describing the vibrant skating “lifestyle” of members of the Steel City Rollers who meet on “Adult Nights” at an integrated rink outside of Pittsburgh); Mario Miles-Trunage, *In St. Louis, Roller-Skating is Bigger—and Smoother—Than Ever*, RIVERFRONT TIMES (Aug. 20, 2018, 6:06 AM), <https://www.riverfronttimes.com/artsblog/2018/08/20/in-st-louis-roller-skating-is-bigger-and-smoother-than-ever> (describing skate night in the gym of St. Nicholas Roman Catholic Church). See also Audrey Matusz, *Freedom Rinks: A Look at an Underground Subculture in a Racially Charged Climate*, CITY PULSE (Oct. 3, 2019, 10:07 AM), <https://bit.ly/36nSTcf> (recounting the up and down history, beginning in the 1960s and continuing to the present day, of Black skating at Edru Skating Arena, a White-owned venue, in Holt, MI).

8. Amanda Van Allen, *Black Skating Culture on Its Way Back to Cleveland*, ABC CLEVELAND (Oct. 3, 2019, 11:01 AM), <https://bit.ly/3366kez> (reporting on Mig’s Play-Mor in Euclid, Ohio, a historic Black roller-skating venue with a leaking roof that would cost more to repair than the building is worth).

9. Alexandra Eaton et al., *Dancing Like James Brown on Roller Skates, Episode of Dance in the Real World*, N.Y. TIMES (Dec. 17, 2017), <https://www.nytimes.com/video/style/10000005093121/dancing-chicago-james-brown-skates.html>.

10. 8 WHEELS & SOME SOUL BROTHA’ MUSIC (Jammin’ Entertainment TD 2003). There are also two narrative feature films about Black male teenage roller skaters. ROLL BOUNCE (State Street Pictures 2005); ATL (Sweet Tea Pictures LLC 2006).

The skaters cut across age, class, and gender lines in ways that challenge stereotypes. While Black men effortlessly integrate the games they played as boys and teens (like basketball and softball) into their lives as adults, Black adult females who roller skate or jump double-dutch are held up by the media as examples of arrested development.¹¹ Although Black females are typically less physically active when they become adults, the roller skaters make a point of showing that they are not.

Roller skating ebbs and flows as a form of recreation with the ascent and decline of musical genres conducive to its patterns of movement.¹² Roller skating is not as popular today as it was during its “Golden Age” (1926-1954) or Disco Phase (1977-1983).¹³ Nostalgia for roller skating’s halcyon days adds to the appeal of “United Skates” for mainstream audiences. However, the decline of roller disco did not bring the activities of Black adult roller skaters to a halt because Black music, mainly R&B and rap or hip hop, provided a continuous soundtrack over the intervening decades to sustain Black style skating. For many of the early big names in rap or hip hop, like Coolio, Salt-n-Pepper, NWA, and Queen Latifah, roller skating rinks were the first big arenas in which they performed.¹⁴

Black adult roller skating is not simply dancing on wheels. Black social dancing is a preferred form of recreation and exercise among Blacks in part because it does not require specialized facilities.¹⁵ One can roller skate on the sidewalk and in streets, parking lots, parks, and playgrounds. However, uneven surfaces and hot and cold weather pose challenges to skating outdoors, especially for more seasoned skaters.¹⁶ “The freedom of speed, rhythm, and synchronized group skating” to music may be lost as well.¹⁷ The Black adult

11. See THE DOUBLE DUTCH DIVAS! (Epiphany Productions 2001).

12. . ROMY POLETTI, RESIDUAL CULTURE OF ROLLER RINKS: MEDIA, THE MUSIC & NOSTALGIA OF ROLLER SKATING 9–12 (June 2009) (unpublished M.A. theses, McGill University of Montreal) (attributing roller skating’s resurgences to music, particularly its capacity to evoke nostalgia).

13. See, e.g., Laura M. Holson, *How Long Has Roller-Skating Been “a New York Thing”?* *Take a Look*, N.Y. TIMES (Sept. 23, 2019), <https://www.nytimes.com/2019/09/16/nyregion/roller-skating-nyc.html?action=click&module=RelatedLinks&pgtype=Article> (offering a short retrospective of the history of roller-skating in New York City, with the disco era as the apex).

14. UNITED SKATES, *supra* note 1.

15. Jarron M. Saint Onge & Patrick M. Krieger, *Education and Racial Differences in Types of Exercise in the United States*, 52 J. HEALTH & SOC. BEHAVIOR 197, 198, 208 (2011) (arguing that a racial-ethnic group’s choice of leisure activities depends on its socio-economic resources, social conditions, and cultural understandings; Blacks’ lower preference for facility-based activities, however, remains low as their educational level rises).

16. Emily Jo Wharry, *Meet the Angelenos Who Prove Roller-Skating Isn’t Just for Kids on TikTok*, LOS ANGELENOS (September 22, 2020) <https://losangeleno.com/people/advanced-roller-skating/> (accounting for the difficulties that kept older Blacks off their quads during the Covid-19 lockdown).

