

Space Traders for the Twenty-First Century

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In this year celebrating the twentieth anniversary of the Critical Race Theory (CRT) workshop,¹ it is imperative to revisit CRT founder and New York University Law Professor Derrick Bell's *The Space Traders*, one of the major pieces in the CRT corpus.² Part I of this essay will provide historical background about Critical Race Theory and Professor Bell. Part II will discuss the story of *The Space Traders* itself and the various reactions to it. Lastly, Part III will project the story onto the current political environment in light of the 2008 election of Barack Obama and other developments in CRT. In order to do this, I will develop my own parable similar to Bell's *The Space Traders*. To paraphrase the title of another Bell book, are we saved yet?³ In other words, do the developments that have occurred in race relations and race relations law over the past twenty years, culminating in the Obama election, mean that African Americans have been saved, i.e., reached the promised land that our ancestors sought?

I. DERRICK BELL & AN INTRODUCTION TO CRITICAL RACE THEORY⁴

Critical Race Theory is a jurisprudential study of race and ethnicity which

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1. This article was part of a panel on Reflections on Critical Race Theory, held at the 20th anniversary of the CRT workshop, April 2-4, 2009 at the University of Iowa, College of Law.

2. DERRICK BELL, *The Space Traders*, in *FACES AT THE BOTTOM OF THE WELL: THE PERMANENCE OF RACISM* 158 (1992) [hereinafter *FACES*]. The story appeared in two earlier slightly different versions. See Derrick Bell, *After We're Gone: Prudent Speculations on America in a Post-Racial Epoch*, 34 ST. LOUIS U. L.J. 393 (1989-1990); Derrick Bell, *Racism: A Prophecy for the Year 2000*, 42 RUTGERS L. REV. 96 (1989).

3. DERRICK BELL, *AND WE ARE NOT SAVED: THE ELUSIVE QUEST FOR RACIAL JUSTICE* (1987).

4. This part of the essay is drawn in part from *GLOBAL CRITICAL RACE FEMINISM: AN INTERNATIONAL READER* 1-23 (Adrien Katherine Wing ed., 2000) [hereinafter *GCRF*].

arose from legal scholarship.⁵ The Conference on Critical Legal Studies (CLS) organized in the late 1970s by a “collection of neo-Marxist intellectuals, former New Left activists, ex-counter-culturalists, and other varieties of oppositionists in law schools”⁶ influenced CRT’s development. CLS endorsed a progressive perspective on the role of law in American society and challenged conservative orthodoxies and legal liberalism alike. CLS questioned the notion of law as neutral, objective, and determinate, proposing instead that law is biased and indeterminate. Authors sometimes employed the deconstruction methodology of European postmodernists like Jacques Derrida and Michel Foucault to reveal how legal structures have sustained or even bolstered inequitable hierarchies, particularly class hierarchy.⁷

Upon its inception, CLS intrigued many professors, including Derrick Bell. A native of Pittsburgh, Bell earned his Bachelor’s degree from Duquesne in 1952 and his LL.B. from Pittsburgh Law School in 1957.⁸ He began his career in civil rights when he became the only black lawyer working in the U.S. Justice Department. When the government asked him to resign his membership in the NAACP to be “objective,” he resigned his post in the Civil Rights Division of the Justice Department. He then joined the NAACP Legal Defense Fund where he supervised more than 300 school desegregation cases. He also served as Executive Director of the Western Center on Law and Poverty, and Deputy Director of the Office for Civil Rights in the former U.S. Department of Health, Education, and Welfare.

In 1969, when Harvard law students demanded a black faculty member, the school invited Bell to join the faculty, even though he did not possess the traditional Ivy League credentials and Supreme Court clerkship. Professor Bell introduced a new course on Civil Rights, published articles, became a mentor and role model to many students, and gained tenure in 1971. His book *Race, Racism, and American Law*, now in its sixth edition, was initially published in 1973 and was the first textbook on the subject.⁹

5. The best discussions of the tenets of CRT can be found in the introductions of the two main readers on CRT: *CRITICAL RACE THEORY: KEY WORKS THAT FORMED THE MOVEMENT* (Kimberle Crenshaw et al. eds., 1996) [hereinafter *KEY WORKS*]; *CRITICAL RACE THEORY: THE CUTTING EDGE* (Richard Delgado & Jean Stefancic eds., 2d ed. 1999). For a short primer, see RICHARD DELGADO & JEAN STEFANCIC, *CRITICAL RACE THEORY* (2005).

6. Kimberle Crenshaw, *Introduction to KEY WORKS*, *supra* note 5, at xvii.

7. For sample publications on Critical Legal Studies, see, e.g., *CRITICAL LEGAL STUDIES* (James Boyle ed., 1992); *CRITICAL LEGAL STUDIES* (Peter Fitzpatrick & Alan Hunt eds., 1987); *CRITICAL LEGAL STUDIES* (Alan Hutchinson ed., 1989); MARK KELMAN, *A GUIDE TO CRITICAL LEGAL STUDIES* (1987); ROBERTO UNGER, *THE CRITICAL LEGAL STUDIES MOVEMENT* (1990); DUNCAN KENNEDY, *LEGAL EDUCATION AND THE REPRODUCTION OF HIERARCHY: A POLEMIC AGAINST THE SYSTEM* (2004).

8. Derrick Bell’s biography from <http://its.law.nyu.edu/facultyprofiles/profile.cfm?personID=19776> and http://en.wikipedia.org/wiki/Derrick_Bell.

9. DERRICK BELL, *RACE, RACISM, AND AMERICAN LAW* (6th ed., 2008). Another one of his books, *CONSTITUTIONAL CONFLICTS*, was an innovative text for basic constitutional law courses.

For Bell and others teaching in the era when CLS was developing, CLS held promise as a field, but its insights were insufficient. It was clear CLS lacked an understanding of the role of race and racism as a substantial motivating factor in American society and its legal system. Some women, who were also only just breaking into this world of academia, similarly found CLS appealing, but then abandoned the field to develop feminist jurisprudence in parallel because CLS did not adequately address gender issues.¹⁰

In response to CLS's shortcomings regarding race, Bell and other scholars created CRT as a race intervention in leftist discourse.¹¹ In exposing the racist nature of the American legal system, CRT adherents explore race phenomena such as the legal manifestations of white supremacy and the perpetuation of the subordination of people of color. In addition to being aware of the vital role class issues play in the plight of people of color, they are also aware that racial inequities penetrate even the poorest communities. Although CRT endorses the CLS notion that legal rights are indeterminate, authors like Columbia Law professor Patricia Williams vehemently refute the suggestion that rights are therefore not important.¹²

In addition to challenging leftist discourse, CRT proponents also simultaneously engage in a leftist critique of liberal civil rights paradigms.¹³ They traced racism in American law to the birth of the American legal system, and found it to be an integral part of the system, rather than a minor aberration.

A core CRT tenet is that race is socially constructed: it is relational and contingent, rather than fixed biologically.¹⁴ For example, in my own case, I am considered black in the US, "Coloured" in South Africa, and white in Brazil, with all the privileges or lack thereof that *de facto* accompany each status in each country.

CRT rejects any characterization of the legal system as neutral or color blind, and it specifically embraces color consciousness and identity politics as the way to rectify today's racist legal legacies.¹⁵ If racism were merely a spot, it could be cured with band-aid approaches like affirmative action, whose real purpose in the United States "is to create enough exceptions to white privilege

DERRICK BELL, *CONSTITUTIONAL CONFLICTS* (1997).

