RACISM: A PROPHECY FOR THE YEAR 2000*

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The gift of prophecy, when practiced by earthly oracles, entails a risky willingness to predict future events based on an examination of the present using the insight provided by an evaluation of the past. Dr. Martin Luther King¹ was a prophet, and each year we commemorate his birth and his vision of a better America, articulated in his "I Have a Dream" speech.² But Dr. King was hated, feared, and ultimately killed³ because he attempted to realize his dreams with a movement that mobilized the downtrodden, giving the hopeless reason to have faith and to translate that faith into action.

During the February 1989 celebration of Black History month, a great deal of attention was appropriately devoted to considering a world without racism. Predictably, far less attention was given to acknowledging the role of racism in the world as it is. For despite progress, African-Americans continue to struggle to survive this society's readiness to sacrifice black rights to further white interests.

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¹. Born in 1929 in Atlanta, Georgia, King, a Baptist minister, came to national prominence as leader of a year-long (1955-56) boycott of segregated buses in Montgomery, Alabama. Later establishing the Southern Christian Leadership Conference as an institutional base, King led numerous marches, protests and demonstrations for black rights, such as the 1965 Selma, Alabama, voter-registration drive. Though King was awarded the Nobel Peace Prize in 1964, in the mid-1960s activists advocating a more militant strategy challenged his leadership of the civil rights movement. During the late 1960s, King increasingly voiced his opposition to the war in Vietnam and to economic discrimination. ENCYCLOPEDIA OF AMERICAN HISTORY 1076 (R. Morris ed. 1982) [hereinafter AMERICAN HISTORY]. King's life is recorded in a number of biographies. See, e.g., T. Branch, PARTING THE WATERS: AMERICA IN THE KING YEARS 1954-63 (1988); D. Garrow, BEARING THE CROSS: MARTIN LUTHER KING, JR. AND THE SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE (1986); D. Lewis, KING, A CRITICAL BIOGRAPHY (1970).

². Delivered August 28, 1963, the speech was the culmination of the King-organized March on Washington. AMERICAN HISTORY, supra note 1, at 1076. For the text of the speech, see A TESTAMENT OF HOPE: THE ESSENTIAL WRITINGS OF MARTIN LUTHER KING, JR. 217-20 (J. Washington ed. 1986).

³. King was assassinated in Memphis, Tennessee, on April 4, 1968, by James Earl Ray. King was in Memphis to plan a multi-racial Poor People's March for anti-poverty legislation. AMERICAN HISTORY, supra note 1, at 531.
The involuntary servitude of black rights to white property interests is the basic explanation for the slavery of the past and the continuing subordinate status of black people today. Thus, while it is proclaimed as the model charter of individual freedom, the Constitution, as originally written, contained no less than ten provisions intended to recognize and protect property in slaves.\(^4\)

How did this happen? Quite simply, the Framers believed that a government committed to the protection of property could not come into being without the race-based, slavery compromises they placed in the Constitution. The country was teetering on the brink of anarchy in 1787. It was facing economic ruin. In addition, individual states were burdened by debts incurred during the Revolutionary War.\(^5\) Shays's Rebellion had made it clear that farmers and small businessmen would not stand for the heavy taxation needed to pay the war debts.\(^6\)

Clearly, a new and stronger central government was required. Clearly, too, the Southern delegates to the Constitutional Con-