17. *Id.*

roller skating depicted in “United Skates” requires, at a minimum, an indoor rink with a decent floor, a sound system, and lights. Other amenities like skate rentals, a snack bar, an arcade, clean bathrooms, and a DJ make a rink environment the setting for an enjoyable extended multigenerational social outing. And therein lies the central problem the documentary exposes.

The three people who are the film’s primary focus are all impacted by the material threat posed to the community’s continued existence by its limited access to indoor roller-skating venues. Phelecia Wright is a Black mother of five kids living in Los Angeles. The film follows her effort to keep her children involved “in something physical” and on the right path through family skating. Her strategy is thwarted when L.A.’s World on Wheels closes despite protests and petitions, and her family is unable to use the nearest suburban rink because it refuses to allow on its floor skates with the narrow wheels generally favored by Black skaters. For ten years, Buddy “Love” Alexander’s family-owned Rich City Skate, a Black community anchor in Chicago, generously supported its patrons and refused to raise its admission price. But the taxes were \$96,000 a year. Buddy announces at a national gathering of skaters that the rink will be closing. Reggie Brown, a roller-skating ambassador, and community advocate according to the internet, was present when Skate Depot, the last Black-owned skating rink in North Carolina, closed. He struggles to convince White venue owners to stage adult skate sessions in the hopes that their success will spawn more such nights.

Not satisfied merely to note the disparities in Black adult skaters’ access to rinks, “United Skates” importantly suggests the injustice in the current situation.¹⁸ It presents Black skaters as collectively resisting constraints upon their ability to pursue a culturally significant form of recreation or leisure.

During the civil rights struggles of the last two centuries, Blacks fought for the right to use White-owned roller skating venues. For example, Blacks in Boston began an effort to integrate roller skating rinks in 1885.¹⁹ As a historical matter, Blacks were denied admission to rinks because of the threat of violence—not violence they might cause, but violence their presence was likely to provoke from White patrons.²⁰ Fears that opportunities for bodily contact between the races might lead to physical contamination and immoral sexual

18. See Myron F. Floyd, *Social Justice as an Integrating Force for Leisure Research*, 36 LEISURE SCIENCES 379 (2014).

19. Millington W. Bergeson-Lockwood, “*We Do Not Care Particularly About the Skating Rinks*”: *African American Challenges to Racial Discrimination in Places of Public Amusement in Nineteenth-Century Boston, Massachusetts*, 5 J. CIV. WAR ERA 254, 270–71 (2015).

20. VICTORIA W. WOLCOTT, RACE, RIOTS, AND ROLLER COASTERS: THE STRUGGLE OVER SEGREGATED RECREATION IN AMERICA 15, 34 (2012).

behavior stoked the violence.²¹ The same prejudice existed as to swimming pools.²² In the 1940s and 1950s, there were attempts to integrate skating rinks through direct action.²³ By successfully breaking the barriers of leisure segregation, Blacks achieved social equality as consumers and, when the venue was financed by public funds, as citizens.²⁴ Unfortunately, victory typically resulted in the privatization of previously public spaces, neglectful maintenance, and abandonment or closure of rinks.²⁵

After the passage of a federal public accommodations law in the 1960s, young Blacks responded bitterly to the lack of full access to places of public accommodation on equal terms with Whites. There were “riots” at amusement venues that “reinforced the notion that the very presence of Blacks created disorder and devalued spaces of leisure they favored.”²⁶ “[T]he visibility of suspected Black violence and criminality in spaces of leisure erased the decades of White violence that preceded it in the national imagination.”²⁷ The National Commission on the Causes and Prevention of Violence termed this phenomenon “historical amnesia.”²⁸

Once upon a time, cities with substantial Black populations, like New York City, Chicago, Detroit, Baltimore, Los Angeles, and Washington, D.C., had Black-owned or identified roller skating venues. As “United Skates” depicts, these rinks have closed or are closing at a rapid rate.²⁹ The increasing dispersal

21. *Id.* At 66.

22. JEFF WILTSE, *CONTESTED WATERS: A SOCIAL HISTORY OF SWIMMING POOLS IN AMERICA* 85–86, 123, 132–33, 146 (2007) (explaining why the gender integration of public pools led to their racial segregation despite clear legal prohibitions and civil rights protests). Wiltse also speculates that Black males were excluded from swimming pools open to Whites because their physiques embodied a manliness that threatened White male supremacy. *Id.* at 134. See also Taunya Lovell Banks, *Still Drowning in Segregation: Limits of Law in Post-Civil Rights America*, 32 MINN. J. L. & INEQ. 215, 238 (arguing that civil rights jurisprudence failed to afford Blacks’ access to pools because it did not guarantee substantive, as opposed to formal, equality and attached a higher value to Whites’ rights of association).

23. WOLCOTT, *supra* note 20, at 66–72.

24. *Id.* at 17, 34.

25. *Id.* at 76–77, 83, 201.

26. *Id.* at 194.

27. *Id.* at 195.

28. *Id.* at 194–95.

