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An Open Letter from Heaven to Donald Trump

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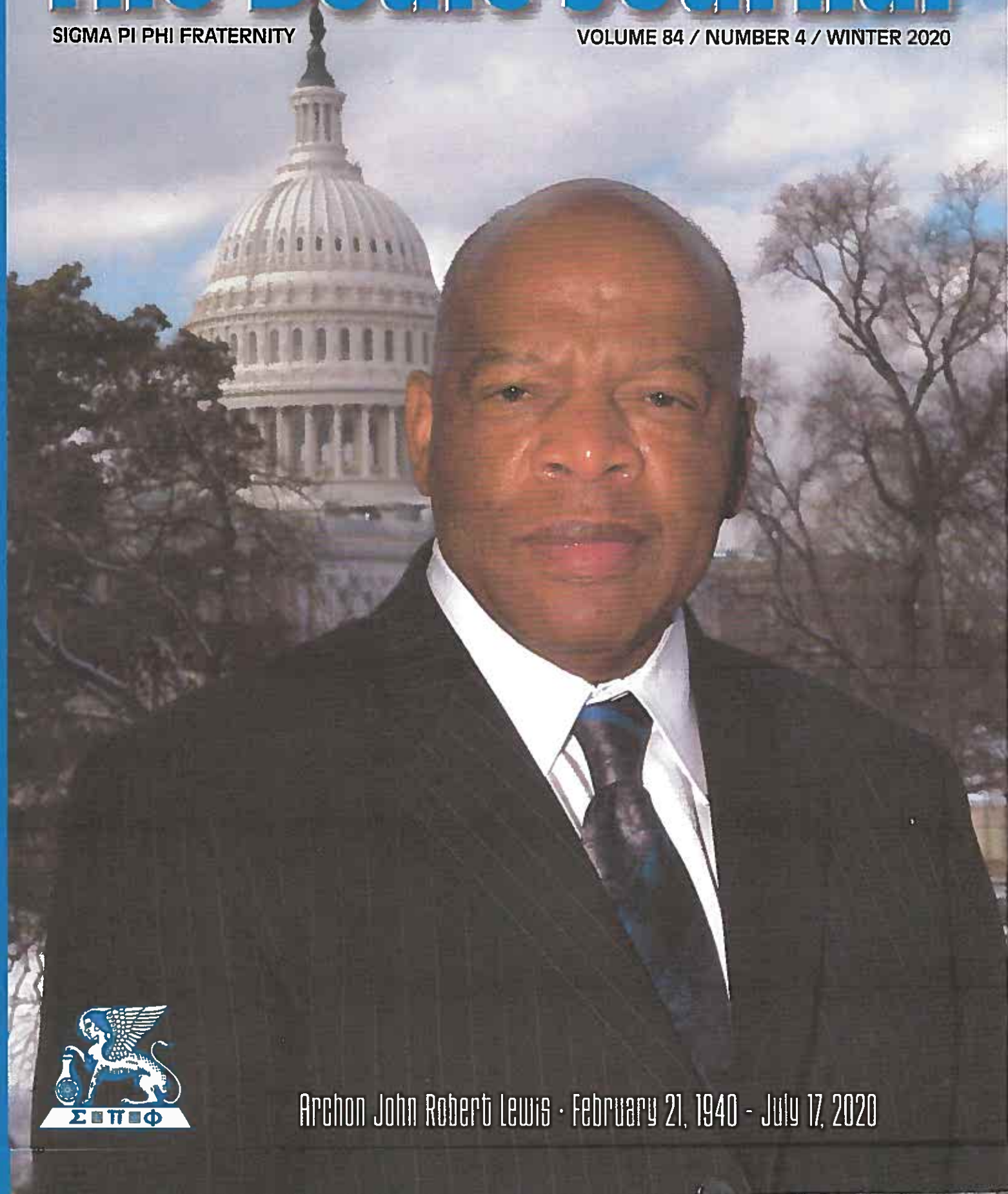