10. For early feminist studies, see, e.g., *FEMINIST LEGAL THEORY* (Frances E. Olsen ed., 1995); *FEMINIST LEGAL THEORY: FOUNDATIONS* (D. Kelly Weisberg ed., 1993); MATTHEW H. KRAMER, *CRITICAL LEGAL THEORY AND THE CHALLENGE OF FEMINISM: A PHILOSOPHICAL RECONCEPTION* (1995); Lisa R. Pruitt, *A Survey of Feminist Jurisprudence*, 16 U. ARK. LITTLE ROCK L.J. 183 (1994).

11. Crenshaw, *KEY WORKS*, *supra* note 5, at xix.

12. See Patricia J. Williams, *Alchemical Notes: Reconstructing Ideals from Deconstructed Rights*, 22 HARV. C.R.-C. L. L. REV. 401 (1987).

13. Crenshaw, *KEY WORKS*, *supra* note 5, at xix.

14. See IAN F. HANEY LOPEZ, *WHITE BY LAW* (1996).

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15. See Neil Gotanda, *A Critique of "Our Constitution is Color-Blind"*, 44 STAN. L. REV. 1 (1991); Gary Peller, *Frontier of Legal Thought III: Race Consciousness*, 1990 DUKE L.J. 758 (1990).

to make the mythology of equal opportunity seem at least plausible.”¹⁶ Instead, it is my view that racism as a cancer that permeates the body. It must be tackled with comprehensive approaches like the surgical, chemical, and/or radiation therapy of fundamental socio-economic change. Even despite a massive blitzkrieg, racism may persevere, spread, and appear to be in remission for a while, only to reappear in a more virulent form.

Additionally, CRT endorses a multidisciplinary approach to scholarship in which the law may be a necessary, but not a sufficient, basis to formulate solutions to racial issues. Insights from fields such as history, sociology, political science, economics, anthropology, African-American Studies, and Women’s Studies all supplement traditional legal scholarship.¹⁷

Although CRT proponents endorse theory, another CRT tenet is the need to embrace critical race praxis, the combination of theory and practice.¹⁸ Since many CRT adherents come from disenfranchised communities of color, they may feel compelled to actively “look to the bottom,”¹⁹ i.e., the lower income levels where the disenfranchised are disproportionately based, to gain insights that will contribute to the creative process of developing real life solutions to problems. They could see suffering everywhere, even in their own extended families, and some felt compelled to find alternatives to classic scholarship. They did not propose that praxis replace theory, but that the two complement each other. Praxis can take many forms, including coalition building, political activism, board memberships, speeches, and writing. In addition to working with various public interest and nongovernmental organizations, CRT adherents have contributed to legal reform in the United States and internationally. My own attempts at praxis have included working with actor and former star athlete Jim Brown’s Amer-I-Can Program Inc., a rehabilitative and preventive self-esteem curriculum ideally suited for youth at risk, ex-offenders, gang members, and others. This praxis has also enhanced my own efforts at theorizing about gang life. Internationally, I advised the African National Congress Constitutional Committee, Palestinian Legislative Council, and Rwandan Constitutional Commission on their respective constitutional

16. Crenshaw, KEY WORKS, *supra* note 5, at xxix.

17. For example, using critical historical methodology can focus attention on those experiences that have escaped the interest of traditional historians. Thus, Mary Dudziak explored the efforts of entertainer Josephine Baker in her transnational war against U.S. racial injustice prior to the 1960s civil rights movement. See Mary L. Dudziak, *Josephine Baker, Racial Protest, and the Cold War*, in GCRF, *supra* note 4, at 179. Mary Dudziak has also done path breaking historical work discussing how the justices in *Brown v. Board of Education* may have been influenced in part by motivations to win the Cold War. Being perceived as a racist nation would not attract third world people toward U.S. democracy rather than socialism. See MARY L. DUDZIAK, *COLD WAR CIVIL RIGHTS: RACE AND THE IMAGE OF AMERICAN DEMOCRACY* (2000).

18. See, e.g., Adrien Katherine Wing, *Brief Reflections Toward a Multiplicativ⁵²Theory and Praxis of Being*, 6 BERKELEY WOMEN’S L.J. 181 (1990-91).

19. See Mari J. Matsuda, *Looking to the Bottom: Critical Legal Studies and Reparations*, 22 HARV. C.R.-C.L. L. REV. 323 (1987).

options. The efforts have enriched my subsequent scholarship and teaching.

Bell contributed to CRT praxis in several ways. For example, in 1985, he gave up his Deanship at the University of Oregon and returned to Harvard when the Oregon faculty refused to authorize him to hire an Asian-American woman. In 1986, he did a five-day sit-in in his office to protest the faculty's failure to hire additional critical theorists. After a two-year leave, he gave up his position at Harvard in 1992 when the school failed to hire an African-American female tenured professor. His book, *Confronting Authority: Reflections of an Ardent Protestor*, discusses the difficulties in engaging in this type of protest.²⁰

Another major contribution by Bell was his espousal of the interest-convergence paradigm. Bell was pessimistic about racial progress coming about merely because it was the right thing to do. In his cynical view, any gains in the status of American minorities would occur only when it was in the interest of the white power elite.²¹ One of his most pessimistic contributions to CRT ideology is that racism will never end. In the best seller,²² *Faces at the Bottom of the Well: The Permanence of Racism*, the book containing *The Space Traders*, Bell states that "racism is an integral, permanent, and indestructible component of this society."²³ Like alcoholism, people can live with it and control it to a certain degree, but there is always the threat of it rearing its head again. The United States government's mismanagement of the predominantly black New Orleans after Hurricane Katrina might serve as an example where the U.S. looked inept and racist before the world.²⁴ However, freedom may be achieved not through the eradication of racism, but through the struggle against racism. As Nelson Mandela said while facing life imprisonment, "The struggle is my life."²⁵

20. DERRICK BELL, *CONFRONTING AUTHORITY: REFLECTIONS OF AN ARDENT PROTESTER* (1995); Adrien Katherine Wing, Book Review, *Derrick Bell: Tolling in Protest: CONFRONTING AUTHORITY: REFLECTIONS OF AN ARDENT PROTESTER* by Derrick Bell, 12 HARV. BLACKLETTER L.J. 161 (1995).

21. See Derrick A. Bell, Jr., *Brown v. Board of Education and the Interest-Convergence Dilemma*, 93 HARV. L. REV. 518 (1980); DERRICK BELL, *RACE, RACISM AND AMERICAN LAW* 39-44 (1981). See also Richard Delgado, *Rodrigo's Roundelay: Hernandez v. Texas and the Interest-Convergence Dilemma*, 41 HARV. C.R.-C.L. L. REV. 23 (2006).

22. For bestseller status, see Derrick Bell, *The Power of Narrative*, 23 LEGAL STUD. F. 315 (1999). For reviews, see Tracy E. Higgins, Book Review, *Derrick Bell's Radical Realism*, 61 FORDHAM L. REV. 683 (1992); Cheryl I. Harris, Book Review, *Bell's Blues*, 60 U. CHI. L. REV. 783 (1993); Leroy D. Clark, *A Critique of Professor Derrick A. Bell's Thesis of the Permanence of Racism and His Strategy of Confrontation*, 73 DENV. U. L. REV. 23, 24 (1995); Stephen Reinhardt, *Guess Who's Not Coming to Dinner!!*, 91 MICH. L. REV. 1175 (1993); Willy E. Rice, *Review of FACES AT THE BOTTOM OF THE WELL*, 24 TEX. TECH. L. REV. 1141 (1993).

23. BELL, *FACES*, *supra* note 2, at ix.

24. See DAVID TROUTT, *AFTER THE STORM: BLACK INTELLECTUALS EXPLORE THE MEANING OF HURRICANE KATRINA* (2006).

25. Nelson Mandela, *The Struggle is My Life*, Press Statement Issued on June 26, 1961, available at <http://www.anc.org.za/ancdocs/history/mandela/1960s/pr610626.html>.