29. See, e.g., UNITED SKATES, *supra* note 1; Keri Blakinger, *The Rise and Fall of Roller Skating in New York City*, N.Y. DAILY NEWS (May 29, 2016), <http://www.nydailynews.com/news/national/rise-fall-roller-skating-new-york-city-article-1.26524490>; Kelyn Soog, *Roller Skating Has Surged in Popularity. Local Skaters Hope It Leads to a Rink in D.C.*, WASH. CITY PAPER (Sept. 24, 2020), <https://washingtoncitypaper.com/article/361599/pandemic-roller-skating/> (attributing the loss of rinks in Washington, D.C. to rising costs and lack of public investment); Troy Tieucl, *The Last Roll: History Comes to an End at World on Wheels*, L.A. SENTINEL (June 27, 2013), <https://lasentinel.net/the-last-roll-history-comes-to-an-end-at-world-on-wheels.html> (reporting that a rink popular among Black skaters was closing

of Blacks due to suburbanization and the gentrification of Black urban enclaves, the prohibitive expense of maintaining and updating older properties, rising property taxes and utility costs in urban areas undergoing “revitalization,” and the lack of public investment in minority businesses have forced many of the rinks owned or leased by Blacks or catering to a Black clientele to close.

Blacks seeking to skate in White-identified rinks where the quality of the wood floors, sound systems, snack bars, rented skates, and other amenities are newer and better, have encountered obstacles. Management may bar skates with the wheels Black jammin’ style skaters prefer on the ground that the skates scratch the floor surface. Phelicia Wright’s family was turned away from a rink on this basis. The music played in such places often does not match the vibe to which Blacks like to skate. A sign captured in the documentary reads as follows:

_____ does not play RAP or HEAVY METAL
MUSIC.

We do not feel it is appropriate for a Family Oriented
Establishment.

Our Music Selection is Pre-programmed, therefore
WE DO NOT TAKE REQUESTS!³⁰

Another sign read: “No saggy pants. All pants must be worn at waist height. No headphones or earbuds allowed while skating.”³¹ Some venues ban style skating maneuvers such as linking arms, forming trios, moving backward, and traveling too fast.³²

Black skaters read these limitations and prohibitions as intended to deter a Black clientele. White roller rink owners and operators tell a different story, more neutral to their way of thinking. They maintain that their revenues are dependent on hosting family events (birthday parties and such) and school outings for people in the surrounding neighborhoods.³³ Any departure from that business model could be bad for business. Not being familiar with the culture,

because of AMF’s bankruptcy). See also Lauren E. Mullenback & Birgitta L. Baker, *Environmental Justice, Gentrification, and Leisure: A Systematic Review and Opportunities for the Future*, 42 LEISURE SCIENCES 430, 444 (2018) (concluding a literature review with a call for more research by leisure scholars on the impact of gentrification on leisure, particularly how the creation and renovation of leisure sites affects preexisting or marginalized community members).

30. UNITED SKATES, *supra* note 1.

31. *Id.*

32. *Id.*

33. *Id.*

owners and operators assume that Black patrons will create security problems that will interfere with the venue's reputation in the community as a safe space. Residential segregation, in essence, creates recreational segregation.³⁴ Also, wood flooring lasts only 3-5 years and can cost as much as \$100,000 to refurbish.³⁵ Skating equipment that might damage the floor is appropriately banned.

When Phelicia's family was turned away from a suburban L.A. rink because of the small wheels on their skates, they pointed out Whites on the floor with wheels of a similar size.³⁶ If Black skaters could prove that they were denied the same treatment as similarly situated White patrons and that the excuses offered by management were mere pretexts for discrimination, they might have a claim under federal and state civil rights public accommodation laws.³⁷

To maintain the communal experience once enjoyed in now-closed Black-owned or identified venues, the skaters have turned to hosting regional events in rinks in major cities. Black skaters also may be lucky enough to get a block of time set aside one or two times a week for "Adult Night" or "Soul Night"—just as they did when Jim Crow reigned.³⁸ Reggie Brown, however, was having problems achieving even that.³⁹ His effort provoked a reviewer from *The Hollywood Reporter* to ask, "Is this a scenario in which Black skaters are actually campaigning for segregation?"⁴⁰ On the other hand, at the screening of "United Skates" at a documentary film festival in Washington, D.C., the panel moderator asked why Black skaters wanted to integrate White rinks that did not welcome their business, instead of creating their own venues.⁴¹ Both inquiries are seeking answers to the query: "What is preventing Blacks from establishing and sustaining Black-identified roller rinks at this point in our history?"

"Segregation" one night a week may offer the best opportunity Black adult skaters have to skate in a communal setting under conditions that suit their

34. WOLCOTT, *supra* note 20, at 231.

35. UNITED SKATES, *supra* note 1.

36. *Id.*

37. See, e.g., *McKinnon v. YUM! Brands, Inc.*, No. 1:15-cv-00286-BLW, 2017 WL 3659166 (D. Idaho Aug. 24 2017) (denying summary judgment as to a claim that two White National Guard service persons were given discounts upon ordering without their request while their fellow Guard persons (a Korean American and a Hispanic American) were not); *Williams v. Ramada Inn*, No. 3:2006-217, 2007 WL 2253564 (W.D. Pa. Aug. 3, 2007) (allowing claim of Black restaurant patrons required to show identification before being given menus to order food whereas a White patron was allowed to order food and alcohol without showing any identification).