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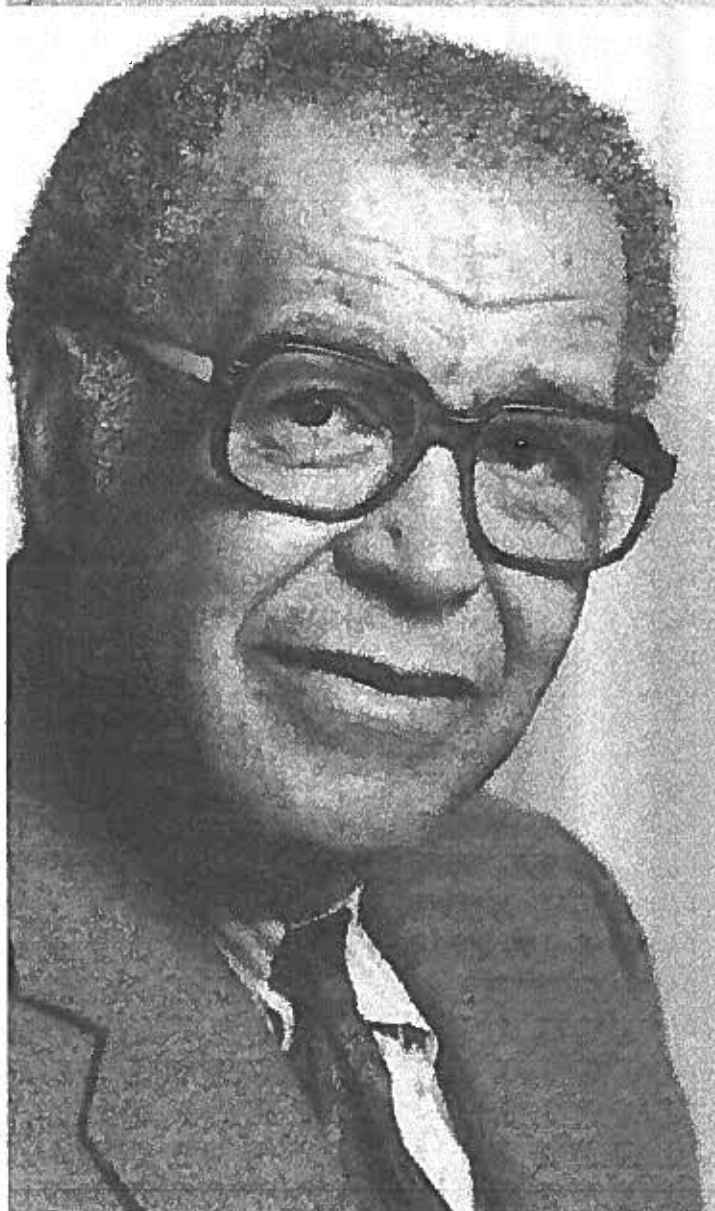


Archon John Robert Lewis · February 21, 1940 - July 17, 2020

AN OPEN LETTER FROM HEAVEN TO DONALD TRUMP

By Archon Michael Higginbotham, Gamma Boulé

Archon Michael Higginbotham shares a copy of a letter he received sent from Heaven to Donald Trump, shortly before the 2020 presidential election. The letter was sent by his uncle, former federal judge and Past Grand Sire Archon A. Leon Higginbotham, Jr.



PAST GRAND SIRE ARCHON A. LEON HIGGINBOTHAM
FEBRUARY 25, 1928 • DECEMBER 14, 1998

September 15, 2020

Dear President Trump:

I rarely write letters that are published for the public to read. In fact, of the thousands of correspondences penned during my career, only two prior to this have been published in journals. The first was sent to Justice Clarence Thomas twenty-eight years ago, shortly after his contentious confirmation as the 106th justice of the U.S. Supreme Court, and only the court's second Black nominee. This letter generated a good degree of controversy.

As the longest-serving Black federal judge at that time, I wrote that letter with the hope that reminding Justice Thomas of the great legacy of Justice Thurgood Marshall might encourage him to follow Justice Marshall's admirable path. As the first Black to serve on the Supreme Court, Justice Marshall's defense of minorities, the poor, women, the disabled and the powerless was unsurpassed. My apprehensions about Justice Thomas have proved to be well founded and my words do not appear to have had much influence. Yet I have no regrets about writing or publishing the letter, for I believe it sparked valuable public discourse.