CRT Through Narrative

Bell is probably best known as the father of the CRT narrative or storytelling technique.²⁶ He was first inspired to use the narrative when asked by the Harvard Law Review to write the foreword to its very prestigious Supreme Court issue in 1985.²⁷ The staff accepted his innovative storytelling technique. In the piece, Bell created a fictional character, civil rights attorney Geneva Crenshaw, who engaged in a number of adventures implicating the law and racism. Bell ultimately wrote four books with stories featuring Geneva and other narratives: *And we Are Not Saved*; *Faces at the Bottom of the Well: The Permanence of Racism*; *Afrolantica Legacies*; and *Gospel Choirs: Psalms of Survival for an Alien Land Called Home*.²⁸

What is the point of deviating from traditional turgid law review prose with hundreds of footnotes to tell fictional or even nonfictional tales? According to two senior figures in CRT, Richard Delgado and Jean Stefancic:

Legal Storytelling is a means by which representatives of new communities may introduce their views into the dialogue about the way society should be governed. Stories are in many ways more powerful than litigation or brief writing and may be necessary precursors to law reform.... Stories thus perform multiple functions, allowing us to uncover a more layered reality than is immediately apparent: a refracted one that the legal system must confront.²⁹

According to Delgado, “stories, parables, chronicles, and narratives are powerful means for destroying mindset—the bundle of presuppositions, received wisdoms, and shared understandings against a background of which legal discourse takes place.”³⁰ Delgado became a major user of the narrative approach himself when he invented a fictional character named Rodrigo, who was the fictional half-brother of Geneva Crenshaw.³¹ Narratives can be paradigm shifting, rupturing, revelatory, jarring, displacing, destroying, shatter complacency, and challenge the status quo.³²

26. See Monica Bell, *The Obligation Thesis: Understanding the Persistent “Black Voice” in Modern Legal Scholarship*, 68 U. PITT. L. REV. 643, 657 (2008).

27. Bell, *The Power of Narrative*, *supra* note 23, at 316.

28. See BELL, *AND WE ARE NOT SAVED*, *supra* note 3; BELL, *FACES*, *supra* note 2; *AFROLANTICA LEGACIES* (1998); *GOSPEL CHOIRS: PSALMS OF SURVIVAL FOR AN ALIEN LAND CALLED HOME* (1996).

29. Richard Delgado and Jean Stefancic, *Derrick Bell’s Chronicle of the Space Traders: Would the U.S. Sacrifice People of Color if the Price were Right?*, 62 COLO. L. REV. 321, 328 (1991).

30. Richard Delgado, *Storytelling for Oppositionists and Others: A Plea for Narrative*, 87 MICH. L. REV. 2411, 2413 (1989).

31. A collection of his stories can be found in the *RODRIGO CHRONICLES*. See RICHARD DELGADO, *THE RODRIGO CHRONICLES* (1995); *THE DELGADO READER* (Adrien Wing & Jean Stefancic eds., 2007).

32. George H. Taylor, *Derrick Bell’s Narratives as Parables*, 11 N.Y.U. REV. L. & SOC. CHANGE 225, 228 (2007). For another article by Taylor on Bell’s work, see George H. Taylor,

Many CRT proponents appreciate the importance of oral traditions passed down from their ancestors. Those stories are crucial in carrying notions of justice and the law from generation to generation through history. Also, using stories enabled the professors to reach a wider audience, an audience who might not comprehend hyper-technical legal language, but might nonetheless seek understanding of their "distinctive voices."³³

The CRT use of narratives created quite a stir in legal academia.³⁴ The narrative technique was considered quite controversial,³⁵ and opponents attacked this approach as non-legal, lacking intellectual rigor, subjective, and overly emotional.³⁶

CRT resonated with many scholars and led to an explosion of intellectual energy. Related trends evolved including Critical Race Feminism,³⁷ Critical White Studies,³⁸ LatCrit,³⁹ Asian Crit,⁴⁰ and Queer Race Crit.⁴¹ A small group

Racism as "The Nation's Crucial Sin": Theory and Derrick Bell, 9 MICH. J. RACE & L. 269 (2004).

33. Mari Matsuda, *When the First Quail Calls: Multiple Consciousness as Jurisprudential Method*, 14 WOMEN'S RTS. L. REP. 297 (1992); Richard Delgado, *When a Story is Just a Story: Does Voice Really Matter?*, 76 VA. L. REV. 95 (1990).

34. However, many articles defended the innovation. See, e.g., Jerome McCristal Culp, Jr., *Autobiography and Legal Scholarship: Finding the Me in the Legal Academy*, 77 VA. L. REV. 539 (1991); Jerome McCristal Culp, Jr., *You Can Take Them to the Water But You Can't Make Them Drink: Black Legal Scholarship and White Legal Scholars*, 1992 U. ILL. L. REV. 1021 (1993); Delgado, *When a Story is Just a Story*, supra note 34; Alex M. Johnson, Jr., *Defending the Use of Narrative and Giving Content to the Voice of Color: Rejecting the Imposition of Process Theory in Legal Scholarship*, 79 IOWA L. REV. 803 (1994).

35. Randall Kennedy, *Racial Critiques of Legal Academia*, 102 HARV. L. REV. 1745 (1989); Lino Graglia, Book Review, 5 CONST. COMM. 436, 437 (1988) ("There can be no sin for which reading Professor Derrick Bell is not, for me, adequate punishment....[the Chronicles are] wails of embittered, hate-filled self pity....").

36. For one of the major critiques, see, e.g., DANIEL A. FARBER AND SUZANNA SHERRY, *BEYOND ALL REASON: THE RADICAL ASSAULT ON TRUTH IN AMERICAN LAW* (1997).

37. See *CRITICAL RACE FEMINISM: A READER* (Adrien Wing ed., 2d ed. 2003); GCRF, supra note 4.

38. See, e.g., *CRITICAL WHITE STUDIES: LOOKING BEHIND THE MIRROR* (Richard Delgado & Jean Stefancic eds., 1997); BARBARA J. FLAGG, *WAS BLIND, BUT NOW I SEE: WHITE RACE CONSCIOUSNESS AND THE LAW* (1997).

39. See, e.g., *THE LATINO CONDITION: A CRITICAL READER* (Richard Delgado & Jean Stefancic eds., 1998). LatCrit produces annual symposia and publishes the articles. See, e.g., Elizabeth M. Iglesias, *Foreword: International Law, Human Rights and LatCrit Theory*, 28 U. MIAMI INTER-AM. L. REV. 177 (1997); Symposium, *LatCrit Theory: Naming and Launching a New Discourse of Critical Legal Scholarship*, 2 HARV. LATINO L. REV. 177 (1997); Symposium, *Lawyering in Latino/a Communities: Critical Race Theory and Practice*, 9 LA RAZA L.J. (1996).

