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UNSAVORY BLACK INSINUATIONS: A REPLY TO DAVID BOYLE

David Horowitz*

I am not happy with this title and don't for a moment believe that the unsavory insinuations in David Boyle's article¹ ("Unsavory White Omissions: A Review of *Uncivil Wars*") are in any way "black," in the sense of being generic to black Americans. My excuse for this verbal excess is to provide an object lesson for an academic audience that is accustomed to politically correct double standards. I am referring to the fact that in the university world, designated victim groups are given license to think racially, express themselves racially and use racially accusative (not to mention insensitive) constructions when referring to white people. Matching the racially offensive title David Boyle employed for his review of my book *Uncivil Wars: The Controversy Over Reparations for Slavery* seems a good way to make this point.

Boyle begins his discussion with an *ad hominem* attack, accusing me of playing the martyr for effect. Of course, if I were black and he was responding for me to such an attack, he would criticize himself for blaming the victim. After all, it was my ad that was censored on 40 college campuses; it was I – a civil rights activist for fifty years – who had to endure being called a "racist ideologue" by half-witted leftists on college campuses across the nation, and it was I for whom university administrators felt it necessary to provide massive police protection when I visited twelve campuses during the controversy.

From this unpromising introduction, Boyle quickly descends to racial slurs, accusing me of insensitivity towards African Americans because I allegedly have ignored or discounted "the unsavory omissions of whites, including [Horowitz] in the field of justice towards African Americans."² These are false and malicious accusations. What omissions would he have in mind? I was marching and fighting for civil rights for African Americans before Boyle was born, and probably before his parents were born. My book and the actions of

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¹ David Boyle, *Unsavory White Omissions? A Review of Uncivil Wars*, 105 W. VA. L. REV. 655 (2003).

² Boyle, *supra* note 1, at 659.

my public life spanning half a century condemn racism as a moral evil in all its forms, including slavery. Boyle's insults are of a piece with the insults directed at me by the reparations campaign itself, which ignores, discounts and omits in unsavory fashion the enormous contributions made by whites in this country towards the liberation and well being of African Americans.

Boyle divides his review into five parts, which I will follow in this rejoinder. The first part,³ which attempts to summarize my book, is tolerably done. But Boyle cannot resist gratuitously inserting a discussion of the Ku Klux Klan's free speech rights in the course of a tendentious "defense" of mine. As I explained in a chapter of *Uncivil Wars* devoted to "Racism and Free Speech," a person's constitutional right to free expression isn't worth much if his reputation can be destroyed by slander and invidious comparisons like this one to the Ku Klux Klan. If somebody is tarred as a child molester few people will be curious about his views on child rearing. In practice, the right to speak is worthless if nobody is listening. By deploying racial slanders in place of arguments to answer the points I raise, Boyle demonstrates that he has failed to learn the one lesson I hoped my book would teach.

In the second part of his review – "The Whine This Time" – Boyle tries to substantiate his opinion that *Uncivil Wars* is an exercise in "self-victimology."⁴ He accuses me – again falsely and without substantiation – of proposing that black Americans should forget their past. I have never encouraged anyone to forget their past. But how about not being obsessed with the past to the exclusion of thinking positively about the present and the future? If one is interested in helping those African Americans who have fallen behind, does it make sense to launch a reparations movement accusing the vast majority of Americans of racism and complicity in slavery rather than seeking a helping hand from fellow citizens who in the last fifty years have shown enormous generosity and concern for black Americans as a group?

This question is apparently over Boyle's head. His attitude – dwell on the unhappy past and ignore the positive present – reminds me of a black reverend on whose talk show I was a guest. Like other reparations supporters, the reverend claimed that Americans had never given a second thought to slavery and had no bad conscience over the mistreatment of African Americans. I pointed out that the only national holiday that Americans reserve to honor an individual is the one that is dedicated to an African American civil rights leader, and that in order to create this holiday Americans eliminated the one that for over a hundred years honored the birthday of the "father of his country." The reverend's reply: "Martin Luther King earned it." Okay, reverend, why don't we move Jesus over and make Christmas a holiday honoring George Washington, who also could be said to have "earned it"? This kind of absurd response is really an index of just how far African American paranoia has gone (in large

³ See *id.* at 661-71.

⁴ *Id.* at 671.

part because political correctness encourages it to do so). Bottom line: When are black Americans like the reverend and David Boyle going to take “yes” for an answer?