The second open letter I wrote, this one from Heaven, was spurred by very different motivations from the first. I was inspired to write President Barack Obama because I, as a Black man who was appointed to many powerful positions in my time, recognized the responsibilities and peculiarities unique to a Black man in a position of power. I recognized the need for Obama to make changes, not the least of which was eradicating the racism that had hindered opportunities for millions of people of color and stunted America's utilization of its human resources for far too long.

Rather than apprehension, however, I felt enthusiasm for Obama's platform and was energized by his speeches. I regretted that our paths did not cross during my lifetime, despite my having taught at Obama's law school alma mater in the 1980's and 1990's. It was in this spirit that I wrote this second letter that sparked some public debate about the degree and extent of racial progress.

This third open letter is motivated by similar and yet very different reasons from those behind the previous letters. Quite frankly, Mr. President, I am alarmed by your behavior and frightened for the future of our country should you be reelected.

Our paths did not cross during my lifetime, despite my serving on the board of directors of your alma mater, the University of Pennsylvania, during the 1970's and 1980's. Your name, however, comes up often these days in Heaven, particularly in connection with the upcoming presidential election. But for now, let me share that I am deeply concerned both about the direction of the country with respect to racial equality, and, even more important, your rhetoric and policies embracing white supremacy.

You claim not to be racist yet so much of your approach demonstrates a lack of concern to prevent racially discriminatory treatment. Many statements made during your first presidential campaign (Muslim ban, failure to repudiate David Duke and the Ku Klux Klan, embrace of voter suppression laws and Jeff Sessions as attorney general, and your list of potential U.S. Supreme Court nominees) suggested a rollback of traditional civil rights protections. Your rhetoric was reminiscent of that of many past politicians known for using racial code words.

You do remind me of another very wealthy and powerful politician who also claimed not to be racist, John W. Davis. Davis came from a prominent family, was solicitor general under Woodrow Wilson, and then was the democratic nominee for President in 1924, losing to the Republican incumbent President Calvin Coolidge. I first saw Davis in person in April 1950 when, as a law student at Yale, I argued in the law school's Moot Court final round before a three-judge panel including Justice Tom Clark of the U.S. Supreme Court, Judge Edmund Lewis of the New York Court of Appeals and Davis. At the time Davis was reputed to be the finest appellate lawyer in the country, having won more cases before the Supreme Court than anyone else.

On that day I received the top oral advocacy award. After the arguments, Justice Clark and Judge Lewis greeted me warmly and offered their congratulations. But although he was most gracious and unhurried with the three other student contestants, who preceded me in line, all of whom were white, Davis never congratulated me. Instead, he turned to speak to someone else after barely touching my hand. It was not difficult to recognize the meaning of this behavior. I had seen it many times from whites offended by the mere presence of a Black in a place that they believed the Black had no right to be. For Davis, who two years later would serve as chief counsel for South Carolina before the Supreme Court in the seminal case of *Brown v. Board of Education*, my presence at Yale and my victory that day were things to be ignored. You have often demonstrated the same behavior as Davis.

I had sincerely hoped that you would have abandoned such an abhorrent approach. But with your first term as President almost complete without any directional change and appearing to resort to more racist rhetoric each day as we get closer to the presidential election, I felt compelled to share my thoughts in the hope that

it might spark constructive public debate and motivate many Americans to participate in the political process and, most important, to vote on November 3. It is in this spirit that I now write.

INTRODUCTION

I began writing this letter in February 2016 when you announced your run for president and used racial rhetoric in your first speech. On May 25, 2020, I decided that I would complete the letter and send it before the November 3, 2020, election. May 25 was a critical day for me because it was on that day that Americans and the world watched George Floyd call for his mother and utter his last words, "I can't breathe," for eight minutes and forty-nine seconds as a police officer held his knee on Mr. Floyd's neck. As protests over Mr. Floyd's death continued for weeks, the feeling that a racial moment of truth was facing the country was most apparent to me. I could not remain silent, even from Heaven.