40. See, e.g., ROBERT CHANG, *DISORIENTED: ASIAN AMERICANS, LAW, AND THE NATION-STATE* (1999); Pat K. Chew, *Asian Americans in the Legal Academy: An Empirical and Narrative Profile*, 3 ASIAN L.J. 8 (1996); Pat K. Chew, *Asian Americans: The "Reticent" Minority and Their Paradoxes*, 36 WM. & MARY L. REV. 1, 21 (1994); Harvey Gee, *Perspective: Beyond Black and White: Selected Writings by Asian Americans Within the Critical Race Theory Movement*, 30 ST. MARY'S L.J. 759 (1999); Elisabeth M. Iglesias, *Out of the Shadow: Marking Intersections and between Asian Pacific American Critical Legal Scholarship and Latina/o Critical Theory*, 40 B.C. L. REV. 349 (1998); Lisa C. Ikemoto, *Traces of the Master Narrative in the Story of African American/Korean American Conflict: How We Constructed "Los Angeles"*, 66 S. CALIF. L. REV.

of articles fell within what could be called Indian Crit.⁴² Some scholars applied CRT to international and comparative law as well.⁴³

As many CRT scholars matured, more moved from law review articles to books that were more accessible to the general public. The greatest number of CRT-oriented books were published as part of the NYU Press Critical America series, whose general editor was Richard Delgado.⁴⁴

1581 (1993); Natsu Saito Jenga, *Finding Our Voices, Teaching Our Truth: Reflections on Legal Pedagogy and Asian American Identity*, 3 ASIAN PAC. AM. L.J. 81 (1995); Mari J. Matsuda, *Voices of America: Accent, Antidiscrimination Law, and a Jurisprudence for the Last Reconstruction*, 100 YALE L.J. 1329 (1991); Natsu Taylor Saito, *Model Minority, Yellow Peril: Functions of "Foreignness" in the Construction of Asian American Legal Identity*, 4 ASIAN L.J. 71 (1997); Symposium in Honor of Neil Gotanda, *Foreword: Making Us Possible*, 4 ASIAN L.J. 1 (1997); Jerry Kang, Note, *Racial Violence Against Asian Americans*, 106 HARV. L. REV. 1926 (1993).

41. See, e.g., Elvia Arriola, *Gendered Inequality: Lesbians, Gays and Feminist Legal Theory*, 9 BERKELEY WOMEN'S L.J. 103 (1994); Darren Lenard Hutchinson, *Ignoring the Sexualization of Race: Heteronormativity, Critical Race Theory and Antiracist Politics*, 47 BUFF. L. REV. 1 (1999); Francisco Valdes, *Queer Margins, Queer Ethics: A Call to Account for Race and Ethnicity in the Law, Theory and Politics of Sexual Orientation*, 48 HASTINGS L.J. 1293 (1997); Francisco Valdes, *Queers, Sissies, Dykes, and Tomboys: Deconstructing the Conflation of "Sex," "Gender," and "Sexual Orientation" in Euro-American Law and Society*, 83 CALIF. L. REV. 1 (1995).

42. There does not yet seem to be a substantial body of work that one might call "Indian Crit" as opposed to just Native American Law. Articles written from a critical perspective might include: Robert A. Williams, Jr., *Large Binocular Telescopes, Red Squirrel Pinatas, and Apache Sacred Mountains: Decolonizing Environmental Law in a Multicultural World*, 96 W. VA. L. REV. 1133 (1994); Robert A. Williams, Jr., *Linking Arms Together: Multicultural Constitutionalism in a North American Indigenous Vision of Law and Peace*, 82 CALIF. L. REV. 981 (1984); Robert A. Williams, Jr., *Vampires Anonymous and Critical Race Praxis*, 95 MICH. L. REV. 741 (1997).

43. See, e.g., Crenshaw, KEY WORKS, *supra* note 5, at xxx; Richard Delgado, *Words that Wound: A Tort Action for Racial Insults, Epithets, and Name Calling*, in CRITICAL RACE THEORY: THE CUTTING EDGE, *supra* note 5, at 159; Henry J. Richardson, III, *The International Implications of the Los Angeles Riots*, 70 DENV. U. L. REV. 213 (1993); Henry J. Richardson, III, *"Failed States," Self-Determination and Preventative Diplomacy: Colonialist Nostalgia and Democratic Expectations*, 10 TEMP. INT'L & COMP. L.J. 1 (1996); Ruth E. Gordon, *United Nations Intervention in International Conflicts: Iraq, Somalia and Beyond*, 15 MICH. J. INT'L L. 519 (1994).

44. See, e.g., JODY DAVID ARMOUR, NEGROPHOBIA AND REASONABLE RACISM: THE HIDDEN COSTS OF BEING BLACK IN AMERICA (1997); JEANNINE BELL, POLICING HATRED: LAW ENFORCEMENT, CIVIL RIGHTS, AND HATE CRIME (2002); STEVEN W. BENDER, GREASERS AND GRINGOS: LATINOS, LAW, AND THE AMERICAN IMAGINATION (2003); BLACK MEN ON RACE, GENDER, AND SEXUALITY: A CRITICAL READER (Devon Carbado ed., 1999); RICHARD DELGADO AND JEAN STEFANCIC, CRITICAL RACE THEORY: AN INTRODUCTION (2001); THE DERRICK BELL READER (Richard Delgado & Jean Stefancic ed., 2005); BRYAN K. FAIR, NOTES OF A RACIAL CASTE BABY: COLOR BLINDNESS AND THE END OF AFFIRMATIVE ACTION (1997); MORAL IMPERIALISM: A CRITICAL ANTHOLOGY (Berta Hernandez-Truyol ed., 2002); IAN F. HANEY LOPEZ, WHITE BY LAW (2nd ed. 2006); BILL ONG HING, TO BE AN AMERICAN: CULTURAL PLURALISM AND THE RHETORIC OF ASSIMILATION (1997); KEVIN R. JOHNSON, OPENING THE FLOODGATES: WHY AMERICA NEEDS TO RETHINK ITS BORDERS AND IMMIGRATION LAWS (2007); MIXED RACE AMERICA AND THE LAW: A READER (Kevin R. Johnson ed., 2003); CYNTHIA K. LEE, MURDER AND THE REASONABLE MAN: PASSION AND FEAR IN THE CRIMINAL COURTROOM (2003); CARL GUTIERREZ-JONES, CRITICAL RACE NARRATIVES: A STUDY OF RACE, RHETORIC AND INJURY (2001); IMMIGRANTS OUT!: THE NEW NATIVISM AND THE ANTI-

In conclusion, Princeton professor Cornell West carefully articulated some of the existential questions engaging CRT. These issues remain as relevant today as in 1996 when he stated them:

How do we candidly incorporate experiences of intense alienation and subordination into the subtle way of “doing” theory in American academy? What are the new constructive frameworks that result from the radical critiques of the prevailing paradigms in United States legal education? What is our vocation as oppositional intellectuals who choose to stay in a legal academy of which we do not feel fully a part? How can liberation-minded scholars of color engage with white radical intellectuals without falling into the pitfalls of coalitions between such groups in the sixties?⁴⁵

The CRT conference held in Iowa City in April 2009 helped the attendees reconfront these questions.

II. THE SPACE TRADERS TALE AND REACTIONS

Now that a brief background of CRT and Derrick Bell’s role within CRT has been provided, I will discuss Bell’s short story *The Space Traders* specifically. *The Space Traders* is a science fiction narrative that holds a special place in the CRT corpus. It was even adapted to an HBO movie by Reginald and Warrington Hudlin.⁴⁶ The tale of *The Space Traders* invokes various CRT tenets popularized by Bell including the interest convergence paradigm and the permanence of racism.

In *The Space Traders*, it is January 1, 2000. Aliens have descended on Earth, coming to the United States and proposing a trade. In exchange for all the U.S. African-American citizens, the now dubbed “Space Traders” will give enough gold to retire the national debt, give a miracle chemical that would clean the polluted ecosystem, and provide an unlimited source of safe energy.

IMMIGRANT IMPULSE IN THE UNITED STATES (Juan F. Perea ed., 1996); VICTOR ROMERO, ALIENATED IMMIGRANT RIGHTS, THE CONSTITUTION, AND EQUALITY IN AMERICA (2005); LU-IN WANG, DISCRIMINATION BY DEFAULT: HOW RACISM BECOMES ROUTINE (2006); WING, GCRF, *supra* note 4; WING, CRITICAL RACE FEMINISM, *supra* note 40; ERIC K. YAMAMOTO, INTERRACIAL JUSTICE: CONFLICT AND RECONCILIATION IN POST-CIVIL RIGHTS AMERICA (1999).