Boyle claims to find significance in his discovery that my book is mainly about the reparations controversy on college campuses and not about the issue itself. In his words, 95 pages or three quarters of *Uncivil Wars*, “largely focuses on [Horowitz’s] own history, . . . while part II of the book, making policy arguments or moral arguments against reparations, is only 35 pages.”⁵ This leads him to conclude portentously that “[t]his disproportion of emphasis, or omission of detail on an important topic, hardly makes for a ‘casebook on reparations,’ though there may be material for a casebook on Horowitz.”⁶

Boyle should learn how to read. The book is titled *Uncivil Wars: The Controversy Over Reparations For Slavery*. It is about the reparations controversy. It is about what the controversy tells us about the state of American universities, and about the state of the African American community and its political leaders. Frankly, after reading the reparations literature (including Boyle’s review), I remain of the opinion that there is no intellectually respectable case for reparations and that what I have said on the matter in my “Ten Reasons” and those 35 pages is more than enough to refute its claims. On the other hand, the sad state of our universities – as evidenced by the reparations controversy and by Boyle’s review – desperately need attention.

As if to illustrate this need, to make his next point Boyle turns to identity politics, which can be summed up as, “My suffering is greater than yours; therefore my virtue is greater than yours, and therefore my truth is greater too.” After acknowledging that I did in fact suffer injury for my views (though, as always, he fails to mention the injury inflicted on student editors whose sin was merely to print my ad), Boyle attempts to erase this concession by waving the bloody shirt of the past:

African Americans are, in context, the most significantly hurt victims, not Horowitz, something which he might have done well to recall. Bad publicity, harsh criticism, and stolen newspapers simply do not rank as serious suffering compared with kidnapping, shackles, the lash, and summary execution for trying to escape the master’s hand, or the unfortunate legacy of these latter punishments, and their milieu, in the present day.⁷

Who’s kidding whom here? Boyle is not a slave but a graduate of one of the nation’s prestigious law schools. The argument he deploys is one that, if accepted, would make all discussion pointless. Who can trump the suffering of

⁵ *Id.* at 672.

⁶ *Id.*

⁷ *Id.* at 673.

the slave? Should I invoke the Holocaust in response? To exploit slavery in this fashion demeans the memory of those who actually suffered its indignities and torments.

In fact, my book is not about my “suffering” and anybody reading it with an open mind will understand that. It is about intimidation and the stifling of dissent on issues like reparations in today’s academic environment. Without the ability to inflict pain the intimidators would be powerless, hence the necessity of documenting their excesses. A look at my text will show that I explicitly do not whine or wallow in the hurt that the campus book burners attempted to inflict on me:

Unlike the students in this audience [I told a Berkeley audience], I cannot be punished by the university for my views. But anyone involved in the life of this campus knows that expressing similar views can jeopardize their careers. The prudent will take note and keep their counsel. How can you run a university like this? How can there be freedom of inquiry into controversial issues, if there is a witch-hunt in progress?⁸

I am not going to deal with Boyle’s ridiculous footnotes in which he holds against me misspellings on the jacket that I had nothing to do with (I didn’t even see the cover until the book was published), articles on my website written by other people quoting other people, and views that are antagonistic to his own fringe leftism. I will concede that a sentence describing America as “the first predominantly white society to free its black slaves” should have been more carefully formulated. (The reason Britain freed its slaves first is that Britain was predominantly a slave *trading* nation and did not have a domestic economy dependent on millions of working chattel.)

The third part of Boyle’s article purports to expose my incivility.⁹ Displaying the intolerant and censorious attitude of the academic left, Boyle objects to my use of the term “savage” to describe the campus attacks on me after I published my ad. He finds the term itself “racially stereotypical and dangerous.”¹⁰ As I was writing that sentence, in fact, I realized that the p.c. thought police would yelp when they saw it. This is what prompted me to keep the word “savage” in place. Not being part of the repressive academic community, why should I let myself be censored by the intellectual *Gestapo*? Boyle suggests that it would have been preferable (and politically correct) of me to use the words “unkind” or “abrasive” to describe the attacks.¹¹ But the attacks were not “un-

⁸ DAVID HOROWITZ, UNCIVIL WARS: THE CONTROVERSY OVER REPARATIONS FOR SLAVERY 37 (2002).

⁹ See Boyle, *supra* note 1, at 676.

¹⁰ *Id.*

¹¹ *Id.*

kind” or “abrasive.” They were vicious. Savages skin their victims alive. I thought the metaphor apt. I still do.