You began your first presidential campaign with the slogan, Make America Great Again. This implied going back in time to a period when racial minorities were separated in housing, discriminated against in employment and lynched with impunity. Many wondered exactly what that would entail, particularly with respect to issues impacting racial equality. Since your election as President, Americans have witnessed your attempts at restricting Muslim immigration, embracing white nationalists, making the Supreme Court more conservative, reinventing civil war and segregation history, and dividing families and incarcerating children seeking asylum at the southern border, as well as your divisive language when another unarmed Black male, Jacob Blake, was shot by a police officer and paralyzed. Candidly, Mr. President, I seriously wonder about your definition of greatness and whether it includes living up to the promise of the Declaration of Independence's self-evident truth that "all men are created equal." If making America great again includes protecting Black lives, you need to say that clearly and unequivocally. Your actions, thus far, suggest it does not.

During the primary campaign of 2016, you were asked by a reporter whether you would disavow the support of former Ku Klux Klan leader David Duke and other white supremacist leaders and groups in general; you sidestepped the question saying, "I know nothing about David Duke. I know nothing about white supremacists." As criticism to your response mounted, you said you did disavow Duke and blamed your earlier noncommittal statement on a "bad earpiece." Because of the equipment malfunction, you said, "I could hardly hear what he's saying."

For American voters, what really should have mattered was not what you could or could not hear during a television interview, but what David Duke heard by

(listening to you. Duke explained that he supported you for president because he believed that you were a leader who would "break up Jewish-dominated lobbies" and ensure that white Americans preserve and promote their heritage and interests."

Why did Duke feel so certain that you shared his hate-filled vision of America? Because so much of your appeal was, and continues to be, based on racial code words and turning back the clock on civil rights progress since World War II.

When you entered the 2016 presidential race, you launched your campaign by impugning an entire population. Mexicans coming into the United States, according to you, might include a few good people, but far too many were "rapists" and "criminals." You proposed keeping Muslims from coming to America, at least on a temporary basis. The significance of the proposal was that it deliberately insulted a religion of more than 1.5 billion people, much to the delight of the religiously intolerant.

When asked about the problem of the use of excessive force by police against minorities, you responded that "police are absolutely mistreated and misunderstood." You showed frighteningly little concern for minority victims of police brutality. To you, the primary solution was giving "power back to the police, because crime is rampant."

Modern-day candidates like you always deny using racial code words. You confidently declared, "I have a great relationship with the Blacks" and "the Hispanics love me." The best way to tell, however, that a racial dog whistle is being used, is when racists like David Duke come racing over in support.

Speaking to a predominantly white crowd in Dimondale, Michigan, in August 2016, you asked African Americans: "What do you have to lose by trying something new" like me. "You're living in poverty," you said. "Your schools are no good, you have no jobs and 58 percent of your youth are unemployed. What the hell do you have to lose?"

After almost four years of your presidency, the short answer is stark: The African American community stands to lose much of the progress made in the last fifty years. If you are reelected in 2020 and continue your "promises made, promises kept" approach, the serious problems of equity and inclusion that racial and religious minorities still face will calcify or worsen.

Even the way you posed your "what do you have to lose" question revealed your deep lack of understanding. You seemed to view African Americans as an undifferentiated group: "You're living in poverty," you said. In reality, of course, some of us are living in poverty, some are working our way up the economic ladder, some are comfortably middle-class and others are enjoying economic prosperity. Similarly, some of our schools are indeed "no good," but others range from good to excellent. We are, Mr. President, a diverse community that has overcome

tremendous racial barriers through hard work, perseverance and unending hope to get where we are today.

Your tendency to characterize African Americans in a negative light and to see African Americans as nothing but a group of "others" was demonstrated long before you started firing people on *The Apprentice*. Early in your professional real estate career, you had to settle a racial-discrimination lawsuit brought by the Justice Department on behalf of Black and Latino potential renters of Trump-owned properties. Testimony in depositions indicated widespread deliberate practices designed to keep out minority renters.

Prior to running for office, you were a leader of the "birther movement," proclaiming that President Obama was likely born in Africa rather than the United States and challenging the legitimacy of his presidency by suggesting he was ineligible to serve. You failed to repudiate a similar charge made in 2020 against another Black politician, vice presidential candidate Kamala Harris.