38. UNITED SKATES, *supra* note 1.

39. *Id.*

40. *United Skates': Film Review Tribeca 2018*, HOLLYWOOD REP. (Apr. 19, 2018, 7:30 PM), <https://www.hollywoodreporter.com/review/united-skates-review-1104106>.

41. UNITED SKATES, *supra* note 1.

preferences as to the setting, style, and music. “United Skates” suggests that market conditions no longer support restoring old venues or establishing new ones catering to Blacks. Thus, racial discrimination impacts the supply side, (in terms of the availability of capital and financing for business development by Black entrepreneurs in minority urban and increasingly suburban enclaves) and the demand side (in terms of the amount of disposable income and convenient transportation options of Black seniors, young adults, and families with children who skate). These are issues that “United Skates” suggests but does not address. The film ends with the 2017 reopening of World of Wheels, which was made possible by the investment of club promoter Tommy Karas with the support of L.A.-based rapper and philanthropist Nipsey Hustle (who was subsequently murdered).⁴² However, it closed in 2020 as a result of the impact of COVID-19, conflicts with the landlord, and police concerns about alleged criminal activity on the premises which may have stemmed from the composition of the venue’s clientele.⁴³

If a private enterprise lacks the incentive and wherewithal to supply venues, Black roller skaters may find more success by looking to state and local parks and recreation departments. Data indicates that low-income and minority communities across the country have been denied their fair share of public funds and support to pursue recreational activities in publicly provided venues.⁴⁴ The Environmental Justice Movement is not limited to attacking the inequitable and unfair allocation of toxic waste sites or distribution of pollution burdens. It calls for greater access to public assets (like parks, pools, fields, beaches, and trails) that support physical activity, psychological well-being, social development, cultural diversity, economic vitality, improved environmental quality, and the

42. Zoie Matthew, *The Roller Rink That Incubated L.A. Hip-Hop Is Back – But Not the Same*, L.A. MAG. (Oct. 27, 2017), <https://www.lamag.com/mag-features/world-on-wheels/> (quoting veteran who grumbled about the twenty-dollar price of admission and club-like atmosphere).

43. See Kailyn Brown, *Nipsey Hustle Helped to Save This L.A. Skating Rink. Now Its Future Is Uncertain*, L.A. TIMES (Jan. 6, 2021), <https://www.latimes.com/entertainment-arts/story/2021-01-06/world-on-wheels-skating-rink-closed-covid-nipsey-hustle> (reporting that multiple forces accounted for likely permanent shutdown of a skating venue popular with minority patrons).

44. See Nicholas Dohman et al., *The Active City? Disparities in Provision of Urban Public Recreation Resources*, 16 HEALTH & PLACE 431, 443 (2010) (finding inequality in the provision of recreational activities requiring built facilities based on ethnicity, fiscal resources, and urban structure). See also Jaron M. Saint Onge & Patrick M. Kruger, *Education and Racial-Ethnic Differences in Types of Exercise in the United States*, 52 J. HEALTH & SOC. BEHAV. 197 (2011) (questioning whether variation in preferences in exercise types across ethnic groups tracked cultural orientation or access to recreational facilities in segregated communities).

other amenities that are in short supply in low income and minority communities.⁴⁵

There are a few tools that Black roller skaters can use to spur government investment in rinks. Title VI of the Civil Rights Act of 1964 prohibits discrimination, exclusion, or denial of benefits on the basis of race, color, or national origin by recipients of federal funds.⁴⁶ Unfortunately, the federal courts have concluded that Title VI does not provide a private right of action to challenge the unintentional disparate impact on minority communities of decisions to invest in parks and recreation venues by state and local fund recipients.⁴⁷ The skaters might find state and local anti-discrimination laws more useful. Historic preservation might justify the resurrection of Black skating rinks that were venues for important Black musical acts and sites of civil rights protests. Black skaters' most significant leverage in the struggle to gain public support for venues for the recreation and leisure activities they prefer may be their political and social clout.⁴⁸ However, it is doubtful that local governments will provide rinks with the features Black adult skaters would find in a quality commercial venue.⁴⁹

45. ROBERT GARCIA & SETH STRONGIN, *Health Parks and Communities: Green Access and Equity for Los Angeles* in JUST LEISURE: THINGS THAT WE BELIEVE IN 167, 168-171 (Keri Schwab & Daniel Dustin eds. 2013) (explaining why parks are part of an expanded concept of environmental justice).

46. Title VI, 42 U.S.C. § 2000d.

47. See *Alexander v. Sandoval*, 532 U.S. 275 (2001) (concluding that there is no private right of action under Title VI of the Civil Rights Act of 1964); See also *Seif v. Chester Residents Concerned for Quality Living*, 132 F.3d 925 (3d Cir. 1997), *vacated*, 524 U.S. 974 (1998) (vacating judgment in an environmental justice case where plaintiffs brought a private action based on disparate impact discrimination).

48. See generally Marianne Engelman Lado, *No More Excuses: Building a New Vision of Civil Rights Enforcement in the Context of Environmental Justice*, 22 U. PA. J.L. & SOC. CHANGE 281, 319-322 (2019) (exploring alternative approaches to opposing discrimination in environmental justice cases, including organizing, community education, lobbying, and networking).