45. Cornel West, *Foreword* to Crenshaw, KEY WORKS, *supra* note 5, at xi.

46. The story was a 40-minute movie on HBO as part of an anthology by Hudlin and Hudlin, *Cosmic Slop* (HBO television broadcast Nov. 8, 1994). The movie is reviewed in Dwight Brooks & Walter Jacobs, *Black Men in the Margins: Space Traders and the Interpositional Strategy against B(l)acklash*, COMMUNICATION STUDIES, Winter 1996, available at <http://findarticles.com/> (search “Find Articles” for “*Black Men in the Margins: Space Traders and the Interpositional Strategy against B(l)acklash*”; then follow hyperlink). Another review is by Adam Sandler, *Cosmic Slop Space Traders*, VARIETY, Nov. 8, 1994, available at <http://www.variety.com/review/VE1117909386.html?categoryid=31&cs=1>. See Sharon Fitzgerald, *Dishing Up Cosmic Slop*, AMERICAN VISIONS, Dec. 1994/Jan. 1995, at 46, available at http://findarticles.com/p/articles/mi_m1546/is_n6_v9/ai_16646691/pg_3.

The U.S. has seventeen days to decide on whether to accept the trade.

There are a number of interesting threads in this tale. A black “Uncle Tom” conservative named Professor Gleason Golightly, who has always sided with the current Republican administration, tries to convince the lily-white cabinet that they should not expel the blacks. Regardless of Golightly’s urging, the cabinet members call on the African-American citizens to perform their patriotic duty and develop a selective service law to provide a legal basis for acceptance of the offer. Golightly distinguishes the situation from a patriotic call to defend the country, and calls the trade “group banishment”—intergalactic exile imposed without due process or judicial review.⁴⁷

Golightly then tries to talk to the newly-formed Anti-Trade Coalition, a group of black and white citizens working on various legal and political options that would prevent the trade. He introduces what is referred to as Derrick Bell’s interest convergence paradigm: “I am here because, whatever our ideological differences or our socio-economic positions, we all know that black rights, black interests, black property, even black lives are expendable whenever their sacrifice will further or sustain white needs or preferences.”⁴⁸ Golightly tells the Anti-Trade Coalition that their only hope is to support acceptance of the offer, and start rumors that the African Americans will be taken to a biblical-like land of “milk and honey.”⁴⁹ He urges that white Americans will then vote against the offer in order to prevent African Americans from having more than them.⁵⁰ However, due to his long-standing position as a sellout, Golightly’s advice is not trusted. Bell also includes in his story a group of corporate leaders, who decide to oppose the trade. The businessmen realize all the problems they will face from the loss of the 12% or more of the market that the black population represents, and if energy is free. The leaders of this community try to use their media power to prevent the expulsion. Bell’s view of the corporate sector was prescient as a pro-black approach was taken in amici briefs by 60 corporations in the 2003 *Grutter v. Bollinger* affirmative action case before the Supreme Court.⁵¹ These corporations made it clear that the U.S. would be harmed if affirmative action in education and employment ended.⁵² In *The Space Traders*, the business community realizes the possible problems that the white poor and working class might have if there were no blacks below them on the pecking order.

Various other pros and cons are weighed. The evangelical community

47. DERRICK BELL, *The Space Traders*, in *FACES AT THE BOTTOM OF THE WELL: PERMANENCE OF RACISM* 158, 168 (1992).

48. *Id.* at 174.

49. *Id.* at 176.

50. *Id.*

51. *Grutter v. Bollinger*, 539 U.S. 306 (2003).

52. *Who Supports Affirmative Action*, available at <http://www.aclu.org/pdfs/racialjustice/whosupportsaa.pdf>.

views the situation as one in which God is choosing the blacks to be sacrificed. Jews are against the trade since it smacks of the Holocaust's final solution.⁵³ While welfare costs and health costs for diseases like AIDS would be saved, white guilt in some quarters could lead to psychological distress and higher medical costs.⁵⁴

The U.S. ends up convening a constitutional convention and amending the Constitution. The resolution, which passes quickly, says: "Without regard to the language or interpretations previously given any other provision of this document, every United States citizen is subject at the call of Congress to selection for special service for periods necessary to protect domestic interests and international needs."⁵⁵ The Supreme Court refuses to intervene in this "political question" as there are "no judicially manageable standards" for resolving the issue.⁵⁶ The amendment is ratified in a national referendum 70-30%. The result validates amendments to the selective service laws that authorize blacks to be inducted for service along the terms of the Space Traders' offer. There is an exception to banishment for those over 70 and the very disabled. One thousand (conservative) blacks and their families are left as caretakers of black property in case the rest of the blacks return.⁵⁷ But each black that remains is given a status of suspended citizenship until the "special service inductees" might return.⁵⁸

At the end of the two week debate, on the last MLK day to be held, the blacks mount the slave ships in chains stripped to their undergarments, much as their ancestors arrived in America some centuries before.

Reactions

When Bell would read the story to audiences, blacks seemed very ready to believe the trade would occur. Some might have chosen the trade themselves. "Better the unknown, than the disaster that awaits us here."⁵⁹ After some squirming, most whites thought that a majority of whites would authorize the trade as well.⁶⁰ In 1994, one University of Maryland-College Park professor who used the story in class found that 87.5% of the black students thought the trade possible and 57% of the white students agreed.⁶¹ Another instructor at Illinois State found that 70% of her students believed the trade was possible.⁶²

53. *The Space Traders*, *supra* note 2, at 186.

54. *Id.* at 169.

55. *Id.* at 185.

56. *Id.* at 191.

57. *Id.* at 192.

58. *Id.*

59. *See The Power of Narrative*, *supra* note 23, at 316.

60. *Id.*

61. *See* Katheryn K. Russell, *Practical Pedagogy: Thinking, Talking, and Teaching on Race: Derrick Bell's the Space Traders*, 7 J. CRIM. JUST. EDUC. 113, 116 (1996).

62. Dawn Beichner, *Thinking, Talking and Teaching on Race Revisited: Incorporating*

To support this conclusion, they cited the history of slavery, Jim Crow, treatment of Native Americans, Japanese internment, lynching, civil rights battles, Tuskegee syphilis experiments, negative perceptions of blacks, and global genocides. They also mentioned contemporary issues such as the white power structure, residential segregation, white supremacy groups, failure to fund urban schools, neglect of the African AIDS epidemic, Hurricane Katrina, Jena 6, and a U.S. culture where there is a persistence of racism, white privilege, selfishness, greed and utilitarianism.⁶³ Additionally, the students cited abuses of power indicating disdain for blacks such as racial profiling, policies after 9-11, the Rodney King beating criminal court verdict, and wrongful convictions.⁶⁴

On the positive side, the same class also cited reasons why the trade could not happen. Historical lessons have been learned. Race has diminished importance. Cultural diversity is celebrated. The races get along better today, more interracial relationships occur, and blacks have an influence on popular culture. Blacks are more prominent in society, politics, and the workplace. They mentioned the existence of constitutional protections and affirmative action. On the international level, there is the Universal Declaration of Human Rights, and United Nations groups. The students thought that the global community would isolate the United States.⁶⁵ No doubt that many of these students would mention the election of Barack Obama if they were polled after November 2008.

The reviews for *The Space Traders* were generally positive.⁶⁶ The St. Louis University Law Journal even did a symposium based upon the truncated 1989 law review version of the tale.⁶⁷ In that issue, Professor Michael Olivas noted how the story invoked parallels to the treatment of Chicano, Asians, and Native Americans.⁶⁸ One reviewer from the symposium speculated that if blacks were deported, they would learn self-reliance and a strong work ethic as

Derrick Bell's "The Space Traders" into the Social Science Curriculum, 3 PROGRESSIVE MEASURES 4 (Fall 2007).