On the general election campaign trail, you made it clear you opposed same-day voter registration and supported voter ID laws, to, you said, prevent illegal immigrants from voting and citizens from voting multiple times. Despite the evidence that such voter fraud is rare, statistics confirm the disproportionate impact of these positions on access to the ballot for Black voters.

You, Mr. President, seem to have difficulty recognizing racial discrimination in any of its forms, whether it comes in the form of men in white sheets and hoods on horseback at night with guns and torches or as facially neutral regulations like voter ID laws that have a disproportionate impact on racial minorities. Both are harmful to equal opportunity.

The only discrimination that you imagine exists is biased treatment against you. In May 2016, you implied that Gonzalo Curiel, the federal judge presiding over a class-action lawsuit involving one of your companies, Trump University, was biased against you and should recuse himself from the case because of his Mexican heritage. Even though Judge Curiel is an American citizen born in Indiana, you said: "He's a Mexican. We are building a wall between here and Mexico. The answer is, he is giving us very unfair rulings."

When I was a federal district court judge in 1974, I responded to a motion asking that I recuse myself because I was Black. The case, *Commonwealth v. Local 542, International Union of Operating Engineers*, was a civil rights employment action brought by Black construction workers against the construction industry. The way you did with Judge Curiel, the defendants moved to have me recuse myself because of comments I had made while speaking to a luncheon organized by the Association for the Study of Afro-American Life and History.

At the luncheon, I stated that African Americans could no longer rely exclusively on the Supreme Court as an instrument for social change. In responding to this recusal motion, I explained that the presence of

bias, not my skin color, should be the determining factor in a recusal decision. I further explained, "I concede that I am Black. I do not apologize for that obvious fact. I take rational pride in my heritage, just like most other ethnics take pride in theirs. However, that one is Black does not mean, ipso facto, that he is antiwhite; no more than being Jewish implies being anti-Catholic, or being Catholic implies being anti-Protestant." You, Mr. President, need to learn that lesson before your next racist recusal request.

You labeled Judge Curiel as biased against you, while allowing white judges like Neil Gorsuch and Brett Kavanaugh to rule on presidential-powers cases regarding Muslim travel bans and immigration on our southern border. This is the highest form of hypocrisy. In fact, it is reminiscent of unfair laws in Virginia during slavery times that prohibited members of abolitionist societies from sitting on juries in cases where Blacks claimed they were illegally enslaved while allowing white slave owners to serve on those juries. Both approaches embrace the same racist reasoning that those who might be in favor of racial equality must be prevented from decision-making authority due to their lack of objectivity while those opposed to such equality should be deemed free of bias and capable of rendering fair and objective decisions. Judge Curiel is no more biased against you than Justices Gorsuch and Kavanaugh would be biased in your favor.

More alarming, you are nominating the least diverse group of judicial nominees since President Ronald Reagan's administration in the 1980's. Racial pluralism in the judiciary is valuable for at least two reasons. First, due to the current duality of experience of Americans based on race, a more pluralistic judiciary brings a breadth of knowledge of our society that is lacking otherwise. Second, a judiciary where pluralism is absent may be perceived by many as unrepresentative of the society and illegitimate as a system designed to render justice. You have appointed very few Blacks and Latinos or Latinas to the federal courts of appeals and only slightly more to the district court level.

In 1992 I examined President Ronald Reagan's and President George H.W. Bush's dismal record on judicial pluralism and reluctantly concluded that I needed to publish an editorial bringing this disturbing development to the attention of the American people. I explained: "I am forced to conclude that the record of appointments of African Americans to the courts of appeals during the past twelve years demonstrates that, by intentional Presidential action, African American judges have been turned into an endangered species, soon to become extinct."

Similarly, based on your appointments process thus far, I must come to the same conclusion. Should you be reelected for a second term, I am convinced that the judicial pluralism achieved by previous administrations since 1992 will be in serious jeopardy.