As it happens, the chief savages attacking me were not African American students as Boyle claims. (Here, of course, he demonstrates who is really eager to play the victim game.) The most fascistic protesters against my ad were not even students. They were members of two white groups – the Spartacist Youth League and the International Socialist Organization. It was these groups that led the demonstrations against me at Berkeley, UC Davis, Boston University, Harvard, UMass (Amherst) and other colleges across the country. Since I discuss them in my book and Boyle has read it, I cannot ascribe his misreading to ignorance. In fact, Boyle has chosen to misrepresent what I wrote by conflating the statement made on page 1 of my book that “the attacks on me were savage” with a description of protesters at Duke on pages 76-77 (see especially his footnote regarding my comments about the Duke students¹²).

The Duke protesters were indeed African American but their attacks on me are not described in my book as savage. They are described as being a “silent vigil” at which some students were in tears. Here is my comment:

Reading the account of the black students’ vigil, I have as much feeling for these youngsters driven to tears by my words as anyone in my shoes could. But my feelings are infused with ambivalence, and overlaid with questions. “Being black is a huge part of my identity,” protest leader Sarah Wigfall told a *Chronicle* reporter. “I was utterly offended and disgusted by what was put in the paper.” But why? Tears might be understandable as a response, say, to [an ad about] “slavery denial.” Tears might be an understandable response to a justification of slavery. But why in the world should pointing out the obvious – that slavery is long since over, and that post-slavery America has brought bounties to blacks – why should *this* cause people to cry?¹³

I think this passage sufficiently refutes the racial caricature drawn by Boyle in his review.

Boyle wonders how I am qualified to discuss reparations at all, and chides me for presenting “no proof that he has the high level of special expertise on reparations that one might expect from, for example, a professor of African-American studies”¹⁴ I have to say I am not impressed with the expertise of those African-American Studies professors who responded to my ad and compared me to Hitler, including the faculty mentor of the Brown students who stole

¹² Boyle, *supra* note 1, at 676 & n.81.

¹³ HOROWITZ, *supra* note 8, at 76.

¹⁴ Boyle, *supra* note 1, at 677.

and trashed the entire issue of the *Daily Herald* after it published my views. Nor do I think reparations for slavery are a very complicated issue that requires elaborate expertise to dismiss.

The reparations claim is too tendentious to be taken seriously. Both the injured parties and the perpetrators are dead. With respect to private companies, the tort is too old. As respects the government, the tort is too old and the government that is being sued is not the injuring party – the Confederacy – but a government that freed the slaves at great human and material cost and that has provided trillions of dollars to African Americans who are disadvantaged. The reparations tort is frivolous and if brought by lawyers on behalf of any group but African Americans would be laughed out of court, while counsel would be sanctioned under Rule 11.

Neither Boyle nor any African-American Studies expert has offered any argument for reparations that would cause me to reconsider my own against them. Like many of the reparations proponents, Boyle cannot get the time frame straight and seems incapable of understanding that the claims being made are in behalf of the dead, which in and of itself rules the case out of court. “[I]f reparations are due for what was taken from African Americans,” writes Boyle, “then reparations would be a ‘hand-back,’ a returning of what was unjustly taken, rather than the ‘handout’ Horowitz speaks of”¹⁵ Well, the problem of course is that what was unjustly taken cannot be given back to those it was taken from, unless Boyle has found a passage beyond the grave.

Boyle’s response to this would probably be that the injury is current, although neither he nor any other advocate has offered any proof that slavery is indeed connected to current disadvantage. By way of arguing this point, Boyle accuses me of ignoring “the fact of ongoing racism,” and gives as an example, “the Texaco oil company’s racist treatment of black employees, resulting in filing of suit against the company and a settlement of \$176.1 million to plaintiffs in 1996.”¹⁶ Of course, the allegations made against Texaco were never tested in court and the settlement was the result of a naked extortion by Jesse Jackson and his allies who threatened a boycott and a public relations disaster for Texaco stock if the payoff was not made.¹⁷

The boycott threat was only credible because of an incident that focused massive public attention on Texaco. This was the allegation by a disgruntled former executive that the term “nigger” and a derogatory reference to black employees as “jelly beans” had been used during a Texaco board meeting. But these “facts” were entirely discredited by the testimony of a black sound expert who found the tape-recorded word to be “St. Nicholas,” not “nigger,” while the jelly bean reference had been supplied by a diversity counselor hired by Texaco

¹⁵ *Id.* at 678.

¹⁶ *Id.*

¹⁷ See Chris Woodyard et al., *Texaco Settles with \$176 Million*, HOUSTON CHRON., Nov. 16, 1999, available at LEXIS, News, News Group File.

to train its employees and was not a racial slur.¹⁸ The allegations of general discrimination at Texaco were based entirely on aggregate statistics and the claim that there were “too few” black executives, which is meaningless without specifics and a context (e.g., how many black employees were actually qualified to be executives?).