63. *Id.* at 5.

64. *Id.*

65. *Id.* at 6.

66. See, e.g., James R. Hackney Jr., *Derrick Bell's Re-sounding: W. E. B. Du Bois, Modernism, and Critical Race Scholarship*, 23 L. & SOC. INQUIRY 141 (1998); Marilyn Hortense Mackel, *Faces at the Bottom of the Well: Way Past Cool*, 27 U. WEST L.A. L. REV. 593 (1996); Harris, *supra* note 23; Higgins, *supra* note 23.

67. See *A Forum on Derrick Bell's Civil Rights Chronicles*, 1989 Sanford E. Sarasohn Memorial Lecture, *After We're Gone: Prudent Speculations on America in a Post-Racial Epoch*, 34 ST. LOUIS U. L. J. 393 (1990); Daniel Monti, *A World Turned Upside Down: Reflections on America without African Americans*, 34 ST. LOUIS U. L. J. 459 (1990); Michael Middleton, *After We're Gone? A Commentary*, 34 ST. LOUIS U. L. J. 443; Michael A. Olivas, *My Grandfather's Stories, and Immigration Law: The Slave Traders as Racial History*, 34 ST. LOUIS U. L. J. 425 (1990).

68. Olivas, *supra* note 68.

well as taking care of their infirm. They would be sent back to the earth to contribute to a new America that had weathered upheaval in their absence and now had a female president.⁶⁹ Delgado spun out a more positive end in which Americans would rally together and turn down the trade. The aliens decide to leave the valuable items any way.⁷⁰

A number of critiques arose. Some attacked Bell's work generally as well as the story in particular. According to Lino Graglia, "In the real world, only the lunatic fringe buys racist tracts written by whites, while black racism apparently sells. Bell's is a black voice that many whites, as well as blacks, seem to like to hear."⁷¹ In a book that attacked the narrative technique and CRT generally, Daniel Farber and Suzanna Sherry said stories "can distort legal debate, particularly if the stories are atypical, inaccurate or incomplete."⁷² Stories must be evaluated on objective standards.⁷³ They called Bell's treatment of Jews in the *Space Traders* story "Anti-Semitic."⁷⁴

In a critique by a co-founder who uses narrative himself, Delgado said that even if stories are true, which he generally believes they are, they may be unpersuasive; more concrete mechanisms for change must be proposed.⁷⁵ As another commentator noted, "Professor, if you were not so taken up with your stories, you would see that black folks are being removed in great numbers, not to some other planet but to the cemetery."⁷⁶ Some critics asserted that racism was over and that any problems are due to black inadequacy.⁷⁷ Others attacked the pessimistic result. According to Professor Leroy Clark: "Professor Bell's work propagates a damaging and dampening message which must be confronted and rejected if we are to fashion our future creatively."⁷⁸ Professor John Powell finds that Bell is "unsuccessful in avoiding despair."⁷⁹

The sequel to *The Space Traders* was published in *Gospel Choirs*.⁸⁰ The *Space Traders* turn out to welcome the blacks and make them a part of the society. America asks the blacks to return after suffering various upheavals, but

69. Monti, *supra* note 67, at 468.

70. Delgado, *Derrick Bell's Chronicle*, *supra* note 30, at 326.

71. STEPHAN THERNSTROM & ABIGAIL THERNSTROM, AMERICA IN BLACK AND WHITE: ONE NATION INDIVISIBLE 496-97 (1997).

72. DANIEL A. FARBER AND SUZANNA SHERRY, BEYOND ALL REASON: THE RADICAL ASSAULT ON TRUTH IN AMERICAN LAW 39 (1997).

73. *Id.* at 5-7.

74. *Id.* at 24-26.

75. Richard Delgado, *Crossroads and Blind Alleys: A Critical Examination of Recent Writing about Race*, 82 TEX. L. REV. 121, 135-36, 152-53 (2003).

76. Bell, *The Power of Narrative*, *supra* note 23, at 346.

77. See, e.g., DINESH D'SOUZA, THE END OF RACISM: PRINCIPLES FOR A MULTI-RACIAL SOCIETY (1995); Jim Sleeper in *Liberal Racism* (New York: Viking Press, 1997); James Traub, *For Whom the Bells Tolls*, THE NEW REPUBLIC, Mar. 1, 1993, at 17. 61

78. Clark, *supra* note 23, at 24.

79. John A. Powell, *Racial Realism or Racial Despair?*, 24 CONN. L. REV. 533, 550 (1992).

80. BELL, *supra* note 29.

the blacks are unable to achieve consensus.⁸¹ I will follow up on this possible approach in my own parable.

PART 3: PARABLE OF THE BLACK PRESIDENT

Now that I provided an overview of the essay and the responses to it, I want to extrapolate further based upon what actually happened in the U.S. between 1989, when Bell first penned the tale, and now, and what might happen in the near future. I will present several alternative scenarios to consider.

Parable of the Black President

The Space Traders flew over the United States in November 2000 and intended to land and present the fantastic deal in Bell's tale. The economy was looking very good after the presidency of Bill Clinton. The only global rival of the U.S., the Soviet Union, imploded and the remaining Russia was no longer an existential threat. The environment seemed to be in bad shape, but environmentalist Vice President Al Gore looked to win the Presidential election. The vote was very close. To the Space Traders, it seemed that the U.S. legal system was sophisticated enough to rule in Gore's favor based on their analysis of the actual vote count. They had the ability to count all the disputed ballots, and it was clear that Gore won. The blacks were having problems, but Gore seemed capable of leading the charge to conquer race discrimination. So the Space Traders did not land. They would check up on the planet in a few years, just to make sure.

It was 2012 before they came back, and they were appalled by what they found. The legal system did not function fairly in 2000, with the Republican dominated Supreme Court stopping the vote count. The George Bush-Dick Cheney ticket ended up staying in power eight years. By 2008, the global economy was in shambles due to the U.S. ravaging of its own economy. U.S. resources were bogged down in wars in two far off lands. Terrorism from small groups was a bigger emphasis than the Soviet Union had been. The environment was in a perilous state. The plight of the blacks was far worse as they made up a huge number of the prison population and were disproportionately subject to diseases like AIDs, heart disease, and obesity.

Miraculously, the country set a new direction in 2008, and elected the first black president, Barack Hussein Obama. He was the product of a brief marriage between a white Kansan woman and a black Kenyan Ph.D. student. Barack was raised in the rainbow state of Hawaii by his white grandparents and lived briefly in Indonesia when his mom married a Muslim man there. Barack was an incredibly brilliant Ivy League trained lawyer, who went on to⁶² become a

81. *Id.*

community activist, civil rights lawyer, Illinois state senator, and U.S. Senator. He was young, personable, and had inspired true hope in many people through his fantastic examples and wonderful oratory. He ran an amazing campaign, raising more money than in the history of campaigning. His candidacy led to high voter turnouts across the board and an electoral landslide against his opponent U.S. Senator John McCain of Arizona, a Vietnam War veteran running with the first female Republican vice president candidate, Alaska Governor Sarah Palin.

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Now, if I had written this part of the tale in 2006, many might have thought that it was fairly unlikely, but not totally preposterous. A few blacks have been presidents in the “reel” world: Chris Rock in Head of State; Morgan Freeman in Deep Impact; and Dennis Haysbert in the TV show 24.⁸² Tommy Lister played the President in The Fifth Element.⁸³

Back to our story.

