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## The Soul Savers: A 21st Century Homage to Derrick Bell's Space Traders or Should Black People Leave America?

Katheryn Russell-Brown

University of Florida Levin College of Law, russellbrown@law.ufl.edu

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THE SOUL SAVERS:  
A 21<sup>ST</sup> CENTURY HOMAGE TO DERRICK BELL'S *SPACE*  
*TRADERS* OR SHOULD BLACK PEOPLE  
LEAVE AMERICA?

*Katheryn Russell-Brown*

*Note: Narrative storytelling is a staple of legal jurisprudence. The Case of the Speluncean Explorers by Lon Fuller<sup>1</sup> and The Space Traders by Derrick Bell are two of the most well-known and celebrated legal stories.<sup>2</sup> The Soul Savers parable that follows pays tribute to Professor Bell's prescient, apocalyptic racial tale. Professor Bell, a founding member of Critical Race Theory, wrote The Space Traders to instigate discussions about America's deeply rooted entanglements with race and racism. The Soul Savers is offered as an attempt to follow in Professor Bell's narrative footsteps by raising and pondering new and old frameworks about the rule of law and racial progress. The year 2020 marks the thirty-year anniversary of Bell's initial iteration of the Space Traders tale.<sup>3</sup>*

THE CALL

On June 19, 2047, the call was made. The drums were heard by anyone considered to be Black according to the one-drop rule.<sup>4</sup> The beating drums meant it was time to go underground. It was for the best. They were over 15 million people strong. When they heard the drum calls, they knew it was their summons. Each family had been assigned a safe space: a restaurant, a hotel, a car, an abandoned building, a store, a trailer, an office. Some were lucky enough to get a room in a house.

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\* Levin, Mabie & Levin Professor of Law, University of Florida, Levin College of Law and Director of the Center for the Study of Race and Race Relations. A special thank you to Dr. Patricia Hilliard-Nunn and Dr. Zoharah Simmons. Both read early drafts and offered incisive critiques. Their insights greatly strengthened the essay. Sadly, Dr. Hilliard-Nunn died in August 2020. Thank you also to Professor Nancy Dowd for very helpful conversations and comments.

1. Lon Fuller, *The Case of the Speluncean Explorers*, 62 HARV. L. REV. 616 (1949).

2. DERRICK BELL, *The Space Traders*, in *FACES AT THE BOTTOM OF THE WELL: THE PERMANENCE OF RACISM* 158 (1992).

3. See, Derrick Bell, *After We're Gone: Prudent Speculations on America in a Post-Racial Epoch*, 34 ST. LOUIS U. L.J. 393, 397 (1990).

4. See, e.g., JAMES DAVIS, *WHO IS BLACK?: ONE NATION'S DEFINITION* (1991).

Black people began to disappear themselves.<sup>5</sup> The masses began traveling to their assigned safe spaces in the secret, prearranged order. They took what they could carry. Electronic devices were not allowed. Most bags held clothing, toiletries, and a few small cherished items, such as old photographs, jewelry, and books. They didn't know when or if they would return.

Some Black people who questioned the wisdom of the call to go underground left the country. Some escaped on foot and some drove, rode buses, or took planes to lands north of New York and Washington, south of Florida, and west of California. The average Black person could not afford to escape the United States. Most Black people were still trying to make a dollar out of fifteen cents.<sup>6</sup> Travel costs for one person, let alone an entire family, sounded like a cruel proposition. Like those New Orleanians in the Ninth Ward who were instructed to evacuate in advance of Hurricane Katrina.<sup>7</sup> How could you afford to leave when you barely had enough money to stay?

### *Missing Black People*

White people quickly realized that something was amiss. Once they discovered that Black people had gone AWOL, all hell broke loose. For weeks, headline news stories on TV, social media, and what remained of print media asked, "Where did they go?" and "Why would they leave?" Some white people wondered aloud whether this was an elaborate hoax by Black people to avoid paying their rent, gas, or tax bills. Some who were angry demanded to know, "Who gave them permission to leave?" Others said, "Good riddance." Many of the news reports, which focused

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5. Note on language: the racial designations "Black" and "African American" are used interchangeably throughout this essay.