It has often been said that "the truth will set us free." I think there is a lot of truth to the notion that race played a factor in your 2016 victory. There are many reasons people voted for you. Certainly, party affiliation and economic policies had an impact. But, unfortunately, there were some who were attracted to your racial rhetoric. We can debate whether this caused your victory. But what disappoints me is that the racist appeals should have prevented your win. Too many people disagreed with your racial rhetoric yet held their noses in 2016 and voted for you. They deemphasized or ignored the racist appeals.

I remember when Minister Louis Farrakhan organized and led the Million Man March in October 1995. While I agreed with most of the principles and goals of the march, I wrote an editorial in *The New York Times* about the importance of speaking out against bigotry, prejudice and religious intolerance especially when it is espoused by those within one's own race. I felt Minister Farrakhan had repeatedly espoused anti-Semitic and antiwhite rhetoric that could not be condoned or ignored. As a result, I chose not to attend the march and I spoke candidly about my reasons. My reasoning about the march is why I felt so many whites were wrong who explained their support of your candidacy based on your economic, foreign or trade policy while ignoring or diminishing your racist rhetoric. Your position on racial equality is just as important as your position on the economy or foreign affairs and must never ever be discounted or minimized.

Since your election as President, you have frequently held rallies where you are fond of quoting the phrase "promises made, promises kept." At this end of your first presidential term, it is appropriate to identify and examine these "kept promises" with respect to their inconsistency with core constitutional principles of racial equality and American ideals of fundamental fairness.

AMERICAN HISTORY

"Those who cannot remember the past are condemned to repeat it."

- George Santayana (1905)

During my almost fifty-year professional career, I wrote two books and more than fifty articles on how the American legal process was used to create and embrace notions of racial inferiority. I was one of the first scholars to demonstrate the connection between present-day racial discrimination and past cases such as *Dred Scott v. Sandford*, where the Supreme Court reasoned that Blacks "had no rights which the white man was bound to respect." Over the last few years, you have expressed positions on incidents and persons in American history affecting racial equality such as the Civil War, Andrew Jackson, and Blackface and

minstrel shows, which demonstrate not only inaccurate facts and incomplete scenarios but, most significantly, a failure to understand the connection between past racism and present inequality.

For example, you said if more politicians had listened to President Andrew Jackson, the Civil War could have been avoided. First, the only way to have avoided the Civil War was for the Confederate states not to have seceded. Jackson supported a strong federal union but there is no indication that Jackson was willing to give up slavery in order to preserve the Union. I agree that there was no good reason for the war. But I disagree with you as to how the war could have been avoided. Southern states should have abolished slavery and remained in the Union. Andrew Jackson never suggested this solution.

Second, you identified with Jackson because he was a populist candidate protecting poor people and reducing national debt, but Jackson failed to protect the poorest of all (racial minorities). His populism excluded racial minorities, particularly Blacks and American Indians. Your populism claims seem to have a similar racially exclusive emphasis as reflected in your Muslim ban and wall on the Mexican border.

Third, you can quote whomever you choose but if you are going to quote a leader from history, why not choose someone less racially divisive. Jackson was recently considered by the Obama Administration for removal from new twenty-dollar bills due to his genocide against American Indians on the Trail of Tears and his being a slave owner. If you would like to reference some Founding Fathers or historic political leaders from the South, why not quote figures that might be much less divisive and much more relevant today like George Wythe. Wythe signed the Declaration of Independence as a delegate from Virginia. He freed all the slaves he inherited at the time of his inheritance. He later proposed the first bill in Virginia for the abolition of slavery as a member of the state legislature. In 1806, as a Virginia judge, he ruled that the Virginia Bill of Rights declaring that all persons are born free and equal applied to all persons irrespective of race.

IMMIGRATION

"Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse from your teeming shore. Send these, the homeless, tempest-tost to me. I lift my lamp beside the golden door!"

— Emma Lazarus (1903)

Emma Lazarus's poem inscribed on the pedestal of the Statue of Liberty, captures the spirit of millions of immigrants, perhaps some of your own ancestors such as your grandfather, Eric Trump, who "yearned to breathe free" and who found freedom upon Amer-

ican shores. Your immigration policies seem to have strayed far from the inviting language of the statue. Your Homeland Security advisor said that the statue's language was only meant to embrace and cover European immigrants.