\(^4\) As compiled by Professor William Wiecek, the ten provisions were: (1) U.S. Const. art. I, § 2, cl. 3 (requiring that direct taxes be apportioned among the states based on population, counting slaves as three-fifths of a person); (2) U.S. Const. art. I, § 2, cl. 3 (apportioning representation in the House among the states based on population, counting slaves as three-fifths of a person); (3) U.S. Const. art. I, § 8, cl. 15 (granting Congress the power to call up state militias to suppress insurrections, including slave uprisings); (4) U.S. Const. art. I, § 9, cl. 1 (barring Congress from prohibiting the importation of slaves prior to 1808, but allowing imposition of a tax, not exceeding ten dollars per person); (5) U.S. Const. art. I, § 9, cl. 4 (requiring that direct taxes, including capitations, be apportioned among the states to prevent Congress from laying a head tax on slaves to encourage their emancipation); (6) U.S. Const. art. I, § 9, cl. 5 (prohibiting the federal government from taxing exports, one purpose being to prevent an indirect tax on slavery by taxing the exported product of slave labor); (7) U.S. Const. art. I, § 10, cl. 2 (prohibiting the states from laying import or export taxes without Congress’s consent, one purpose being to prevent an indirect tax on slavery by taxing the exported product of slave labor); (8) U.S. Const. art. IV, § 2, cl. 3 (any person held to service or labor in one state, escaping into another, shall be delivered on claim of the party to whom the service is due); (9) U.S. Const. art. IV, § 4 (guaranteeing the states protection against domestic violence, including slave insurrections); (10) U.S. Const. art. V (making unamendable the provisions of U.S. Const. art. I, § 9, cl. 1 & 4 which pertain to the slave trade and the apportioning of direct taxes). See W. WIECEK, SOURCES OF ANTI-SLAVERY CONSTITUTIONALISM IN AMERICA: 1760-1848, at 62-63 (1977).


\(^6\) Named for its leader, Revolutionary War veteran Daniel Shays, Shays's Rebellion (1786-1787) was an uprising of western Massachusetts farmers. The farmers, demanding relief from their desperately depressed economic situation, prevented the courts from sitting and attacked the Springfield, Massachusetts arsenal. State troops eventually dispersed the farmers. See AMERICAN HISTORY, supra note 1, at 137-38.
vention would not approve such a government unless they received guarantees of protection for the property that was their principal source of wealth—slaves. Here is the source of what, to modern readers of the Constitution, appears a contradiction. To insure that the new nation did not usurp an individual’s property (as England had usurped many colonists’ property), the Framers equated personal liberty with property rights and barred the government from transgressing either without strong reason and due process. Then, to accommodate the Southerners’ insistence on slavery, they placed immoral, seemingly irrational, but what they deemed politically necessary limitations on individual rights to protect the right of some to hold others in chains. The Framers rationalized the contradiction in the Constitution by ordering their priorities in a way that conformed to their beliefs. Gouverneur Morris, an outspoken opponent of slavery, nevertheless concurred in the document because, as he put it, while “Life and Liberty are generally said to be of more value than property, an accurate view of the matter would nevertheless prove that property is the main object of Society.”

When the Southern delegates insisted that the new government, which was being created to protect property, not deprive them of their property in slaves, Northerners responded ambivalently. After all, the economic benefits of slavery did not accrue only to the South. Plantation states provided a market for Northern factories, and New England merchants and the New England shipping industry participated in the slave trade. Several Northern states, moreover, utilized slaves as field hands, as domestics, and as soldiers in wars against the Indians.

In short, slavery provided the wealth that made independence possible. Profits from slavery funded the Revolution. In fact, the very goods for which the colonies demanded freedom were largely produced by slave labor. Desperately needing assistance from other countries, we purchased this aid from France with tobacco produced mainly by slave labor.

The economic benefits of slavery and political compromises of

8. Id.
black rights played a major role in the nation's growth. "But beyond its guilt-evoking potential," people ask, "does the history of slavery have any value in analyzing contemporary social, political and legal doctrine?"

"Today," people aver, "we live in a far more enlightened world. Slavery has ended and segregation is but a bitter memory. Judicial precedent and civil rights legislation have aimed to prohibit racial discrimination. Compliance is far from perfect, but the Constitution's slavery provisions and the precedent they set for the sacrifice of black rights to white interests are only unhappy reminders of a less enlightened era."

But are they? Racism is far from dead in the United States. Despite undeniable progress for many, no American of African descent, regardless of status or success, is safe from racial aggression ranging from an unthinking insult to a life-threatening attack. Even the most successful blacks are haunted by the plight of their less fortunate brethren who struggle to survive in what social scientists call "the underclass." Burdened with life-long poverty and soul-devastating despair, they live their lives beyond the pale of the American dream.