6. Kriston McIntosh, Emily Moss, Ryan Nunn & Jay Shambaugh, *Examining the Black-White Wealth Gap*, BROOKINGS (Feb. 27, 2020), <https://www.brookings.edu/blog/up-front/2020/02/27/examining-the-black-white-wealth-gap/> [https://perma.cc/Q3KF-6THR] (Report finds that the typical white family's wealth is ten times greater than the typical Black family's wealth—\$171,000 versus \$17,150. The racial wealth gap has persisted across decades, through recessions and boom times.); See also, MEHRSA BARADARAN, *THE COLOR OF MONEY: BLACK BANKS AND THE RACIAL WEALTH GAP* (2018).

7. Keith Elder, Sudha Xirasagar, Nancy Miller, Shelly Ann Bowen, Saundra Glover & Crystal Piper, *African Americans' Decisions Not to Evacuate New Orleans Before Hurricane Katrina: A Qualitative Study*, 97 AM. J. PUB. HEALTH (SUPP. 1) S124 (2007). THE URBAN INSTITUTE, *AFTER KATRINA: REBUILDING OPPORTUNITY AND EQUITY INTO THE NEW NEW ORLEANS 7* (Margery Austin Turner & Sheila R. Zedlewski eds., 2006), <https://www.urban.org/sites/default/files/publication/50701/311406-After-Katrina.PDF> [https://perma.cc/M49F-ZAU2].

on the low rates of unemployment for Black people and the increases in bi- and multi-racial families,<sup>8</sup> concluded that there was no pleasing Black people. The country had already done so much to support and uplift African Americans. After all, in previous decades, Congress had apologized for chattel slavery, which lasted from the early 1600s to the mid-1800s, and lynchings.<sup>9</sup> It had implemented some affirmative action programs and some states had removed confederate statues.<sup>10</sup>

Other groups of color were concerned about the millions of missing Black people. Some members of the Latinx community tried to imagine what fate had befallen Black people and whether their absence was voluntary. Indigenous community members speculated about whether African American people had been kidnapped en masse. Asian Americans, along with members of other racial and ethnic groups, contemplated which group would be next to disappear.

### *Life and Times*

Black folks had gone underground as their last alternative. The past three decades had made it clear that no matter what they did, their race would be used as a prison to incarcerate them.<sup>11</sup> It didn't make a difference how successful, how hardworking they had been, or how much they had sought to lift themselves up by their bootstraps. Their Blackness had been treated as a scarlet letter: race defined their place in education, politics, healthcare, housing, economics, and law.

Scary things were happening. There had been so many killings. Black bodies were piling up. Every day, there were stories about dead Black people. Reports came from Florida to Washington, from California to New Hampshire. The bodies offered no evidence that would lead to the killer or killers. Bodies were discovered mostly in rural areas, miles from interstate highways. Speculation was that that the killings happened

8. Gretchen Livingston, *The Rise of Multiracial and Multiethnic Babies in the U.S.*, PEW RSCH. CTR. (June 6, 2017), <https://www.pewresearch.org/fact-tank/2017/06/06/the-rise-of-multiracial-and-multiethnic-babies-in-the-u-s/> [https://perma.cc/R8N2-2P8C] (Livingston reports that in 2015, one-in-seven children born in the U.S. was multiracial, which is a near threefold increase since 1980.).

9. S. Res. 39, 109th Cong. (2005), <https://www.govinfo.gov/content/pkg/BILLS-109sres39ats/pdf/BILLS-109sres39ats.pdf> [https://perma.cc/EEA4-F4GD] (“Apologizing to the victims of lynching and the descendants of those victims for the failure of the Senate to enact anti-lynching legislation.”).

10. Erik Ortiz, Kaleigh O’Boyle & Savannah Smith, *The Next Wave of Statue Removals is Afoot*. See *Where They’re Being Taken Down Across the U.S.*, NBC NEWS (last updated Aug. 28, 2020, 2:53 PM), <https://www.nbcnews.com/news/us-news/2020-next-wave-statue-removals-afoot-map-n1230506> [https://perma.cc/BV3M-JEVA].