49. For example, the Shake and Bake Family Fun Center's roller rink in West Baltimore has been owned by the city since 1985. G.D. Baker, *Op-Ed: The Re-Birth of Shake and Bake Falls Short*, BLACK MEDIA AUTHORITY, (May 23, 2019) <https://afro.com/op-ed-the-re-birth-of-shake-and-bake-falls-short/>. The Center was founded in 1983 by former Colt football player Glenn "Shake and Bake" Doughty. A Black-owned management company operated the rink under a contract. In 2017, it was closed by then-mayor Catherine Pugh and underwent \$300,000 in repairs and renovations to the roof, the heating and cooling systems, and the interior. It reopened in 2018. Mayor Pugh subsequently resigned over a scandal involving sales of her self-published book, and the operation of the rink has fallen to the city's department of recreation. An editorial by a patron not only criticized the inferior quality of the renovations and the management but also called out the no-show skaters who were once "up in arms about the rink closing" and who "watched the HBO documentary about the plight of urban skating rinks." More recently, the Center has hosted an effort to support young people at risk of impact from gun violence. See McKenna Oxenden, *Kids from Around the City Roller Skate in West Baltimore to Help Escape Recent Gun Violence Against Youths*, BALTIMORE SUN (Feb. 18, 2022, 6:00 AM), <https://www.baltimoresun.com/news/crime/bs-md-ci-cr-youth-violence-skate-party-20220218-trol6afgbrhclereo2wie2c6si-story.html>.

“United Skates” succeeds in highlighting Black people’s contributions to the artistry and aesthetics of roller skating and their civil rights activism in integrating skating venues as places of public accommodation. Beyond that, the documentary itself has become a resource for combating racism in another aspect of roller skating, in the online virtual venues of “#rollerskating” videos. “[P]ower structures that exist offline are indeed replicated online. . . . Racism, classism, and sexism are doggedly present in digital leisure practices and spaces, albeit often materializing in different nuanced ways”⁵⁰

As “United Skates” was winding its way through the film festival circuit before being broadcast on HBO, there was a revival of interest in outdoor quad or four-wheeled roller skating among young Whites.⁵¹ The stay-at-home mandates caused by the coronavirus pandemic generated interest in roller skating.⁵² Videos began to appear on YouTube and Instagram but caught fire on the social media app TikTok. As a media and merchandising strategist is quoted as saying in an article in *Refinery29*, a digital fashion and entertainment website for young women:

While stuck indoors over the last few months, roller skate content offered respite from the monotony of everyday life,” she notes. Viewing roller skate influencers on TikTok freely glide along the pavement became a cathartic experience and a welcome escape from the present tough realities we were enduring inside our cramped homes.⁵³

As of February 28, 2022, the hashtag “#rollerskating” on TikTok has received more than 6.9 billion views. Sales of roller skates and related paraphernalia have skyrocketed.⁵⁴

The White skaters on TikTok generally exhibit some of Black jam or style skaters’ simpler moves and rely on Black and Latin soundtracks. At the outset, they did not acknowledge the debt they owed to Black roller skating. Indeed, the media awarded credit for the resurgence of the sport by Whites to Ana Coto and the 10-second TikTok video of her skating while lip-syncing to Jennifer

50. Callie Spencer Schultz & Janet K.L. McKeown, *Introduction to the Special Issue: Toward “Digital Leisure Studies,”* 40 *LEISURE SCIENCES* 223, 229 (2018).

51. Jess Joho, *The Whitewashing of Roller Skating’s Online Revival*, MASHABLE (July 2, 2020), <https://mashable.com/article/roller-skating-tik-tok-revival-racism>.

52. Anna Ben Yehuda, *Behold, America: The Summer of the Roller Skate Is Upon Us*, TIMEOUT (July 17, 2020), <https://www.timeout.com/usa/news/ behold-america-the-summer-of-the-roller-skate-is-upon-us-071720>.

53. Georgia Murray, *From the ‘70s to TikTok, We’ve Fallen for Roller Skate Style*, REFINERY 29 (Aug. 3, 2020), <https://www.refinery29.com/en-gb/roller-skate-fashion>.

54. TikTok, <https://www.tiktok.com> (last visited Feb. 28, 2022) (search #rollerskating in the search bar).

Lopez's "Jenny from the Block."⁵⁵ Coto has become a TikTok star and influencer. A roller skating influencer can turn her or his talent into a source of income through product endorsements, video tutorials and classes, and playlists.