As a test of how far the United States has come in its quest for racial justice, it is appropriate to inquire: If circumstances arose like those that pushed even those Framers who despised slavery into yielding to the Southern delegates' insistence on Constitutional protection for slavery, would civil rights law protect blacks from a repetition of the fate that befell their ancestors? Would today's policymakers be able to resist the temptation to choose political pragmatism over moral principle? If the issue came down to a referendum, how would Americans decide a question that would bring great benefit to whites at the cost of black freedom? The following allegory raises these questions. As in any prophecy, it utilizes past events and future possibilities to limn a scenario that could prove all too real.

The Chronicle of the Space Traders

The first surprise was not their arrival—they had radioed weeks before, advising that they would land their space ships along the Atlantic coast on January 1, 2000. The surprise was the ships themselves. The great vessels, each the size of an aircraft

12. See D. Robinson, supra note 7, at 57-58.
carrier, resembled not Star Wars craft but the square landing craft that were used to transport troops to beachhead during World War II. The ships entered earth’s atmosphere in a fiery display visible throughout the western hemisphere. After an impressive cross-continent “fly by,” they landed in the waters just off the Atlantic coast. The lowered ramps of the mammoth ships exposed huge, dark, cavernous holds.

Then came a second surprise. The welcoming delegation of federal officials, as well as the reporters covering the event, could understand the Space Traders’ greetings as they disembarked. Not only did they speak English, they sounded like former President Ronald Reagan whose recorded voice they had dubbed into their computerized, language-translation system.

To the whites who were present or who viewed the special television coverage, the visitors were invisible. American blacks saw them all too well, though their descriptions differed markedly. “They look like Old South sheriffs—mean and ugly,” some said. Others said they were, “more like slavedrivers and overseers.” Frantic reports claimed, “The visitors are dressed in sheets and hoods like the Ku Klux Klan.” In whatever guise they saw them, blacks did agree that the visitors personified racist evil.

Whites, accustomed to discounting statements of blacks not confirmable by other whites, ignored these cries of alarm. “Will they never be free of silly superstitions?” whites asked with condescending smiles. “Here, in this historic hour, when people from other worlds have chosen America as the site for their first contact, blacks—evidently unable to cope with so momentous an event—revert to foolishness and primitive fears.”

The visitors cut short the welcoming speeches and made clear

13. A secret society founded by ex-Confederates in 1866, the Ku Klux Klan used whippings and lynchings to terrorize blacks and white supporters of Reconstruction. Though the Klan was formally disbanded in 1869, ex-members continued to keep blacks from voting. Reorganized in 1915, and fueled by the jingoistic patriotism of World War I, the Klan, now embracing xenophobic, anti-Catholic and anti-Semitic impulses, spread to the North. By the mid-1920s, the Klan had more than four million members. It contributed to the defeat, in the 1928 presidential election, of Alfred E. Smith, a Catholic. Klan membership declined rapidly in the late 1920s. Revived in reaction to the civil rights activism of the 1960s, the Klan used violence against both black and white civil rights workers in the South. In the late 1970s, various factions of a now splintered Klan actively recruited new members, using “reverse” discrimination, blue-collar unemployment and other issues as drawing points. Disguise and ritual—white robes and hoods, and grandiose titles—are a recurring motif in the Klan’s campaigns of intimidation. See American History, supra note 1, at 298, 393; 4 Dictionary of American History 58-59 (1976).
that their visit had one purpose—trade. Then came the third surprise. In their ships, the visitors had brought materials they knew the United States desperately needed—gold to bail out near insolvent federal, state and local governments, chemicals to purify the almost uninhabitable environment, and a safe, affordable nuclear technology to relieve the nation's energy woes.

In return, the visitors wanted but one thing. They wanted to take back all African-Americans (a term they defined as all citizens whose birth certificates listed them as black). The proposition reduced the welcoming delegation to total disarray. The visitors, however, seemed to expect this reaction. Emphasizing that acceptance of their offer was entirely voluntary, they withdrew to their ships. The visitors promised to hold the offer open for sixteen days. A response would be due on January 17, the national holiday commemorating the life and achievements of Dr. Martin Luther King, Jr.