11. See ISABEL WILKERSON, *CASTE: THE ORIGINS OF OUR DISCONTENTS* (2020).

in the dark of night, in areas where neighbors were few and far between. Social media was flooded with photographs and videos of the dead.<sup>12</sup> Sometimes the posts showed one body, sometimes two bodies, sometimes three. Every so often, an entire family. There were hundreds of websites that posted graphic photos of the Black dead. There had been more than ten thousand dead Black bodies in one year. There was little hope that the death curve would flatten anytime soon.

No one bothered to call the police. With a nod from the country's top legal eagle, the Attorney General, the police—local, state, and federal—had long ago stopped helping people who raised questions about racial profiling, fairness, and police legitimacy.<sup>13</sup> Early on, the Justice Department investigated some of the killings. However, without eyewitnesses, solid leads, physical evidence, or apparent motives, the Attorney General said the Justice Department would pause all investigations of Black deaths until more information was available.

Scary things were also happening in the criminal-legal system. What had been known for nearly a century as the “criminal justice system,” was now called the “criminal-legal system.” There was no longer any pretense that “justice” lay at the heart of the system. Everyone knew that the three-part system of policing, courts, and corrections worked to systematically target and capture Black people. Next to the military, the criminal-legal system had become the country's largest employer. Incarceration rates had more than doubled. The prison explosion was propelled by more arrests, more convictions, and more sentences, mostly of Black people.

Judges, prosecutors, and public defenders had huge caseloads. Trial court judges in large metropolitan areas, where most of the defendants were Black and Latinx, were especially busy. To handle the overload, courts relied on computer algorithms to manage their dockets.<sup>14</sup> Intricate

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12. Monnica T. Williams, *Social Media and Black Bodies as Entertainment*, PSYCH. TODAY (May 31, 2020), <https://www.psychologytoday.com/us/blog/culturally-speaking/202005/social-media-and-black-bodies-entertainment> [https://perma.cc/A6UU-EN2Y].

13. Katie Benner, *Barr Says Communities That Protest the Police Risk Losing Protection*, N.Y. TIMES (Dec. 4, 2019), <https://www.nytimes.com/2019/12/04/us/politics/barr-police.html> (At an awards ceremony for police, Attorney General William Barr commented that groups who have been critical of the police, “[H]ave to start showing, more than they do, the respect and support that law enforcement deserves.” He stated further, “And if communities don’t give that support and respect, they may find themselves without the police protection they need.”).

14. SARAH PICARD, MATT WATKINS, MICHAEL REMPEL & ASHMINI KERODAL, CTR. FOR CT. INNOVATION, *BEYOND THE ALGORITHM: PRETRIAL REFORM, RISK ASSESSMENT, AND RACIAL FAIRNESS* (2019), [https://www.courtinnovation.org/sites/default/files/media/document/2019/Beyond\\_The\\_Algorithm.pdf](https://www.courtinnovation.org/sites/default/files/media/document/2019/Beyond_The_Algorithm.pdf) [https://perma.cc/4J97-SH6B].

formulas were used to determine whether a person would be released on bail before his court date. Various factors were weighed, including whether the defendant had any prior offenses, a low credit score, a juvenile record, a high school diploma, or any probation violations. The formula also included the accused person's home zip code and the median neighborhood property value. The calculations kept many innocent people in jail before trial and meant they would face longer sentences if they were found guilty. Because there were so many cases, big city judges had less than 60 seconds to read, review, and resolve each case. There was no time for questions or for considerations of nuance.<sup>15</sup> Judges opened the manila case folder, looked quickly for the algorithmic ranking, and issued their pronouncement: "Trial date set for Case No. 4664" and every so often, "Case dismissed!"<sup>16</sup>

Record numbers of African Americans were being sent off to prison. In previous decades, they represented no more than 32 percent of the people behind bars or under the control of the criminal-legal system.<sup>17</sup> Now 75 percent of the people in jail, prison, parole, or probation were Black people. This meant that every Black man faced a high probability that he would be incarcerated at least once during his lifetime.