Young Black skaters, however, were not racking up followers and hits on TikTok like the White skaters and therefore were unable to capitalize on their mastery of Black skating styles to earn revenue as influencers. One source of their invisibility was TikTok's algorithms. By recommending new videos that are more of the same sort of videos users had previously watched, TikTok compounded the impact of its users' racial preferences. Since White users far outnumber Nonwhite users and White users prefer White performers, White performers predominated as influencers and stars.⁵⁶

The media hype exaggerating Whites' "discovery" of quad skating and the lack of attention received by the social media postings of excellent young Black skaters executing Black jam skating moves provoked an outspoken pushback by Black skaters and their allies.⁵⁷ As culture critic Jess Joho wrote, "Saying that roller skating only just came back is demeaning when there is so much history, when it's meant so much to so many people for such a long time."⁵⁸ The "rich cultural history [of Black communities that never let [skating] go out of style] . . . is rarely part of the general public's conceit of roller skating's online revival, where it's any white girl sexy-walking backwards on pastel skates 'game.'"⁵⁹ Joho argues further, "The folks perhaps most erased by the whitewashed skating of TikTok are precisely those who've spent a lifetime conquering the most challenging feats attempted on quad skates."⁶⁰ She concludes, "Fixing black erasure in skating's online revival isn't just about more Black skaters' visibility. It's about putting in the time and effort to appreciate Black skating styles."⁶¹

55. See e.g., Anna Ben Yehuda, *Behold, America: The Summer of the Roller Skate Is Upon Us*, TIMEOUT.COM (July 17, 2020), <https://www.timeout.com/usa/news/behold-america-the-summer-of-the-roller-skate-is-upon-us-071720> (concluding that, while Coto's video may not be the exact moment the fad began, it will likely be one of its "most recognizable visual reminders"); Kalhan Rosenblatt, *Roller Skates Are the New Must-Have Item Thanks to this TikToker*, NBC NEWS (May 14, 2020), <https://www.nbcnews.com/pop-culture/viral/roller-skates-are-new-must-have-item-thanks-tiktoker-n1207186> (crediting Coto with sparking the latest demand in roller skates).

56. See Joho, *supra* note 51; see also Janice Gassam Asare, *Does TikTok Have a Race Problem?*, FORBES (Apr. 4, 2020), <https://www.forbes.com/sites/janicegassam/2020/04/14/does-tiktok-have-a-race-problem/?sh=7d66bea33260>, (attributing TikTok's race problem to "collective filtering").

57. Joho, *supra* note 51 (citing videos by @ahmaddunson, @Faairyne, and @bonitravo as calling out the White online community for its lack of support for Black skaters).

58. *Id.*

59. *Id.*

60. *Id.*

61. *Id.*

The criticism hit home.⁶² Reporting on the uptick in roller skating by young Whites began to situate it within Blacks' long history of struggle to be free to skate.⁶³ White skaters also undertook several antiracist moves that included showcasing Black skaters through compilations, responding to callouts, making donations to support minority skaters, and doing business with Black-owned concerns.⁶⁴ Young Black skaters and skate entrepreneurs reaped the monetary benefits of increased recognition.⁶⁵ "United Skates" is cited in numerous articles as proof of Black people's historical contributions in protesting rink

62. There were two other controversies involving race and roller skating that played out in the virtual world. In one case, Indy Jamma Jones, the keeper of the Planet Roller Skates Facebook page, deleted posts by skaters of color who described their encounters with discrimination and their feelings about the death of George Floyd. Jones justified the deletion on the ground that political and religious content was barred from the site; she offered instead to provide a special page for "adult conversations." This offer seemed reminiscent of the "Adult Nights" when Black Skaters are allowed to use otherwise segregated White-owned skating rinks. See Al Donato, *Love Viral Rollerskaters? Celebrate the Black History Behind the Trend*, HUFFPOST (July 3, 2020), <https://bit.ly/31F1qHn>. Skaters undertook several antiracist moves, including showcasing Black skaters through compilations, responding to callouts, making donations to support minority skaters, and doing business with Black-owned concerns. Skate manufacturer, Mota, posted a message on Instagram that indicated that it could simultaneously be outraged by the death of George Floyd, condemn rioting and looting, and support good cops. See Alaina Demopoulos, *Inside the BLM Controversy That Could Bring Down Mota, One of Roller Skating's Biggest Brands*, DAILY BEAST (June 11, 2020), <https://bit.ly/3gHtqhC>. The post followed on the heels of Mota's producing "Blues Lives Matter" themed skates and "Savage" boots. Apologies for the post failed to prevent boycotts and removal of the brand name from already owned skates for what was interpreted as a rejection of the Black Lives Matter movement.

63. See Schuyler Mitchell, *Roller Skating Isn't Having a "Resurgence,"* L.A. MAG. (Aug. 10, 2020), [https://www.lamag.com/culturefiles/roller-skating-resurgence/\(highlighting the overlooked continuous history of Black roller dancing in the city as well as the discrimination and homogeneity Blacks experience in its skate community\)](https://www.lamag.com/culturefiles/roller-skating-resurgence/(highlighting%20the%20overlooked%20continuous%20history%20of%20Black%20roller%20dancing%20in%20the%20city%20as%20well%20as%20the%20discrimination%20and%20homogeneity%20Blacks%20experience%20in%20its%20skate%20community)); Anna Tarnow, *When the World Stood Still, They Found Freedom on Roller Skates*, CHRISTIAN SCIENCE MONITOR (July 16, 2020), <https://www.csmonitor.com/The-Culture/2020/0716/When-the-world-stood-still-they-found-freedom-on-roller-skates> (linking the "thriving contemporary subculture" of skating "ignited" by Ana Coto to "nearly a century of history" and "African American culture and the civil rights movement"). Coto herself came close to acknowledging the debt around the same time. Ilana Kaplan, *How to Get Around, Get Exercise and Get Cool This Summer: Roller Skating*, WASH. POST (July 7, 2020), https://www.washingtonpost.com/lifestyle/wellness/how-to-get-around-get-exercise-get-cool-this-summer-roller-skating/2020/07/07/971a2fde-bc79-11ea-bdaf-a129f921026f_story.html (quoting Coto, who hails from Puerto Rico, as saying that "plenty of marginalized people have kept skating alive" and that she wanted an online presence to "encourage conversations" about Black and Latin culture).