The Space Traders' proposition instantly dominated the country's attention. The President called Congress into special session. Governors did the same with state legislatures. Blacks were outraged. "Why don't we just say no?" blacks asked.

The question embarrassed many whites but ultimately the Space Traders' offer proved irresistible. Decades of laissez-faire capitalism had taken its toll on the United States' economy. The nation that had funded the Marshall Plan14 a half-century earlier was now in a very difficult state. Massive debt debilitated government functioning. The environment was in shambles. Crude oil and coal resources were virtually exhausted.

The race problem, moreover, had worsened greatly in the twentieth century's last decade. A small group of blacks had weathered the retrogression of civil rights protections that marked the 1990's. Perhaps twenty percent had managed to make good in American society. Half the black population, however, were outcasts in their country of birth. Confined to walled-in former inner-city areas, their entrance to and exit from these areas were carefully controlled.

No one even dreamed any more that these blacks and dark-

14. The European Recovery Program, dubbed the Marshall Plan after its first advocate, United States Secretary of State George C. Marshall, attempted to foster European economic recovery in the wake of World War II. Under the Program, the United States dispensed more than $12 billion in aid to the nations of Europe from 1948 to 1951. See American History, supra note 1, at 468-69.
complexioned Hispanics would ever “overcome.” Government officials tried in secret to get the Space Traders to take only these locked-in, inner-city blacks. The visitors made it clear that theirs was an all-or-nothing proposition. During these talks, the Space Traders warned that they would withdraw their offer unless the United States halted the flight of blacks who, fearing the worst, had begun to flee the country. In response, blacks were barred by executive order from leaving the country until a decision was made on the visitors’ proposition. “It is your patriotic duty,” blacks were told, “to allow this great issue to be resolved through the democratic process and in accordance with the rule of law.”

Blacks and their white supporters repaired to the courts, but their suits were dismissed as “political questions” that would have to be decided by co-equal branches of government. Even so, forces supporting the trade realized that acceptance of the Space Traders’ proposition would violate the Constitution’s most basic protections. They moved swiftly to convene a Constitutional convention. In ten days of feverish work, hurriedly-assembled delegates drafted, and by a substantial majority passed, an amendment that declared:

At the call of Congress every citizen is subject to selection for periods of special service necessary to protect domestic and international interests.

The amendment was to become the subject of a national referendum. If ratified, the amendment would validate legislation that had been drafted to induct all blacks for transportation under the terms of the Space Traders’ offer. In the brief but intense pre-referendum campaign, the pro-ratification groups’ major argument had an appeal that surprised even those who made it. The message was straightforward:

The Framers envisioned America as a white country. The evidence of their intentions is present in the original Constitution. After nearly a century and a half of good-faith effort to build a healthy, stable interracial nation, we have concluded—as did the Framers—that our survival requires the sacrifice of black rights to protect and further white interests. The Framers’ example must guide us. Patriotism, not pity, must govern our decision. We should ratify the amendment and accept the Space Traders’ proposition.

To their credit, many whites worked hard to defeat the amend-
ment, but given the usual fate of minority rights when they are made dependent on a referendum, the outcome was never really in doubt. In the final tally, seven out of ten Americans voted to accept the Space Traders’ offer. Anticipating this result, government agencies had been making preparations to finalize the deal. Some blacks escaped to freedom. Many thousands lost their lives in futile efforts to resist the federal and state police posses responsible for capturing, cataloging and transporting blacks to the coast.

The dawn of the last Martin Luther King Day the nation would ever observe illuminated an extraordinary sight. The Space Traders, having discharged their cargoes of gold, chemicals and machinery, began loading endless lines of silent black people, each of them clad in but a single bit of cloth. Blacks left the new world as their forebears had arrived—heads bowed, their arms linked by chains. Just as the forced importation of Africans had helped make possible America’s wealth and productivity, so their forced exodus redeemed the country from the debt of its excesses. There might be unforeseen costs of the trade, but, like their colonial forebears, white Americans, facing the twenty-first century, were willing to avoid these problems as long as possible.