Most of the people who were found guilty in the criminal-legal system had dark brown skin. Black people who appeared to have the least amount of white ancestry were the ones most likely to be sent to prison. Earlier in the century, scholars who had studied this issue had predicted exactly this: darker-skinned Black people are more likely to be convicted of crimes and are more likely to receive lengthier sentences than lighter-skinned Black people.<sup>18</sup>

The steep rise in incarceration was met by a steep rise in prison construction. In their bids to win state and federal prison construction deals, contractors promised pleasant-looking carceral spaces. For instance, one successful bid promised a massive, oval-shaped structure, with an eggshell-white façade, brushed steel lighting, yellow-brick floors, earth-tone furniture, and state-of-the-art recreation facilities. It also promised

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15. Alex Chohlas-Wood, *Understanding Risk Assessment Instruments in Criminal Justice*, BROOKINGS (June 19, 2020), <https://www.brookings.edu/research/understanding-risk-assessment-instruments-in-criminal-justice/> [<https://perma.cc/2HDF-SAEP>].

16. For an example of how the Wisconsin Supreme Court decided a constitutional challenge to an algorithmic risk assessment, see *Loomis v. Wisconsin*, 881 N.W.2d 749, 760-62 (Wis. 2016) (holding that due process was not violated by the use of an algorithmic risk assessment tool, even though neither the defendant nor the court was informed of the methodology).

17. E. ANN CARSON, BUREAU OF JUST. STATS, PRISONERS IN 2018, 6 tbl. 3 (2019), <https://www.bjs.gov/content/pub/pdf/p18.pdf> [<https://perma.cc/Z4H3-UZND>].

18. See, e.g., Ellis P. Monk, *The Color of Punishment: African Americans, Skin Tone, and the Criminal Justice System*, 42 ETHNIC & RACIAL STUD. 1593, 1604-05 (2019).

plenty of space so that each inmate would have her own private “cellular unit.”

The prison industrial complex had completely altered urban spaces. Urban areas had transformed into outsized, acres-long, bus depots. These cement parks were filled with people standing in long, winding lines, awaiting buses to take them to visit loved ones held in prisons in outlying, rural areas. The bus riders were mostly people who could not afford automobiles, insurance, gas, or tolls. They were going to visit mothers, fathers, brothers, sisters, aunts, cousins, in-laws, ex-laws, children, and grandchildren. The massive prison expansion had led to never-before-seen declines in Black unemployment and never-before-seen increases in Black incarceration.

Scary things were also happening in the heartland. Most white people were opposed to having a majority-minority country.<sup>19</sup> Some took action. One group of white people initiated a midwestern exodus. More than 10 million white people had moved from liberal blue states to conservative red ones. The move had been gradual—never more than five hundred people at any one time. Conservative churches and some big businesses encouraged and sponsored these migration efforts. By the time the mainstream news caught wind of this midwestern phenomenon, millions of white people had already settled into their new states. They called themselves “Redliners” and their activities “redlining.” Once they had arrived in their new home states and found lodging and work, the Redliners got involved in local and national politics. Their political activity bore rich political fruit. Red states with the greatest number of Redliners were declared “super red.” For this achievement, they had been rewarded with increased electoral votes.

#### *The President and the Electorate*

The President-for-Life paced around the Oval Office. He had to figure out how to handle this latest Black problem. He had been in power for more than three decades. The 22nd Amendment of the United States Constitution, which imposed a two-term limit for American presidents, had been superseded by the 28th Amendment. The new Amendment abolished term limits. The President-for-Life, now a centenarian, would rule the country until his last breath. He had been watching the

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19. Kim Parker, Rich Morin & Juliana Menasce Horowitz, *Looking to the Future, Public Sees an America in Decline on Many Fronts*, PEW RSCH. CTR. (Mar. 21, 2019), <https://www.pewsocialtrends.org/2019/03/21/public-sees-an-america-in-decline-on-many-fronts/> [https://perma.cc/T8YQ-QZMM] (Survey shows that nearly one-half of all white people believe that the U.S. becoming a majority-minority country will “weaken” American culture).

news about the mounting count of Black bodies, but that wasn't his biggest problem. When Black people across the country stopped showing up for work at their mostly low-wage, service-industry jobs, however, *that* posed a big problem for the economy. And the economy was his problem.

The President-for-Life was known as the “All-American Economy” president. He was a builder! He had finally been able to make good on the campaign promise that propelled him to his first electoral victory in 2016, building a Southern border wall to prevent immigrants from entering the United States.<sup>20</sup> He did it by doing what he had always done. Building buildings. He created a construction boom. The blueprints detailed hundreds of miles of tall structures, all along the United States' Southern corridor. The white brick buildings were designed so that they only had windows and doors on the sides facing north, facing America.