In the face of the public uproar over the misinterpreted remarks and fearing a dramatic loss in its stock value, Texaco agreed to a payoff to forestall the boycott and the feared drop in its stock value. All black Texaco employees received “reparations” bonuses, regardless of individual merit, purely on the basis of their skin color.¹⁹ In this regard, the racial shakedown of Texaco is – as Boyle suggests – a model for the reparations movement, which hopes to use the threat of a public relations nightmare to extort payments for all African Americans on the basis of skin color and without regard to proven injury.

Throughout his review of *Uncivil Wars*, Boyle employs a weasel style of insinuation that goes like this: “Horowitz himself seems content to censor or censure the free speech of others with whom he does not agree.” Well, is it “seems” or “is,” counselor? Is it “censor” or “censure?” There is a world of difference between them, and a lawyer should respect that.

The example Boyle provides to show that I censor (or is it censure?) the free speech of others is a passage I wrote about an incident involving Randall Robinson, whose book *The Debt* is a manifesto of the reparations movement.²⁰ In the incident, the very privileged Robinson is offended at an offhand remark made by a Virginia hayseed whom Robinson overhears referring to him in the third person as “boy.” Robinson claims to be so humiliated and overwhelmed by this reference that he concludes that his whole life – a life that has seen his rise from abject poverty to a position as counselor to presidents – has really been “a long way to nowhere.”²¹

My comment on this incident was that Robinson’s hypersensitive reaction and pessimistic conclusion are both absurd. He should grow up. This was a judgment coming from someone who has received similar insults as a Jew. Whatever one thinks of these matters, my commentary on Robinson is a matter of opinion, nothing more. But to Boyle it amounts to a federal case: “What, however, necessitates that a black man has to forego his right to protest freely . . . ?”²² Who said anything about Robinson foregoing his right to protest?

¹⁸ See *Texaco Exec Didn’t Use Racial Slur, Lawyer Says*, CHICAGO TRIB., Nov. 12, 1996, available at LEXIS, News, News Group File.

¹⁹ See Woodyard, *supra* note 16.

²⁰ See Boyle, *supra* note 1, at 680-81.

²¹ HOROWITZ, *supra* note 8, at 100 (quoting RANDALL ROBINSON, *DEFENDING THE SPIRIT: A BLACK LIFE IN AMERICA* 3 (1998)).

²² Boyle, *supra* note 1, at 681.

Even while hiding in the verbal bushes behind cagey insinuations, Boyle manages a really ugly taunt: “Horowitz’s arguable ‘racial libel’ against African Americans merely for their daring to seek reparations continues a long and dishonorable tradition of racial insult in American life, dating from before the Civil War and extending into the present.”²³ So now I am linked to slave-owners, segregationists and Ku Kluxers, all the while being charged with incivility! I’ve got news for Boyle. There are plenty of black Americans who reject the idea of reparations, including such widely respected intellectual figures as Thomas Sowell and Walter Williams. Contrary to Boyle’s assumptions, reparations are not a “black” idea and people who think they are a *bad* idea are not racists – “arguably” or otherwise. Interestingly – but no surprise – Boyle’s source for the term “racial libel” is Derrick Bell, a well-known black racist.

In the fourth section of his review, Boyle attempts to answer my arguments against reparations.²⁴ He does this systematically following my ten points. Here is my response:

1. Against my argument that no group is responsible for slavery, Boyle argues that whites are. The fact is that slavery existed in Africa for a thousand years before a white man ever set foot on the continent, the Arab slave trade was larger than the Atlantic slave trade, and in any case the vast majority of slaves were actually enslaved by Arabs and black Africans, not white Europeans and certainly not Americans.
2. Against my argument that no single group benefited exclusively from slavery Boyle merely asserts that whites have benefited most. This is an assertion, not a refutation, and entirely misunderstands the point. The reparations crowd claims that whites alive today have been the exclusive beneficiaries of slavery. This is obviously false. If the American economy benefited from slavery (by no means a resolved issue) clearly everybody alive in America today – blacks included – is a beneficiary of slave wealth.
3. Against my argument that only a tiny minority of white Americans owned slaves, while others gave their lives to free them, Boyle offers the argument that their government still should pay reparations, and that the sacrifice of life by those who died to free the slaves is insufficient payment. The point argued throughout my book is that the government being sued is the government that freed the slaves at great human cost, not the

²³ *Id.* at 682.

²⁴ *Id.* at 682-694.

slavocracy itself. The argument that the sacrifice of a life is not enough payment – or perhaps it is only the sacrifice of a white life that is not enough payment – is unworthy of response.