It is important to ask which aspect of the Space Trader chronicle seems more incredible—the possibility of an intergalactic trade mission, or the possibility that the United States would accept an offer that once again gave property interests priority over human rights? Somehow, the second possibility seems less remote than the first—even in this age of space travel.

I have asked this question of scores of people. The responses by whites have often been ambivalent. Those most certain that “it could never happen here” are least able to rebut the contrary teachings of history and the contemporary scene. Most blacks, on the other hand, are resigned that the United States would accept the Space Traders’ offer. For them, experience has smothered optimism. Some young blacks are quite cynical. One student suggested that a third of white voters would immediately accept the Space Traders’ proposition (even if the visitors offered nothing in return) while another third of white voters, after some vacillation,

would not be able to pass up the deal.

Some blacks have questioned the need to conjure science fiction fantasies. The belief which underlies the Space Traders’ offer, that blacks are expendable, is apparent to anyone who visits an inner-city, or considers the serious disparities between blacks and whites in every demographic category—life expectancy, employment, income, education and property ownership. “Our people are leaving this earth in tragic numbers,” one black man told me. “Not for some other planet, though, but for the cemetery.”

Society’s inaction in the face of the steadily worsening gap between blacks and whites is not the only evidence of a deteriorating concern for minorities. There were also the dire messages of the 1988 presidential campaign. Both major parties proved ready to ignore and even insult blacks in a frantic effort to avoid alienating white voters.

The positive response of working-class whites to the Jesse Jackson campaign showed that many white voters were more interested in issues of employment and economic justice than they were in race. The Democrats, however, treated blacks, traditionally the party’s most faithful supporters, as pariahs. As a result, Democratic campaign strategists made themselves morally and tactically vulnerable to the blatant racism of the Republican campaign. Republican campaign strategists realized, early on, that they need not promise to, say, lower the federal budget deficit. Instead, they found that all they need do, using “art film” scare tactics reminiscent of Birth of a Nation,17 was to pledge to keep the Willie Hortons18 in prison. Nineteen hundred eighty-eight

16. Born in Greenville, South Carolina in 1941, and ordained a Baptist minister in 1968, Jesse Louis Jackson has, for more than twenty years, been a prominent American clergyman, civil leader and politician. Activism—agitation for change—has been the keynote of Jackson’s public endeavors. In 1966 he helped found the Operation Breadbasket joint project with the Southern Christian Leadership Conference (Jackson served as its national director from 1967 to 1971). In 1971 Jackson founded Operation PUSH (People United to Serve Humanity). Chairman of the National Rainbow Coalition Inc. and founder of the PUSH-Excel program, he has twice vied for the Democratic presidential nomination. In 1983-84, Jackson drew relatively scant support. In 1987-88, Jackson came close to beating Massachusetts Governor Michael Dukakis for the nomination. See 1 WHO’S WHO IN AMERICA 1393 (44th ed. 1986-87).

17. In his 1915 silent film, the first truly epic movie, director D.W. Griffith used emotionally wrenching scenes to support a white-supremacy thesis. In Birth of a Nation the Ku Klux Klan protect whites against blacks, who are portrayed as “savage, violent and frenzied so they lust for white flesh.” D. BOYLE, TOMS, COONS, MULATTOES, MAMMIES, AND BUCKS 10, 13 (1989).

18. Released under a Massachusetts prisoner-furlough program, Willie Horton, a black
marked the year when the United States's two major political parties signaled a readiness—differing only in degree from that of the Constitution's Framers—to sacrifice blacks' rights to advance white interests and to ease white fears.

There would be cause for concern about the Space Trader story's "prophetic" possibilities even if the Constitution's slavery compromises and the behavior of the two major parties in the 1988 presidential election were the only manifestations of the unhappy phenomenon of the sacrifice of black rights. Unfortunately, these two events are but examples of a recurring pattern in American history.

