THE POST RACIAL ERA: RACE, SILENCE, THE DENIAL OF RACE/RACISM AND OPTIMISM

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I was honored to participate in the Columbia Law School symposium honoring the life and work of Derrick Bell on December 10, 2011. For this symposium, I was asked to reflect on a passage in Derrick’s seminal work, *Faces at the Bottom of the Well: The Permanence of Racism*. In doing so, I will focus my reflections on several passages from *Faces at the Bottom of the Well* that relate to denials of slave history, the economic value of African Americans to the American hierarchy, and optimism in the face of despair, and connect these passages to my own scholarship about race, color, national origin, and racial and economic inequality.

In the introduction of *Faces at the Bottom of the Well*, Bell writes:

When I was growing up in the years before the Second World War, our slave heritage was more a symbol of shame than a source of pride. It burdened black people with an indelible mark of difference as we struggled to be like Whites. In those far-off days, survival and progress seemed to require moving beyond, even rejecting slavery. Childhood friends in a West Indian family who lived a few doors away often boasted—erroneously as I later learned—that their people had never been slaves. My own more accurate—but hardly praiseworthy—response was that my forebears included many free Negroes, some of whom had Choctaw and Blackfoot Indian blood.

I have written about the conflict that sometimes exists between and among some African Americans of Caribbean ancestry, some African Americans who have a longer-term American lineage, and some African Americans of lighter and darker complexions. At the root of much of this conflict is a denial of the common thread that binds people of African descent together. It is, of course, the shared humanity in the struggle over exclusion, recognition, and being free from subordination. What separates us is the failure to recognize this common humanity: No matter the most recent geographical origin of one’s ancestors, it is important to keep in mind that all people of African descent have a shared struggle as a result of common African ancestry; it does not matter whether you are a descendent of an enslaved

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2 *Id.* at 1.


African or a colonized African. Members of both groups have experienced color- and race-based discrimination.5

Because the United States currently has an African American President and First Lady, and two people of color sit on the United States Supreme Court, some have proclaimed that we are in a “post-racial” society.6 Despite this seeming progress, however, President and First Lady Obama have confronted challenges to their racial, national, and religious identities since the 2008 election. For example, the so-called “birthers” have challenged the President’s American citizenship, claiming that he was born abroad and therefore fails to satisfy the constitutional requirement of being a natural-born United States citizen.7 These attacks were particularly pointed in the months preceding the election, even though few challenged opposing candidate John McCain’s citizenship despite his having been born in the Panama Canal Zone.8 Others believe that Obama is a closet Muslim.9 In fact, a stunning fifty-two percent of Mississippi Republicans and forty-five percent of Alabama Republicans believe that Obama is a Muslim.10

The First Lady has not been immune to similarly couched attacks: she has been characterized as “Black Militant,”11 and she has personally criticized the media’s portrayal of her as an “Angry Black Woman.”12 More recently, her physical figure has been called “fat” by some political commentators and politicians,13 with one congressman being overheard referring to the First Lady’s “large posterior”14 while criticizing the President’s health care reform initiative.

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5 On a more personal note, my parents were born in the Caribbean. As a young man growing up in New York City, I did not understand why I was sometimes viewed suspiciously by some older white city residents, as I was just going to school and living my life. Learning about, and reading, Derrick’s work helped provide some clarity on what I had experienced. I grew to understand the persistent harm, and negative impact, of racial stereotypes.


While the identities of the President and the First Lady have been subject to criticism and suspicion, in part due to their position in society, other less famous African Americans are sometimes also viewed with suspicion, which can sometimes lead to deadly outcomes. In late February, Trayvon Martin, an unarmed African American teenager was killed in Florida by George Zimmerman, a member of a volunteer neighborhood watch group. Zimmerman maintains that he shot Martin in self-defense. Recent polling shows that the opinions about the case are divided along racial lines. In fact, a little over fifty percent of African Americans polled viewed the shooter George Zimmerman as “definitely guilty” as compared to fifteen percent of the non-African Americans polled.

Just as tragic, but receiving less newspaper coverage, a 68-year old African American veteran, Kenneth Chamberlain Sr., was recently killed by police in his apartment in White Plains, New York. Police arrived at the Chamberlain home in response to a medical alert device. Chamberlain allegedly told the police that he did not need their help. Nonetheless, the police officers allegedly called Chamberlain the “n-word” and broke down the door to his apartment. Although the police maintain that there was a hatchet in the crack of the door, that Chamberlain had a knife, and that they were concerned about the safety of others who might be inside the apartment, Chamberlain’s surviving family members saw video from the night of the killing and maintain that Mr. Chamberlain was unarmed.