Day-to-day operations were run by his grandchildren and great-grandchildren.<sup>21</sup> Workers were promised job security, health insurance, housing, and most important, a living wage. Workers who had been edged out of every other economic boom hoped this one would be their golden ticket to good times. Anyone driving along even a short stretch of the Southern border would see people of all racial backgrounds on the construction sites—Latinx, Asian, African American, Indigenous, and white. A diverse group of people working collectively to build structures that would keep a diverse group of people out of the country.

“This Black magic trick is going to mess things up for me,” the President-for-Life mumbled to himself as he looked out the window. The media was in overdrive reporting stories about the missing Black people. He had to put a stop to this. All this talk of dead Black people might shut down his massive “America Wins” construction projects. The Black runaways had already cost him his Black construction workers. Poof! They'd gone missing along with many other workers of color. Now that Black people were gone, when people drove along the border they saw white workers building white buildings to keep brown people

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20. Nolan D. McCaskill, *Trump Promises Wall and Massive Deportation Program*, POLITICO (Aug. 31, 2016), <https://www.politico.com/story/2016/08/donald-trump-immigration-address-arizona-227612> [<https://perma.cc/8PVZ-HX3X>]; See, e.g., President Elect Donald Trump, Victory Rally in Mobile, Alabama (Dec. 17, 2016), <https://www.c-span.org/video/?c4643444/user-clip-trump-rally> [<https://perma.cc/7B5W-3U9F>]. (After promising that Mexican immigrants will be barred from entry to the U.S. crowd members chant, “Build the Wall!”)

21. See, e.g., Aaron Blake, *Ivanka Trump and Jared Kushner Are a Case Study in Why Nepotism Is Problematic*, WASH. POST (Mar. 12, 2019, 4:13 PM), <https://www.washingtonpost.com/politics/2019/03/12/ivanka-trump-jared-kushner-are-case-study-why-nepotism-is-problematic/>.



out of the United States. The President shook his head, knowing that these were not good optics.

The President-for-Life called a meeting with respected members of the executive, judicial, and legislative branches. A high-ranking member of the House of Representatives said the absence of Black people might be the best thing that had ever happened since the founding of the country. The Senate Majority Leader chimed in, “If we do this thing right, we won’t take an economic hit at all. Black people will return, and we’ll get back to business as usual.” Others disagreed. The Chief Justice of the Supreme Court said that the situation created a “negative look” for America, “Something must be done or else there will be a tsunami of lawsuits.” The Secretary of State lamented that the disappearance would hurt international relations, particularly with the Far East and Africa.

For the next few weeks, top government officials focused on the twenty-first century’s “Negro Problem.”<sup>22</sup> They held meetings, brought in trusted advisors, queried their diversity liaisons, floated trial balloons, scoured nonfiction books by Black authors on subjects including economics, politics, sociology, philosophy, and crime. They sought advice from people who had worked with Black people in corporate America, people who had worked with internationally-known African American entertainers, and they sought insight from key congresspersons, governors, mayors, and other politicians. After reading books, reviewing data, evaluating all the discussions, and handwringing, the White House concluded that the best move was simply to wait Black people out. Eventually they would have to come back.

Another month went by. Black people remained underground.

### *The Offer*

Black people had been absent for almost three months. International allies and enemies alike had been very critical of the United States. The Swedish Prime Minister asked in his weekly address, “Is it wise for us to maintain trade relations with the United States if they can’t account for its Black population?” China’s president said, “All deals are off!” until Black citizens return. Presidents of several African countries said they wondered whether the disappearance had been orchestrated by American

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22. Many race scholars wrote about issues facing Black Americans, post-slavery. This was oftentimes referred to as “The Negro Problem.” See, e.g., BOOKER T. WASHINGTON, *THE NEGRO PROBLEM* (1903); LANGSTON HUGHES, *DINNER GUEST: ME* (1965) (referencing Black people as “The Negro Problem” (1965); James Baldwin, *Letter from a Region in My Mind*, *NEW YORKER* (Sept. 17, 1946),

<https://www.newyorker.com/magazine/1962/11/17/letter-from-a-region-in-my-mind> [<https://perma.cc/FR82-DNXZ>].

intelligence agencies. The European Union and the United Nations each said they would take up the issue of the “Missing Black Americans” at their upcoming meetings. Most countries remained silent, waiting to see what would happen next.