The slavery compromises set a precedent under which black rights have been sacrificed throughout American history to further white interests. Consider a few historical examples:

- The fight for "universal" male suffrage succeeded in several states when compromises were negotiated based on the view that blacks should not vote. Historian Leon Litwack reports that "utilizing various political, social, economic, and pseudoanthropological arguments, white suffragists moved to deny the vote to the Negro. From the admission of Maine in 1819 until the end of the Civil War, every new state restricted the suffrage to whites in its constitution."¹⁹

By 1857, the course of the nation's economic development had stretched the initial slavery compromises to the breaking point. Differences between planters and business interests, glossed over seventy years earlier in the face of greater mutual dangers, could no longer be settled by further sacrifices of black rights. Chief Justice Taney's conclusion in Dred Scott,²⁰ that blacks had no rights whites were bound to respect, a view reflecting the prevailing belief of his time, represented a new effort to compromise political differences among white interest groups by sacrificing black rights. The effort failed, less because Chief Justice Taney was willing to place all blacks—free as well as slave—beyond the realm of constitutional protection, than because Dred Scott

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rashly committed the law exclusively to one side of the fiercely contested issues of economic and political power that were propelling the nation toward civil war.  

- When the Civil War ended, the North, to protect its victory, passed constitutional amendments\textsuperscript{21} granting citizenship to former slaves. Within a decade, when political crisis threatened a new civil war, black rights were again sacrificed in the Hayes-Tilden Compromise of 1877.\textsuperscript{22} Constitutional jurisprudence followed Chief Justice Taney's conclusion regarding the rights of blacks \textit{vis-a-vis} whites even as his opinion was nominally condemned. The country moved ahead, but the status of blacks seemed to be progressing only when compared with slavery itself. The late nineteenth century Populist movement\textsuperscript{23} attempted to build a multi-racial working-class political party in the South strong enough to overcome economic exploitation by the ruling classes. When neither Populists nor conservative Democrats were able to control the black vote, they agreed to exclude blacks from the electorate through state constitutional amendments.\textsuperscript{24}

With blacks no longer a force at the ballot box, conservatives dropped their nominal opposition to "Jim Crow,"\textsuperscript{25} which was

\textsuperscript{21} U.S. Const. amend. XIII (abolishing involuntary servitude); U.S. Const. amend. XIV (prohibiting the states from abridging the privileges and immunities of United States citizens or of depriving persons of life, liberty or property, without due process of law); U.S. Const. amend. XV (prohibiting denial or abridgment of the right to vote based on race, color or previous condition of servitude).

\textsuperscript{22} In 1876, Republican Rutherford B. Hayes ran for President against Democrat Samuel J. Tilden. Election returns in South Carolina, Louisiana, Florida and Oregon were disputed, and Congress had to create a commission to decide the result. Hayes became President—by a single vote in the electoral college—when the highly partisan commission awarded him all of the disputed returns. Outrage over the decision had an important effect on Hayes's generally conservative administration. Hayes effectively ended Reconstruction by withdrawing federal troops from South Carolina and Louisiana. In the wake of the troop withdrawal, white rule was restored and lasting racial bitterness ensued. See American History, supra note 1, at 301-02.

\textsuperscript{23} Farmers suffered terribly during the last two decades of the 19th century due to depressed agricultural prices. Many of them believed that the federal government's currency policy was designed to serve the interests of Eastern banks and industrialists—at farmers' and workers' expense. In 1892, delegates from farm and labor groups convened in Omaha, Nebraska and formed the Populist party. Among the reforms advocated by the Populists were the free coinage of silver and a plentiful supply of paper money. See American History, supra note 1, at 313.