64. Donato, *supra* note 52.

65. See Melissa Santoyo, *TikTok Made Roller Skating Hot. Now Black-Owned Companies Are Trying to Keep Up with Demand*, INC.COM (Aug. 10, 2020), <https://bit.ly/2EIH5YR5> (quoting Coco Franklin (a/k/a @gypsetcity) as asserting that her circumstances improved "after TikTok was revealed to be censoring Black creators and started promoting their work more aggressively). Franklin is an Amazon influencer, and her site endorses a range of products, including outfits, skate gear, skates, wheels, drones, cameras, hair extensions, and nail stickers. See AMAZON, <https://amzn.to/3gGtePQ> (last visited Apr. 1, 2022).

segregation, keeping roller skating alive, and elevating its artistry and athleticism.⁶⁶

The young Black TikTok skaters saw the virtual or digital leisure space devoted to roller skating replicating the discrimination that characterized the physical world of roller skating and adversely impacting their subjective sense of self and the stature of the social community of Black adult jam roller skaters. Social media was also altering the border between work and leisure for Whites but not for them. The critique of the commodification, commercialization, and cooptation of Black cultural practices and products by Whites is well-developed but typically lacks a basis in law and fails in directing attention and revenue to more authentic sources.⁶⁷ In this case, though, the challenge to the erasure of the contributions of Black skaters was successful.

In an introduction to a special issue of *Leisure Sciences* on “Digital Leisure Studies,” Shultz and McKeown write that “marginalized individuals and communities can engage with, and participate in, digital leisure spaces in ways that allow them to confront power structures, have their voices and perspectives heard, reclaim power and control, redirect conversations, and work toward making social change.”⁶⁸ The ability to participate and mount online challenges to power is not equitably distributed. It depends upon such factors as “connections with others to help build an audience, emotional resilience to handle negative feedback, and enough social status to speak without consequences.”⁶⁹ The young Black social media skaters who challenged the focus on White influencers possessed the personal attributes to advance a counternarrative successfully. They were bolstered by the prominence of the #BlackLivesMatter movement, and their claims were confirmed by the documentary “United Skates.” It remains to be seen whether racial integration of the virtual space of roller skating will translate into an expansion of Black jam skaters’ actual physical space in the post-Covid era.

66. See, e.g., Alaina Demopoulos, *The Rich History of Black Roller Skating Rinks – and Their Civil Rights Legacy*, DAILY BEAST (June 13, 2020), <https://bit.ly/2EtDgXD> (reviewing “United Skates” and quoting Ana Coto crediting Black skaters); Grace Z. Li & Ida Majadad, *Stream and Dream of Better Days*, S.F. WEEKLY (August 13, 2020), <https://bit.ly/2QDuqsO> (“United Skates” provides “a history lesson” to “a new generation of skaters” whose ignorance puts Black skaters’ “legacy in danger of being erased”); Tiana Reid, *These Black Women Were Roller-Skating Way Before TikTok*, TEEN VOGUE (September 10, 2020), <https://bit.ly/3hpyg3G>.

67. See, e.g., Regina Austin, *Kwanzaa and the Commodification of Black Culture*, BLACK RENAISSANCE/RENAISSANCE NOIRE, Fall 2004, at 8.

68. Schultz & McKeown, *supra* note 50, at 230.

69. *Id.* at 229.

“United Skates” is an excellent example of a documentary with ethnographic significance. It visualizes a previously underappreciated form of leisure practiced by Black adults throughout the United States. It provides qualitative data regarding constraints on leisure practices that are the product of racial, ethnic, social, and economic inequality. For the legal scholar, the film calls into question the ability of public accommodation laws and other civil rights measures to deal with inequities in access to recreational facilities that serve the needs of a diverse society encompassing a broad range of leisure cultures and prompts an inquiry into the political agenda that would be required to remedy the situation.