In the United States, members of other marginalized groups worried that they too might “disappear.” The elderly, the poor, the disabled, and the incarcerated all knew their fate was tied to the fate of the missing Black people. These groups held rallies, teach-ins, and began text and door-to-door canvassing to let the world know that these are perilous times and what actions they should take.

As weeks passed, the President-for-Life realized that doing nothing was not going to work. He had to take action, maybe even do something radical. He called an emergency cabinet meeting. The president, his officials, and their aides stayed locked away in the White House war room for 97-hours straight. Finally, they emerged with a document and a plan. After the White House Counsel’s office had given approval, the President-for-Life gave a national address. He sat behind his desk in the Oval Office the following morning. He had on his desk a print-out of his remarks and read them from a teleprompter:

*African Americans are the backbone of the United States of America. As early as 1619, African people were forcibly brought to this land in chains from the continent of Africa. The Middle Passage was used to transport millions of African people to this soil. They were forced to provide generations of unpaid, backbreaking, violent, soul crushing labor. Black people have endured an unfortunate and unfair time on this land. They have been subject to the triple winds of slavery, Jim Crow, and mass incarceration—each one deeply anchored by actions taken by the executive, legislative, and judicial branches of the United States government.*

*Today our African American brothers and sisters have voluntarily disappeared. We do not know where they’ve gone, but let me be clear. We want them to come back home. African Americans are highly valued members of American society, their contributions to the workforce and their cultural contributions are sorely missed. The U.S. government is well aware that over the centuries many African Americans have faced challenging times with employment, education, and the criminal-legal system. Few members of this group have been able to rise above their circumstances.*

*The African American absence has had a direct impact on the U.S. political and social economies. Millions have abandoned their jobs and left without a trace. There are now more jobs available than people to fill them. If Black people do not immediately return, we will have to*

*restructure our immigration policies to get the economy back up and running. Beyond the country's shores, the disappearance of Black people has caused our allies and enemies grave concerns.*

*The time has come to provide reasonable, fiscal recompense for the generations of pain and suffering Black people have been subjected to.<sup>23</sup>*

*With this promissory note I hold in my left hand, the U.S. government promises to pay each Black person, as defined below, \$1.2 million. Acceptance of the money indicates an irrevocable promise to return and stay in the United States until age sixty-five or death, whichever comes first.*

*Per this offer, a Black person is a person with two Black parents. That is, parents who self-identify as African American and who are known (or if deceased, were known) to be African Americans within their community.*

*We welcome your positive response by Monday, October 14, 2047.*

*I know I speak for the nation when I ask African Americans to come home. We miss you and we need you! May God Bless the United States of America.*

After he finished reading, the President-for-Life stared straight into the teleprompter. A single tear slid down his cheek and onto his papers. His staff immediately posted the statement and proposal on the President's website and his official Twitter account.

### *The World Reacts*

Word of the Offer traveled like wildfire through the Black underground. Most had watched the press conference from their safe spaces. All were stunned. No one was sure what to do. They had three weeks to decide. From their safe spaces, they would watch the country debate their worth and their fate.

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23. Proposals and debates about reparations for African Americans are not new. See MARY FRANCES BERRY, MY FACE IS BLACK IS TRUE: CALLIE HOUSE AND THE STRUGGLE FOR EX-SLAVE REPARATIONS (2006); ANDREA KRISTEN MULLEN & WILLIAM A. DARITY, JR., FROM HERE TO EQUALITY: REPARATIONS FOR BLACK AMERICANS IN THE TWENTY-FIRST CENTURY (2020); Ta-Nehisi Coates, *The Case for Reparations*, ATLANTIC (June 2014), <https://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations/361631>; *About NCOBRA*, NAT'L COAL. OF BLACKS FOR REPARATIONS, <https://www.ncobraonline.org/about-ncobra/> [<https://perma.cc/4SU8-FB8J>] (last visited Oct. 4, 2020).

When Black Americans had committed to going underground, they gave the Council of Elders authority to decide if, when, and under what circumstances they would return. The Council got to work immediately.