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Unfortunately, the damage done in the eight Bush-Cheney years was too severe for the Obama-Biden administration to fix. Polar icecaps were melting at alarming rates due to government blindness to the existence of global warming. The global depression still existed as economic powerhouses like China and the Arab world were afraid to bail out the U.S. economy. Yet, without the U.S. consumers as buyers, the other economies suffered as well. Even with the amazing psychological boost represented by Obama’s victory, economic conditions for blacks, Native Americans and Hispanics were not immune to the global depression. These groups continued to suffer disproportionately in many areas such as inferior education, lower employment, poor health, and higher crime rates, to name a few. The Space Traders knew that there was no time to lose. They landed in September 2012, and made their offer of gold, miracle chemicals, and unlimited safe energy. The political parties had recently nominated their candidates for November 2012. Due to ill health, Vice President Biden could not run again. A nasty Democratic Party convention battle resulted, and the President chose Senator Nancy Pelosi for vice president over Secretary of State Hillary Clinton. The party was in disarray as many Clintonites felt that she was robbed again of her turn at the Presidency. If Hillary became VP in 2012, she would be the presumptive presidential nominee in 2016 – her last shot at the White House. Nancy was younger and could wait her turn. In addition, the Democratic left wing felt the President had made too many compromises with Republicans and the Administration had not helped the working class, poor, and minorities as much as it should have. Many blacks

82. See Radiobroadcast: *80 years of Fictional Black Presidents*, (Dec 10, 2008), available at <http://www.npr.org/templates/story/story.php?storyId=98094510>.

83. *The Fifth Element* (Sony Pictures 1997).

were depressed and felt that even a black president was not enough to save them. Some might stay home from the polls. The Hispanics were split as many were angry after Obama normalized relations with Communist Cuba, but the Administration had not ended communism there. The union movement collapsed due to the bankruptcy of the automakers. As a result, many workers en masse begged to be hired by non-union NissanFord and HondaMercedes. The cold war between Pakistan and India ate up even more resources than used in the Iraq War. The United States was needed to serve as a buffer between these nuclear powers.

The Republicans picked Alaska governor Sarah Palin as their Presidential candidate. Alaska was the only state with a budget surplus due to the drilling in the Arctic wildlife reserve. Louisiana Governor Bobby Jindal was the VP pick. It definitely helped him that he was a minority, but even more importantly, because he made deals with NissanFord and HondaMercedes to build new state-of-the-art plants in his state, creating a new Detroit in New Orleans. The party slogan was “NOBAMA. NOMORE.” Asians and young voters were attracted to 41-year-old Jindal, as were the working class who wanted more jobs like those produced in Louisiana.

Since the Space Traders no longer had faith in the U.S. legal system after seeing what happened in 2000, they wanted to be sure that there would be a fair process for deciding whether the blacks should leave. Instead of the seventeen days that Bell gave in his story the Space Traders now gave the United States two months to decide via a ballot question on the national Election Day. President Obama gave an eloquent speech to the nation. “There is no black America or white America, there is the United States of America. We will not be torn asunder by even so tempting an offer as this one. We will need the talents of all Americans, of all human beings to combat our many problems. There are no miracles. Please reject the aliens’ offer and give us four more years to make a difference.”

Republicans then played to their evangelical base and talked about the necessary sacrifices that God demanded must be made. After all, blacks were the doomed children of Ham –cursed and destined for slavery. Perhaps the aliens would be removing these wretched people who had been holding the United States back.

Rich blacks began to flee the country, as the aliens were only interested in blacks living in the United States. Some blacks felt that life among the aliens could not be worse than it was in the United States, and so they were ready to go.

First Ending

The oratory of Obama energized people once again. The Democrats pulled together and gained reelection. Moreover, the Space Traders’ initiative was

voted down. How could people vote for an initiative that would result in the expulsion of the President, Attorney General Eric Holder, UN Ambassador Susan Rice, Massachusetts Governor Deval Patrick, Supreme Court Justice Charles Ogletree, many other well-known blacks in business, sports, and entertainment, their neighbors, colleagues and friends? Obama told the Space Traders to be gone. “We will not split our country apart in this way. We are not perfect, but we are dedicated to overcoming our imperfections, including our legacy of slavery and the subsequent subjugation of blacks. As a group, we long ago turned our backs on the alternative of exile in Africa or elsewhere. We have built America. We have died for America. Here we will stand—with our brothers and sisters of all colors, all faiths!”

When addressed by President Obama, the Space Traders smiled. “You have passed our test. Your country has clearly matured over recent decades. You have learned, no matter your differences, you can only succeed by going beyond the old racist and sexist ways. You are ready to learn from your past mistakes and lead your world in finding solutions to your global problems. Your people understand that this takes time. The problems took many years to build up, and will likewise take many years to eradicate. Mr. President, we will give you the items we mentioned. In your hands, we know that you will use the items wisely and decide what to do with these powers democratically. We will check on you from time to time and bring other items that can help your people and your world. You are not alone. Welcome to the Universe.”

Second Ending

The fractured Democrats could not pull together their coalition as they had in 2008. The Obama-Pelosi ticket lost. Also, the ballot initiative vote was in favor of removing the blacks in exchange for the Space Traders’ offer. There would be no exceptions. Anyone visibly black would have to go, and a National Board was established to examine skin color and hair to make determinations. All persons labeled as black would be marked with a big X. Selected whites who did not want to be parted from their black loved ones could be marked with the X as well.

A giant space ship hovered overhead, as a now defeated President Obama gave his last speech on the White House lawn. “We have lost our bid for reelection, but America is about to lose something more. Black people have survived in this country for 400 years and were prepared to survive 400 more. Now, democracy has spoken. There will be no 3/5 compromise. There will be no slave states and free states. Our fellow countrymen have decided that our sacrifices for our country have not been enough. They have decided that we all should make the ultimate sacrifice – for the good of the rest of the country. I am prepared to sacrifice my life for my country, but would have preferred to do so on this soil. That is not to be my fate. We will leave with our heads up

whether we leave to face death or life. We will represent the best that America can be.” Singer Aretha Franklin led the throngs gathered on the lawn in the Negro national anthem “Lift every voice and sing.” With tears in their eyes, the President and others looked up –waiting for the ship to open. Similar ships were hovering over many cities in the country. As Aretha’s last note rang out, all the Americans with the X vanished. The ships vanished. They were gone.

One moment, they were on the earth. The next minute, they were in a tropical place –similar to regions in Africa. But this was no Africa. There were two suns.

One of the Space Traders materialized in front of the President. The entity was a dark, rich black—not a color the Traders had been on the earth. “Call me Jn. I see you are amazed at my skin. This is our true color –evolved over eons under a double sun. We chose not to show our true colors on your planet. We would like, Mr. President, to hold a meeting with a council of your choice. We want to explain what will happen next.”

“Thank you” said Obama. “But I have no right to call such a meeting. On earth, I was President. Here, I am just Barack.”

“Mr. President, 98% of your fellow blacks re-elected you to be President. So to us, you will always be President of your people. If they choose to elect another leader here, they can do that. Until then, you are their leader.”

“We have watched with dismay as your very proud group was victimized over centuries. We decided to save you. Welcome to what you have called the Promised Land! What we gave the others in your country were minor trinkets, centuries old, discovered when we had the same type of problems that the United States does now. We will give you the full riches of our culture. You people would have developed these things on your own, but you were on the verge of becoming extinct before this could happen.”

“Now that you are breathing our air and eating our food, you will see that you are gaining certain powers. You are becoming telepaths. You are gaining the ability to teleport wherever you want to on the planet, or between the space ships and the planet. You will develop the skill of universal communication so that you can talk to people from many planets. We will show you how to use your mind to heal yourself of your physical, mental, and emotional ills. There will be no more sickness as you know it. You will not age at the same rate as on earth. We will show you how to radiate out love and cooperation in the midst of the most difficult challenges.