The ultimate question “United Skates” poses is whether it is possible to articulate a conception of *leisure justice* that can be implemented or operationalized to improve the lives of marginalized political, economic, social, and cultural groups. Leisure scholar Emeritus Professor Karla Henderson of North Carolina State proposed the following definition of the term: “[l]eisure justice means that all people have the right to leisure regardless of age, ability, gender, social class, race, ethnicity, or other identity markers within the context of sustainable environments.”⁷⁰

In an article on governmental restraints on Black leisure, I argued that “blacks’ low social standing, their association with incivility, disorder, and excessive physicality or sexuality, and their denigration as workers facilitate the construction of Black leisure as yet another area of Black deviance or pathology deserving of social and legal constraint.”⁷¹ I advocated that Blacks challenge their inequality in leisure pursuits for many reasons, including their own business and occupational advancement.⁷² I articulated a standard for judging restraints on black leisure that violate a norm of leisure justice:

If conduct is not prohibited when undertaken by a white or a middle-class person, then it should not be prohibited when undertaken by a black person or a person occupying a lower class position. . . . Most cases require a more sophisticated analysis—one that reflects an understanding of black social inequality and the process by which public space is privatized and racialized, and that considers the relevance of leisure to blacks’ ability to live a good life. Impermissible restraints penalize status, not conduct; confuse public social interaction with personal intimacy; promote the physical, social, and economic isolation of blacks; restrict access to public property in a way that is not justified by fiscal or environmental necessity; denigrate or ignore notions of morality and

70. Karla Henderson, *The Imperative of Leisure Justice Research*, 36 LEISURE SCIENCES 340, 341 (2014). See also *id.* at 341-42 (calling for more research link leisure and social justice).

71. Austin, *supra* note 2, at 700.

72. *Id.* at 710-11.

respectability that are inconsistent with prevailing white, male, middle-class standards; and seek to control black workers' labor power by controlling their off-duty behavior.⁷³

It is much more difficult to delineate the scope of an affirmative obligation on the state's part to assure minorities leisure justice through the equitable allocation of public resources.⁷⁴ The Universal Declaration of Human Rights (UDHR) and other international covenants and conventions include a right to leisure or allied rights to rest, travel, recreation, and cultural participation.⁷⁵ "[T]he right to rest and leisure is founded firmly in the protection of workers."⁷⁶ Beyond that, leisure is associated with physical and psychological well-being and psychological coping in adults and development in children. Leisure is needed for a life of dignity.⁷⁷ Categorizing leisure as a human right reflects its character as an ethical aspiration shaped by communal values.⁷⁸ Although the inclusion of leisure among human rights is a much-debated topic among leisure scholars,⁷⁹ it does lend weight to claims of racial discrimination based on the distribution of public funds for recreation.

"United Skates" thus does more than capture an exhilarating form of leisure enjoyed by a community of Black adults and their families. It exposes the social and material factors that impede the Black community's continued viability as a source of physical exercise, psychological well-being, cultural expression, and intergenerational social solidarity. The documentary challenges the viewer to

73. *Id.* at 712-13.

74. For an illustration of how various philosophical theories might determine what is an equitable allocation of leisure resources, see John L. Compton & Stephanie T. West, *The Role of Moral Philosophies and Operational Criteria in Determining Equitable Allocation of Resources for Leisure Services in the United States*, 27 LEISURE STUDIES 35 (2008).

75. Article 24 of the Universal Declaration of Human Rights (1948) provides that "Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay." G.A. Res. 217 (III)A, Universal Declaration of Human Rights 6 (Dec. 10, 1948). Article 7(d) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) provides for the right of everyone to the enjoyment of just and favorable conditions of work which ensure, in particular, . . . [r]est, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays. G.A. Res. 2200A (XXI) ICESCR art. 7(d) (Dec. 16, 1966). Article 15(1)(a) of the ICESCR "recognizes the right of everyone . . . to take part in cultural life." G.A. Res. 2200A (XXI) ICESCR art. 15(1)(a) (Dec. 16, 1966). Article 30 of the International Convention for the Rights of Persons with Disabilities is devoted to "[p]articipation in cultural life, recreation, leisure, and sport." G.A. Res. 61/106 Convention for the Rights of Persons with Disabilities, A/Res/61/106 (Dec. 13, 2006).

76. David I. Richards & Benjamin C. Carbonetti, *Worth What We Decide: A Defense of the Right to Leisure*, 17 INT. J. HUM. RTS. 329, 344 (Oct. 2012).

77. *Id.* at 335.

78. *Id.* at 337, 338-39.

79. See generally *id.*, at 332-35 (delineating both reductionist and essentialist or foundationalist critiques of the human right of leisure); A.J. Veal, *Human Rights, Leisure and Leisure Studies*, 57 WORLD LEISURE J. 249 (Sept. 2015).

consider difficult questions related to leisure justice, such as society's role in guaranteeing access to places of public accommodations for the expression of cultural diversity, assuring fair and equitable access to financing to support enterprises providing culturally diverse forms of recreation, and providing for the equitable allocation of government resources for leisure across a culturally diverse population through the creation of public assets available for democratized use.

For the leisure scholar, "United Skates" illustrates how nonfiction films add a measure of realism to the discussion of a leisure-related issue by picturing leisure as an integral element of real people's lived experience.⁸⁰ Such films are incredibly valuable when the focus is on minority communities whose cultures and material conditions are not widely known or are generally ignored by the mainstream. Nonfiction film and video function as visual evidence of the multilayered socio-economic context in which leisure's impact is felt. Nonfiction visual work provides a way of communicating new insights about leisure's influence in a format capable of reaching beyond elite academic and policy circles.

80. William P. Stewart & Myron F. Floyd, *Visualizing Leisure*, 36 J. LEISURE RSCH. 445, 448 (2004).