Social media exploded. Virtual town halls, tweet storms, Instagram stories, emails, Zoom meetings, texts, and Facebook posts rose to peak levels. Online petitions for and against the Offer were circulated. News programs on the radio, on TV, and online had a field day dissecting the Offer. At any given moment, some news program was debating some aspect of the reparations proposal, including:

- Whether such a large federal payout for reparations was feasible
- Whether the government should have offered less money or more money
- Whether the White House had the executive authority to make the Offer without input from voters
- Whether Black people could be forced to return
- Whether Black people should be punished for leaving and whether any punishment would violate the UN Human Rights Charter<sup>24</sup>
- Whether Black people should be allowed to receive reparations payments and leave the country
- Whether the President's Offer was reverse racism since white people were not allowed to receive reparations
- Whether it was fair to require a racial litmus test (two Black parents) to receive reparations
- Whether Black people should be allowed to return since they had left without good reason.

Around the country, large and small groups of white allies gathered to discuss the Offer. Many expressed support for reparations. However, some concluded that it wouldn't be fair to give money to any Black people who were middle or upper class. One of them said, "Class matters more than race. What about Oprah Winfrey? Should she get reparations?!" Another responded, "white people sitting around talking about what Black people are entitled to is the perfect example of white privi-

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24. G.A. RES. 217 (III) A, UNIVERSAL DECLARATION OF HUMAN RIGHTS (DEC. 10, 1948), <https://www.un.org/en/universal-declaration-human-rights/> [<https://perma.cc/HQ39-DVVH>].

legal!” Most white allies agreed that they should try to support whatever Black people thought was best.<sup>25</sup>

White supremacist groups held marches in every state. They announced a 3-point plan. The plan demanded that the United States government: (1) Withdraw the Reparations Offer to Black people; (2) Provide reparations to white people, \$500,000 for each one; and (3) Remove the President-for-Life and replace him with the highest-ranking Redliner. If their demands were not met, they threatened to expatriate or start a twenty-first century civil war.<sup>26</sup>

Indigenous peoples, Latinx people, and other groups of color had become vocal about the U.S. Reparations Offer. Thousands gathered for a rally on the National Mall, in front of the Smithsonian’s National Museum of African American History and Culture. People of all ages, races, genders, nationalities, abilities, and religions waved flags and held up signs:

“Our Brothers and Sisters Deserve Reparations.”

“Reparations for Genocide against Black and Native people.”

There were chants, “B-B-B! Bring Blacks Back!” Far from the Mall, people held pop-up rallies in front of shopping malls, at major intersections, and along the interstate. That is, until the police were called and ticketed people for loitering and holding rallies without a permit.

The international community closely watched the goings-on in the United States following the President’s Offer. Most leaders avoided making public statements. Several reached out to the U.S. President and privately gave him advice. Many concluded that the United States was now dealing with a fiscal matter, not a racial issue. Some countries, including Australia, worried that if the United States gave such a large reparations payout to Black Americans, they might be forced to do the same for Aborigines in their country. Most awaited the outcome to see how it would affect their trade, military, and business relationships.

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25. See e.g., PAUL KIVEL, GUIDELINES FOR BEING STRONG WHITE ALLIES (2006), <https://www.racialequitytools.org/resourcefiles/kivel3.pdf> [https://perma.cc/EYK2-MR4J]; ROBIN DIANGELO, WHITE FRAGILITY 45-46 (2018).

26. The debates by white people show Derrick Bell’s theory of “interest-convergence” in action. In his piece *Brown v. Board of Education and the Interest-Convergence Dilemma*, 93 HARV. L. REV. 518, 523 (1980), he coined the term to establish the conditions under which racial advancement can take place. Bell argues that racial progress is possible when racial justice, or its appearance, is important to the courts or policy makers: “The interest of Blacks in achieving racial equality will be accommodated only when it converges with the interests of whites.”

*The Council of Elders Debates the Offer*

The Council of Elders was responsible for making the final call on whether Black Americans would accept or decline the Offer. The elders were a group of 270 Black women and men over the age of sixty-five. They were from all parts of the country, rural areas, big cities, and small towns, and represented all parts of the African diaspora. The Council included a mix of religious affiliations as well as agnostics and atheists. The group reflected a range of skin tones, body sizes, sexual orientations, hair-styles, and educational attainment. The Council had gone underground as a group and stayed in the same lodging space. They had been discussing, critiquing, arguing, yelling, and crying about the Offer around-the-clock since the President's announcement. Their discussions always came back to the question Chief Elder Trenton had posed as they began their deliberations, "Are reparations enough?"

