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## Response to Boyle's Comment

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## RESPONSE TO BOYLE'S COMMENT

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*David Horowitz*

I agree with Martin Luther King's statement that "[t]he moral justification for special measures for Negroes is rooted in the robberies inherent in the institution of slavery."<sup>1</sup> But this is a very different from a statement that these special measures should take the form of "reparations," or the claim that living, free and prosperous black Americans who were never slaves should be compensated for the suffering of their long dead ancestors on the basis of their skin color alone – which is what the reparations movement proposes.

The reparations claim as articulated by Randall Robinson, Charles Ogle-tree and other leaders of this movement is about the alleged debt that "America owes to blacks" regardless of who they are or what they have suffered. It is about an "apology" allegedly owed by all living non-black Americans to black Americans regardless of what they or their ancestors have actually done towards black Americans. And it is about a refusal of the leaders of the reparations movement to acknowledge any debt that they or other black Americans owe to a nation that is responsible not only for their freedom and well-being but for the freedom of black Africans generally, since it was America (and Britain) that led the world-wide effort to end slavery, an institution created and maintained by black Africans, Arabs and other racial and ethnic groups as well as by Europeans and whites.

Finally, "special measures for Negroes" have already been enacted through affirmative action programs and net welfare transfers in the amount of several trillion dollars. The fact that both affirmative action and welfare have been available to groups other than blacks does not in any way vitiate the fact that they have been paid to blacks disproportionately in recognition that blacks have suffered disproportionately.

Boyle makes a big deal of one reference in my lengthy reply that suggests that he is black. Since many of my antagonists on the reparations issue have been white, I obviously did not draw this conclusion because he is a supporter of reparations as he maintains. In any case, it was a trivial error and in no

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<sup>1</sup> David Boyle, *Unexpected Racial Assertions: A Counter-Reply to David Horowitz*, 105 W. VA. L. REV. 711, 711 (2003) [hereinafter Boyle, *Counter-Reply*].

way affected any part of my argument. Similarly, the word “weasel” was applied to Boyle’s style, not his person:

. . . 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.<sup>2</sup>

That Boyle should see to embargo words on the basis of political correctness and make racial mountains out of such molehills speaks volumes about the way he approaches these issues.

Following these absurdities, Boyle’s descent into the racial gutter is rapid: “Even if not quite ‘hate speech,’ [Horowitz’s] insults to blacks border on intimidation. (His book can, arguably, be boiled down to five words: ‘Shut up, you black ingrates!’).”<sup>3</sup> This is ridiculous. There is nothing insulting to blacks in my arguments, my book or any word I have uttered in the course of this controversy. It is the reparations movement, on the other hand, which may be said to be insulting to black Americans, insisting that they are dependent victims, and that the post-slavery years have been an unmitigated disaster and not a remarkable triumph of the descendants of slaves over adversity and disadvantage. Far from telling blacks or anyone else to shut up, I have been solicitous of dialogue and debate on these issues and have been patient to a fault with those – like Boyle – who seem unable to express themselves without resorting to personal abuse.

While claiming to support intellectual debate, Boyle is resentful that I have a platform at all. “Not all blacks have their own books, columns, or websites, after all, unlike Horowitz,” he writes.<sup>4</sup> In the course of the controversy over my reparations ad there were in fact commentaries by black columnists for *USA Today*, *Time* magazine, the *Detroit News*, the *Chicago Tribune*, and *Forbes* magazine among other publications. The platforms from which blacks spoke on this issue – the faculties of Harvard and other elite universities – had a far greater reach in the intellectual culture than any I could command. But of course this doesn’t fit the racist melodrama of white masters and black menials, which provides the only prism through which Boyle appears to be able to approach the subject.

When Boyle is unable to distort my position, he simply makes it up: “And note Horowitz’s claim in his response: ‘a person’s constitutional right to

<sup>2</sup> David Horowitz, *Unsavoury Black Insinuations: A Reply to David Boyle*, 105 W. VA. L. REV. 699, 705 (2003).

<sup>3</sup> Boyle, *Counter-Reply*, *supra* note 1, at 712.

<sup>4</sup> *Id.*

free expression isn't worth much if his reputation can be destroyed by slander and invidious comparisons . . . .'<sup>5</sup> This is why I decry Horowitz's slanderous dismissal of black, and other, pro-reparationists as being idiots, ungrateful whiners, or even proto-traitors."<sup>5</sup> I observe that not a single instance of such dismissals is adduced, nor a single individual named.

Of course, I never meant to embargo the accusation of racism, whining, stupidity or betrayal from discussions of this or any other issue. The point was that the unsubstantiated accusations against me were made in televised protests and newspaper editorials, that I became the target of a nationwide political lynch mob, and had to be protected by university-assigned armed guards wherever I appeared.

In his original review, Boyle attempted to answer my ten points and in my reply to him I showed how shallow and insubstantial his answers were. Now he offers another slapdash ten responses, equally trivial. I will take one instead of wasting the reader's time with all ten. In my reply to his original article I showed that Boyle was flatly and factually wrong about the Constitution's 3/5th compromise. Instead of admitting his mistake, he tries to evade it by arguing that there shouldn't have been slavery in the first place, making his ignorance on the matter unimportant. As I have already pointed out, however, slavery existed in all societies and in black African societies for a thousand years before the Constitution was written and was accepted in all those societies (by blacks as well whites) until the American founders declared it morally wrong and launched the world's first measures to end it. So what does Boyle's argument amount to except a temper tantrum over the fact that everybody back then wasn't as smart and moral as he thinks himself to be now?

In closing, allow me to comment on Boyle's bad manners and wretched resort to insinuation and personal abuse. Here is his parting shot:

Once more, I happily support Horowitz's freedom of speech. I just wish that free speakers would use their freedom in a more fair and socially beneficial manner, lest they be mistaken for Trent Lotts in sheep's clothing.<sup>6</sup>

As I recounted in my book *Uncivil Wars*, which Boyle has read, when Trent Lott's hero Strom Thurmond was running for President on a segregationist platform in 1948, I was marching in support of Harry Truman's civil rights program.<sup>7</sup> I have been a stalwart (and public) defender of civil rights for black Americans for the 55 years since. I was one of the loudest public voices calling for Trent Lott's removal as Republican leader because of his remarks about

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<sup>5</sup> *Id.*

<sup>6</sup> *Id.* at 714.

<sup>7</sup> DAVID HOROWITZ, *UNCIVIL WARS: THE CONTROVERSY OVER REPARATIONS FOR SLAVERY 2* (2002).

Thurmond's campaign. That knowing all this, Boyle would still stoop to such mean-spirited insinuations (and in a law review debate) indicates why the reparations controversy is – and will remain – such a problematic episode in the annals of academic discourse.