In this allegedly “Post-Racial Era,” some still view African American men and women with suspicion. However, we are not supposed to talk about it. When certain public figures mention the topic of racial injustice (or what appears to be racial injustice), there sometimes is backlash. For example, when the President noted that the Cambridge police behaved “stupidly” in arresting Harvard Professor Henry Louis Gates for disturbing the peace at his own home, the President’s polling numbers took a hit. To ease ruffled feathers, the President invited both the arresting police officer and Professor Gates to the White House for a “Beer Summit” with Vice President Biden. More recently, after the President expressed his concern about the family of Trayvon Martin—noting that “if he had a son, he would look like Trayvon”—several of his Republican challengers accused the President of being divisive.

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18 Id.


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Besides not commenting on racial issues in possible police misconduct issues, the President has been accused of paying little or no attention to the needs of African Americans. Moreover, some have noted—critically—that Obama failed to mention “poverty” in his 2012 State of the Union address. A large part of Obama’s hesitancy to address these issues is likely because he recognizes the racially charged environment in which he is operating; he has been called “The Food Stamp President” by one challenger, and another candidate has claimed that Obama desires an “Entitlement Society” as opposed to an “Opportunity Society.” Even some policies that are race-neutral, like the Patient Protection and Affordable Care Act, have been derided as “reparations” for African Americans.

Meanwhile, racial economic inequality persists, as demonstrated in the research that my colleague Cheryl L. Wade and I are doing for our upcoming book The Color of Money is Green: Race and Corporate Law. Bell also addresses these economic issues in Faces at the Bottom of the Well. In The Space Traders, Bell crafts a story about an alien race from a distant star that arrives to a fractious and insolvent United States, desiring to trade considerable wealth and technology for this country’s African Americans. In The Space Traders, America’s leaders understand that African Americans serve as a crucial buffer and distraction, as the presence of African Americans stabilizes society and the economy by causing the disparity that exists between the incomes of the rich and poor to be ignored. As a buffer, Bell posits that African Americans allow low-income whites to become distracted by African Americans progress and blame blacks for their own lack of success.

Despite the hope by some that the election of the first black president would usher in a Post Racial Era, sadly we are not there. Suspicion of African Americans and denial of race and racism still

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31 Bell, supra note 2, at 158–61.

32 Id.

33 Id. at 181.

34 Id.

35 Id.
exists. Poverty and economic inequality persists, and many African Americans are still the faces at the bottom of the well. However, many African Americans still have hope and optimism for the future. Bell also noted the indomitable spirit and optimism of African Americans in the final chapter and epilogue of *Faces at the Bottom of the Well*. He writes to Geneva Crenshaw:

Beyond the despair of your final narrative, I am reminded that our forebears—though betrayed into bondage—survived the slavery in which they were reduced to things, property entitled neither to rights nor to respect as human beings. Somehow, as the legacy of our spirituals makes clear, our enslaved ancestors managed to retain their humanity as well as their faith that evil and suffering were not the extent of their destiny—or the destiny of those who would follow them. Indeed we owe our existence to their perseverance, their faith. In these perilous times, we must do no less than they did: fashion a philosophy that both matches the unique dangers we face, and enables us to recognize in those dangers opportunities for committed living and service.  

It appears that the African American public has taken Bell’s advice. Despite all the negative economic, employment and financial effects that the Great Recession has had on the financial fortunes of African Americans, polls suggest optimism and hope for the future: A Pew Center poll found that fifty-six percent of African Americans and fifty-six percent of Latinos/as expect the economy to be better one year from now as compared to forty-one percent of white Americans who said the same. Similarly, social critic and commentator Ellis Cose, in his latest book, *The End of Anger: a New Generation’s Take on Race and Rage*, has discovered a similar change among the attitudes of middle-class African Americans who have become one of the most optimistic groups in the United States. The rise in optimism is *not* linked to a belief that discrimination has ended. In fact, participants in the Pew Center poll specifically believed that discrimination exists. However, in another workplace survey, many young African Americans said they felt they were treated the same as their similarly credentialed white peers.

I believe that a lot of this optimism is attributable to the symbolism of having an African American president and First Lady and two people of color on the U.S. Supreme Court. For many African Americans, the presidency was viewed as one of the last remaining barriers barring the dreams and aspirations of African American boys and girls. Those barriers have now been removed, yet great inequality persists.

Bell advises that we have to be stalwart in these times of great economic troubles and uncertainty. However, I maintain that we must not fall into the trap of ignoring the economic disadvantage that persists in our communities. If we do ignore this reality, we will be less likely to advocate for change to help those members of our communities who are stuck in a seemingly never-ending economic quagmire. It may also lead us into a sense of false complacency that these members of our community got there all by themselves, without the help of systematic societal barriers. We must remain optimistic, but not remain silent in the face of continuing racial and economic barriers.

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36 Bell, * supra* note 2, at 195.