Some Elders thought the reparations amount was low. After all, Elder Wright said, the money they were offered was "a drop in the bucket." She said, "We should demand more." We should each receive a million dollars for every year we've been on this earth!" He continued, "They should pay for those who are not here. We lost so many in the pandemic."

Elder Strong jumped up and said "No, no! We must take the money and return home. Lord knows we need it. Many in our community have been away from our families and we need to go home. The Offer will allow us to make a fresh start. We'll be the 21st century's Black Pioneers." Some Elders clapped in agreement with Elder Strong. Elder Strong used the same three words, in a different order, to answer Chief Elder Trenton's question, "Reparations are enough."

Elder Johnson wondered whether the Elders should make a counteroffer. Reparations should be given to anyone whose race was identified as Black on a government document. "They're trying to divide us, and we can't let that happen," he said. "Reparations shouldn't come with the condition that we stay on American soil until we're 65 years old. Hell, we're free people. Under the United Nations Declaration of Human Rights, we have a right to leave any country, even this one!"<sup>27</sup>

Elder Ennis cautioned that Black people should steer clear of the Offer. As bad as things had been for Black people, it would be even worse if they received reparations. "White folks will make our lives a liv-

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27. G.A. RES. 217 (III) A, Universal Declaration of Human Rights art. 18 (DEC. 10, 1948), <https://www.un.org/en/universal-declaration-human-rights/> [<https://perma.cc/HQ39-DVVH>].

ing hell. We'll have to hide out, again! We can't expect white people to negotiate a humane outcome for Black life."

Elder Trenton asked everyone to write a list of what they would do with \$1.2 million. Elder Leon read his first:

1. Get reliable transportation so I don't have to take the bus
2. Buy a house for me and my brother's family
3. Purchase burial insurance
4. Season tickets to see the Los Angeles Lakers
5. New 3-piece black suit for church

Elder Leon continued, "By the time I pay the taxes, that's about all I can get. That's fine with me, though." Elder Sweet nodded, "Me too. We need a boost to level the playing field. Face the facts. We have negative wealth in our community." Elder Leon and stood up and said, "I agree with Elder Strong."

Elder Obi stood up and asked, "When has this government ever given Black folks anything?" She continued, "Is this really an offer? Or is it a threat in sheep's clothing?" The room got quiet. Elder Obi asked another question, "What if we accept their offer, move back and then they come up with some reason not to keep their word and pay us? They could say that the government is bankrupt or that the Federal Reserve won't honor our checks. By then, they'll have figured out how to keep us here, for free. Our vote should be "Hell No!" Elder Obi's words had stirred up everyone. Elder Strong looked sad.

As the final week approached, the media fascination with the Reparations Offer came to an abrupt halt. An eerie quiet hung over the country. No one wanted to do anything that would upset Black folks or enrage white folks. Social media was mum on the Offer and the talking heads declined to further speculate about what Black people should do. Poll takers stopped conducting surveys asking white people if they wanted Black people to return to U.S. society. White people who didn't want the government to pay reparations to Black people didn't know whether to speak out or be quiet. The same was true for white allies who supported the Reparations Offer. Not knowing what to do, they did nothing.

### *The African American Vote*

The day had come. It was October 10, 2047. It was time for the Elders to vote. They would take a secret vote. Would they accept the Reparations Offer made by the U.S. Government? The Elders' Council would make the call. They voted and the vote was unanimous. The vote

count was double-checked and triple-checked. It was time for the three representatives to submit the decision.

Chief Elder Trenton along with Elder Mason and Elder Obi drove from Anacostia in Southeast Washington, DC, over the bridge, to the White House. When they arrived on the South Lawn, they were greeted by the President of the United States and other cabinet members. Chief Elder Trenton introduced herself and Elders Mason and Obi. She then handed the envelope with the vote tally and a letter to the President. As the President opened the letter, the Elders said, "Thank you," and made their exit. The reparations vote would usher in a new chapter of African American life in America.

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