\textsuperscript{25} Enacted by the southern states in the wake of Reconstruction, "Jim Crow" laws were designed to keep blacks subservient to—and separate from—whites in almost every phase of life. The Southern states mandated segregation in schools, hospitals, hotels, rail-
supported by poor whites as a guarantee of their claim of priority of citizenship—based on their race. Many southern whites were to rebel against the Supreme Court’s 1954 decision declaring school segregation unconstitutional precisely because they felt that their longstanding, institutionally acknowledged superiority to blacks had been unjustly repealed. Today, Brown v. Board of Education,28 like the Emancipation Proclamation,27 the post-Civil War Amendments,28 and the Civil Rights Act of 196429 can be seen to have promised far more than it ever could have delivered, given the key role that race plays in the United States’s political and economic structure. That role is that, throughout American history, whites of widely varying socio-economic status have used a deeply held belief in white supremacy to negotiate and resolve policy differences, often through compromises that sacrifice black rights.

Many people acknowledge that, historically, the property interests of whites have taken precedence over minority civil liberties and property interests. Those same people might also concede that policy was often determined by conceptions of national interest that paid mere lip service to considerations of justice. There is, however, a contradiction in those policies because there are no apparent gains for the masses of lower-class and poor whites commensurate with the sacrifices endured by blacks. What do whites gain, when their opportunities are limited by those same policies?

In my view, policy decisions that sacrifice black rights sustain those whites who lack wealth and power in their sense of racial superiority. The subordination of blacks seems to reassure whites that they do indeed hold title to a kind of property right in their “whiteness.” Like all such rights under a government created and sustained primarily for the purpose of preserving property, this right is recognized by society and upheld by the courts.

This phenomenon is best observed in its original manifestation,

roads, cemeteries and residences. The laws effectively disenfranchised the black population of the South. See id. at 238; 3 Dictionary of American History 502-03 (1976).
28. U.S. Const. amend. XIII; U.S. Const. amend. XIV; U.S. Const. amend. XV.
the beginning of slavery in the American colonies. According to 
historians such as Edmund Morgan\textsuperscript{30} and David Brion Davis,\textsuperscript{31} 
working-class whites did not oppose slavery when it took root in 
the colonies in the mid-1660's. They identified with the white 
planters who could afford slaves, even though they were economi-
cally subordinate to them. The creation of a black subclass ena-
bled poor whites to identify with and support the policies of the 
upperclass.\textsuperscript{32} Owners of large tracts of land, secure in the eco-
nomic advantage provided by their slaves, willingly granted poor 
whites a larger role in the political process. Thus, paradoxically, 
black enslavement led to comparatively greater freedom for poor 
whites. Slavery also provided unpropertied whites with an endow-
ment in their whiteness. However disadvantaged, poor whites 
could feel superior to the Africans in their midst.

In the Space Trader allegory, visitors from another 
world—rather than domestic turmoil or international 
peril—present the United States with an opportunity to benefit 
from the sacrifice of African-Americans' rights. But the familiar 
contest, between profit and principle, is the same. Can we really 
hope that the United States would make a decision different from 
the one it has made time after time throughout its history? We 
simply cannot know.

African-Americans and their leaders doubtlessly would respond 
with vigor to the challenge posed by the Space Traders. They 
would not sit idly by while the time ran out on their freedom. 
Blacks have learned, to their cost, that in the United States, rac-
arich “progress” usually takes place when the justice African-
Americans seek happens to coincide with some white self-interest.

History shows that when the issue is justice for African-Americ-
cans versus Racism, racism wins every time. But when the issue is 
racism versus perceived self-interest for whites, the choice (it is 
said) is justice for blacks. This is what whites \textit{really} mean when 
they express an interest in racial justice. Blacks and whites op-
posed to the Space Traders’ offer could pose the moral and ethi-
cal issues involved in the offer while pointing out the practical 
problems acceptance would pose. The moral onus of acceptance 
would haunt the nation forever, they might warn. Acceptance of

\textsuperscript{30} E. Morgan, \textit{American Slavery, American Freedom} (1975).
\textsuperscript{32} E. Morgan, \textit{supra} note 30, at 380-81.
the proposal would create a precedent endangering all peoples everywhere . . . but particularly other minorities, such as Native Americans, Hispanics and Jews.