Unfortunately, these things will not work for the whites among you. They are missing the genetic capabilities. Also, the double sun here will be very bad for them. They will have to remain fully covered at all times in special fabrics that we will design for them. The last whites died off on this world many eons ago, but our records contain information about how they survived as long as they did.”

In continued, "Once you all have mastered your innate gifts, we will allow you to use our technology, such as space travel. For instance, the spaceships can only operate through telepathic abilities."

The blacks at the meeting were in tears as their fears of the Traders dissipated. No one had anticipated that they would be welcomed in such a way.

The President spoke. "My brothers and sisters. I am overjoyed. My first act is to step down as your President. I have not earned that on this planet. We must pick again."

Professor Bell spoke. "We elected you almost unanimously on earth. I must admit that I was skeptical of your ability to adequately address racism in America. Although you could not solve all our problems in four years, you conducted yourself with honor and dignity in unimaginable conditions. Here, we need you more than ever."

A wave of emotion swept over the group. "Brother Bell, there was no need to speak out loud. I can hear you now in my mind. I am pleased to have earned your respect and support, however, I disagree with you that racism is permanent. We simply needed more time – time that we did not get. I feel all of your spirits in this place. You all want me to continue. Shall we reach out to the other thirty million blacks, who do not even know that they have the power to communicate telepathically?" And so they did.

The blacks learned to use all of their new powers and also gained access to unbelievable technologies. They built new communities and interacted with beings from many planets. To their amazement, they were treated with respect even though they were centuries behind in their abilities and skills. They healed themselves of the many physical and mental injuries that had existed within them. They were happy, but they always thought of Earth, of the United States.

After three years, the President and Council decided to send a small ship to visit earth. The ship had a cloaking device, so no one on Earth could see them.

Upon their return, the crew reported. The situation on earth was horrendous. Nonblack America had thought that it was in their best interest to get rid of the blacks for the treasures. They had not realized all the benefits of the inclusion of blacks within their society. As the business community had expected, losing 12% of their market detrimentally affected the economy. The prison industrial complex fell apart without the disproportionately large number of black prisoners. The military was short staffed without black soldiers. Low-income whites realized that they were being exploited by the white upper class, since blacks were no longer on the bottom of society as a buffer. The sports and entertainment sectors were devastated. Other minority groups such as Latinos, Jews, and Arabs feared that they would be sacrificed next if the Space Traders returned.

Even worse, the riches that the Space Traders had given were squandered.

Under the Palin-Jindal administration, the gold meant to eliminate the national debt, escaped to the private pockets of individuals. The super-rich got richer, and everyone else got poorer. The middle class got smaller. The miracle chemical that would clean the polluted ecosystem was sold to the highest bidders so that rich communities had clean environments, but poor areas and the public domain remained incredibly polluted. The unlimited source of safe energy was jealously guarded and the country continued to rely on fossil fuels. President Palin's mantra of "Drill, baby, drill" had resulted in unprecedented damage to the Alaskan ecosystem, including the hastening of global warming.

President Obama called a meeting. After describing all the horrors, he said: "Our homeland is in dire straits. We must consider carefully what to do as a people." Numerous comments were made. A number wanted to go back immediately, but were torn because they had fallen in love with their new promised land.

On the other side, Professor Bell summarized the thoughts of many: "Why should we go back? We were expelled. We do not owe them anything and they probably will not appreciate whatever help we give them. They are still racists."

President Obama eventually brought the meeting to a close. "I think we have heard all the arguments. We must vote. The Council and I cannot decide for us." The vote is split exactly in half. President Obama must cast his vote to break the tie.

"We shall go back."

Then the Space Traders communicated through the thoughts of Jn. "You have done well on this world. You are developing nicely, under excellent leadership, and learning to fit into a diverse universe of entities beyond the imagination of earthlings. Your powers derive from this Promised Land. If you go back, you will lose your powers after a time. As a matter of fact, many of you might lose them immediately and die very painfully, while the rest will perish in under a year. Also, in order for your assistance to be useful, you would all have to go. The whites among you will not be affected since they did not benefit physically from their time here."

Professor Bell communicated: "I was opposed to going back at all even when I did not know that we would die. I am certainly opposed if it means all our deaths. We have a wonderful life here. Why go back at such a cost?"

As I said once long ago, "First recognize and acknowledge (at least to ourselves) that our actions are not likely to lead to transcendent change and may indeed, despite our best efforts, be of more help to the system we despise than to the victims of that system who we are trying to help."⁸⁴

President Obama communicated, "With all due respect professor and all

84. BELL, *FACES*, *supra* note 2, at 198-99.

of you who agree with him, we were chosen to come here. Now we must make a choice to go back even though we will die, regardless of whether our former citizens appreciate our sacrifice. Plus, the whites among us will not die. They have had a hard time here –staying deep inside protective places. Back on the earth, although they will not have our powers, they will be able to carry on for us after we are gone. They have had access to the amazing technologies here.”

A new vote was taken. The vote was the same. They would go back.

Sub-Ending 2.1

The blacks arrive back and everyone in the U.S. is astonished. Once the people understand the powers that they have, there are two reactions. Some citizens beg. “Please save us. You owe us because you would not have these powers if we had not sent you away to get them.” Others feel the blacks are a threat. They advocate rounding up or killing as many as possible as quickly as possible. They cannot imagine being beholden to such a group of alien affected entities. The blacks do not tell anyone that they will die within the year. They use their powers to solve all the problems of the country. They are too powerful to be rounded up by the primitive weaponry on hand. But as some begin to die, they become very weak. Government operatives are then able to torture them. It is discovered that all the blacks will die shortly.

The government urges Obama to work even quicker to solve as many issues as possible before they all die off. Obama pledges to do so. Soon, the deaths are too numerous to hide. Obama announces the trade that has truly been made. Their black lives will save America.

Martin Luther King Day which ended when all the blacks left in 2012, is restored. It is now called King-Obama day. After the last black dies, the day is celebrated to commemorate the ultimate sacrifice of the black people to save those who had never fully appreciated them.

Sub-Ending 2.2

The blacks pass away from the earth. Each one awakens to discover that they are part of a telekinetic collective. They have no more need for their bodies. The Space Traders tell them that they have received the ultimate reward. Because they were willing to sacrifice for those who did not appreciate it, it meant that they had attained a higher level – a next stage of existence.⁸⁵ Interestingly, the Space Traders do not have this capacity, and remain bound in corporeal bodies.

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85. This concept is similar to a novel by ARTHUR C. CLARKE, *CHILDHOOD’S END* (1953) where humanity’s children evolve and join with a noncorporeal Overmind.

Sub-Ending 2.3

The blacks arrive back in the United States to help out, and they do solve the problems. Somehow, none of them die. The Traders tell them that their willingness to sacrifice was a test, which they have passed. They can remain on the earth, and their powers will not fade away and they will not die early. Instead, the Americans will realize that the blacks are truly superior and are needed to stay in power—to prevent the Americans from getting into trouble again as they seem inclined to do. President Obama is re-elected in 2016 with Hillary Clinton as his running mate.

CONCLUSION

Clearly, the various endings are subject to numerous interpretations. I leave it to the reader to explore which one would be the best. Interestingly, when I presented the second scenario in which the Blacks vote to go back to Earth, the attendees at the twentieth anniversary CRT conference were overwhelmingly opposed to such a result. When I presented the option that the blacks would die, they were even more opposed. Personally, I would like to think that I would go back even if it meant my death. Of course, maybe like many immigrants, I would love my new “world” too much to return to my old “world.”

The Space Traders story is still mesmerizing twenty years after its publication. The conditions Bell foresaw in America have come to pass and worsened. The challenges we face are daunting. If the Space Traders come in the next four years, many Americans might be tempted to sacrifice the black population. Whether racism is permanent or temporary, I am hopeful that President Obama would get America to reject such a sacrifice.