4. Against my argument that most living Americans have no connection to slavery Boyle offers no counter-argument at all, but merely reasserts that Americans owe all blacks a debt.

5. Against my argument that other reparations claims have been made in behalf of the actual victims, but this claim is based on race alone, Boyle concedes the point but argues that it doesn't matter. But of course it does.

6. Against my argument that reparations proponents have not shown that all African Americans suffer from the economic consequences of slavery and discrimination (think Oprah Winfrey), Boyle argues that even if some blacks are wealthy others are poor. So? Most American blacks live above the poverty line and 50% are middle class. Why are the others poor? If slavery and racism are the reasons, why aren't all blacks poor?

7. Against my argument that reparations are one more attempt to turn African Americans into victims and sends a damaging message to the black community, Boyle argues that reparations will end their sense of victimization. Perhaps he actually thinks there is a price that can be paid to heal the wound of slavery. I don't.

8. Against my argument that reparations to African Americans have already been paid in the form of net transfers of wealth through welfare and affirmative action, Boyle argues that it was not enough (even though it was on the order of two trillion dollars) and that the programs were not called reparations so they didn't have the "psychological significance that actual reparations or apologies might have." This shows why his argument in point 6 is vapid. No payment, no apology will ever be enough – not 350,000 lives laid down on the Union side in the civil war, not Lincoln's magnificent second Inaugural atonement, not Martin Luther King's canonization, not \$2 trillion in transfer payments to African Americans.

9. Against my argument that black Americans owe a debt to America as do all American citizens for the freedoms and prosperity we enjoy, Boyle offers a non-argument. He concedes that it's true that black Americans are the freest and richest blacks in the world, but argues that America owes blacks *more*

because of slavery. It's never enough. In fact, monetary payment that America owes to blacks for slavery, it owes to the dead. This is a truth that Boyle and the reparations proponents don't seem able to handle.

10. Against my argument that the reparations claim is a separatist idea that sets African-Americans against the nation that gave them freedom, Boyle simply asserts that I don't make my case, even though I show in my book the fanatical hatred of America by Randall Robinson and other reparations leaders, who look at America and find only oppression, exploitation and racism, and thus fail to understand that America has also made them prosperous and free.

After this demonstration of the poverty of the reparations argument, Boyle turns to isolated comments from my text that are hardly intelligible out of context. I will deal with a few. Like almost every reparations advocate including Randall Robinson he repeats the false claim that the United States Constitution refers to "blacks [as] 3/5ths of a person each."²⁵ The Constitution does not employ the term "black." The reference in question is to slaves, not African Americans (there were hundreds of thousands of free blacks).²⁶ In fact, anyone who cares about the rights of African Americans or slaves would have wished that the Constitution referred to them as 0/5ths of a person because the figure itself was for the purpose of assigning congressional seats. It was the racist, slave south that wanted their slaves counted as 5/5ths of a person – or a whole human being – for purposes of congressional representation. In short, the slave south wanted to vote their chattels' votes. Why proponents of reparations and black law professors would want to support the slave south on this issue is beyond me. Well, actually it isn't. What they want is to misrepresent America's founding in order to defame the nation. This is why I find the reparations movement reprehensible.

I am pleased to note that Boyle agrees with me that slavery in Africa was bad. African-American Studies expert Ernest Allen and Randall Robinson and many other opponents of my ad have argued the opposite, claiming that African slavery was benign. (This was their answer to my argument that no one group is responsible for slavery.) But then Boyle imputes to me an argument I didn't make – that bad African slavery "excuses" slavery in America.²⁷ I said no such thing. My point was that no single group can be ascribed the blame for slavery since it was a universal institution. Therefore it is immoral or at least unjust to single out one group to sue for reparations.

²⁵ Boyle, *supra* note 1, at 689.

²⁶ See U.S. CONST. art. I, § 2, cl. 3.

²⁷ See Boyle, *supra* note 1, at 693.

The summing up section of Boyle's article provides some unexpected praise: "Horowitz repeatedly offers relatively valid commentary, whether on the American Civil War, or welfare programs, or slavery on the African continent."²⁸ I'll take that. But then, Boyle writes, "[Horowitz] omits showing . . . a truly fair range of counter-arguments to his assertions."²⁹ With all due respect, I have answered every significant argument and counter-argument the reparations movement has put forward, and I think I have shown in this reply that Boyle himself has no counter-arguments to offer that should cause me to reconsider my position.

²⁸ *Id.* at 695.

²⁹ *Id.* at 696.