The international community would condemn the United States if it traded its citizens for material goods. Approval of such an offer would engender hostility, perhaps even armed intervention by other nations. Freed of debt, the United States might start a massive arms buildup, threatening the balance of power and world security.

Whether implemented by constitutional amendment or not, a trade would deny due process. This would create a dangerous precedent that could ultimately redound to the disadvantage of whites.

Some arguments might combine appeals for morality and self-interest. White spouses in interracial families might make individual and class-action appeals to save their families. Similarly, whites could argue that acceptance of the proposal would forever separate long-time friends, classmates and neighbors.

Morality-based arguments might come unbidden from business interests supplying the materials and services offered by the Space Traders. The opposition of those who profit from the status quo—police forces, welfare agencies, and others—could also be expected.

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Viewing the Space Trader chronicle as a possibility, we should also remember that much can happen between now and the year 2000. From its inception, the Constitution deemed African people property. Ironically, in their quest for justice, those whose forebears were slaves have brought to the Constitution and to case law many of the protections of individual rights and liberties that all Americans currently enjoy.

The ultimate challenge for all progressives, black and white, is to broaden the Constitution’s protections to include economic rights. Recognition of entitlement to basic needs—jobs, housing, food, health care, education and security—as essential property rights of all individuals is the fundamental issue. Success must almost certainly come from organized struggle resulting in new legislation guaranteeing these rights rather than from judicial—constitutional—interpretation based on abstract theory. The necessary political pressure will be difficult to generate until more whites recognize that their property right in “whiteness”
has cost them too much and netted them too little—has netted them only the opportunity, as C. Vann Woodward said, to hoard sufficient racism in their bosoms to feel superior to blacks while working at black wages.33

Jesse Jackson made an exciting start in this difficult educational process. While he did not gain the Democratic presidential nomination, Jackson did show that despite outbreaks of anti-black hostility in America, there are substantial numbers of working-class whites willing to learn what blacks have long known: that the rhetoric of freedom so freely voiced in the United States is no substitute for the economic justice so long denied to whites as well as blacks.

The status of African-Americans is not entirely a cause for despair. Given the bleak landscape, the wonder is not that so many blacks manifest self-destructive or dysfunctional behaviors, but that there are so many who continue to strive and to succeed. Moreover, government’s failure to address the scarcity of effective schooling, decent housing and adequate health care has led to a myriad of community-led and supported activities within African-American communities, exhibiting the old unity that was too quickly jettisoned when segregation was outlawed.

The cynics will say, “If the Space Traders come, try as you may, black folk had best get ready to travel.” The cynics, alas, have history on their side. But those of us who view the Space Trader story as warning rather than prediction can rely on a deeper lesson of history. If faith alone enabled our ancestors to survive slavery’s degradation, we can survive the challenges we face every day.

Struggle alone does not guarantee success. Struggle in a righteous cause, however, does insure salvation. The struggle for racial justice has taught African-Americans that life is to be lived, and not simply enjoyed, and that, in struggle, there is joy as well as pain. Even in a society corrupted by wealth and material comfort, forgetful of its noble precepts, and cursed by the conviction that the mainstays of existence are money rather than morality and cunning rather than compassion, we find courage. We are not the oppressors. We have committed our lives to fighting the oppression of others as well as of ourselves.

We have no guarantees. We have only the faith of the gospel

33. C. VANN WOODWARD, REUNION AND REACTION (1951).
refrain, "I ain't no ways tired. I come too far from where I started from. Nobody told me the road would be easy. He didn't bring me this far to leave me."

Black History month provides an occasion to remember the "many thousands gone," those men and women who came before us and faced adversities beyond our comprehension. Let us be worthy of their courage and endurance as we face the trials ahead, whether they are this Nation's refusal to commit the energy and resources required to lift the underclass to a decent life, or some future temptation to trade black rights for white interests. We must not forsake the legacy of faith that has brought us this far.

The Space Traders chronicle could be a prophecy of our future. In all its horror, however, it is no worse than we have endured in the past. And we have survived that.

Keep the faith.