What caused this racist interpretation? While many politicians who oppose immigration reform behave as though they are simply trying to protect our jobs, much of their opposition is undoubtedly fueled by worry that America may no longer have a white majority. You called Muslims "terrorists," illegal immigrants in southwestern states "animals" and asylum seekers on the southern border "thieves and disease carriers." Your negative characterization of these primarily Black and brown immigrants is in stark contrast to your positive portrayal of immigrants from predominantly white countries like Norway. Your rhetoric on immigration reminds me of National Party government leaders in South Africa defending apartheid practices in the 1980's.

In 1986, I traveled to South Africa to attend a conference on dismantling apartheid. I was part of an American delegation made up of academics, business executives and government leaders. While the National Party had instituted apartheid practices in 1948 and had vigorously defended them for forty years, based on recent newspaper accounts, there was some sense from American officials that the party might be willing to reevaluate its position. However, upon arrival at the impressive government building in Cape Town, the American delegates were informed that the National Party remained enthusiastically committed to "separate development," the code words for racial discrimination.

As the American delegates were seated, three National Party members rose from their seats and began to speak. The lead delegate explained that Blacks and whites have vastly different cultures, resulting in inevitable and constant conflict between the races. Consequently, they said, it was necessary to separate the races in order to protect each from the other and to create an atmosphere where each culture could thrive. These lawmakers were adamant that the races must remain separated, and throughout the presentation they appeared to ignore me, the only Black person in the delegation, even though they looked and spoke directly to the other dozen or so American delegates.

Most of the Americans seemed stunned that the National Party officials had reiterated their commitment to racial discrimination so enthusiastically, had been so dogmatic in their presentation and had displayed such rudeness to me. When the American delegation was asked to respond, all delegates looked to me to articulate their collective feelings even though I was not the official designated leader of the group. I rose without fear or hesitation. I viewed it as an opportunity to speak truth to power, albeit entrenched racist power.

I began by talking about how much all human beings, irrespective of color, have in common. I said they all

need food, shelter and clothing. They all desire love and happiness. And they are all able to benefit from education, scientific discoveries and health care. I stressed the theme that we are all part of the human family, and that when we work together, we can accomplish so much more than when we work alone. I then switched gears and talked about the infamous atrocities that human beings had committed against one another over the years and how the perpetrators of such oppression had been judged in the corridors of history. I mentioned genocide in Cambodia, the Holocaust in Nazi Germany and the treatment of American Indians as some of the egregious examples. I then concluded by predicting that wrongs would not go unpunished much longer, quoting the character Shylock from Shakespeare's play *The Merchant of Venice*. Shylock said to his adversaries: "He hath disgraced me...scorned my nation...cooled my friends, heated mine enemies, and what's his reason?... If you prick us, do we not bleed? If you tickle us, do we not laugh? If you poison us, do we not die? And if you wrong us, shall we not revenge? If we are like you in the rest, we will resemble you in that...The villainy you teach me I will execute, and it shall go hard but I will better the instruction."

I must say that your rhetoric on certain racial immigration issues seems at least as harsh as, if not harsher than, the rhetoric by South African officials defending apartheid. As I tried to convey to those members of Parliament on that fateful day in 1986, you, Mr. President, are the real outlier on these immigration matters. I am certain that history will judge you most harshly as it has done with the National Party's policy of apartheid.

You proposed a temporary ban on all Muslims from entering the United States subsequently following the terrorist attacks in Paris and San Bernardino. You supported warrantless searches of mosques and a database that would require Muslim Americans to register with the government. Additionally, you also suggested that Muslim Americans should have to carry special identification cards that denote their faith. Your plans for the Muslim community sound familiar. After the bombing of Pearl Harbor, President Franklin Roosevelt signed an executive order that forced Japanese Americans from the West Coast to report to assembly centers for indefinite internment. Fred Korematsu, a Japanese American and a U.S. citizen, was convicted of violating the executive order. The Supreme Court upheld Korematsu's conviction, finding that the order was necessary because of the war with Japan, threat of invasion on America's West Coast and time constraints.

Even you admitted the similarities between your travel ban and Korematsu's internment when you stated during your first campaign for President that Franklin Roosevelt "did the same thing." But I think Justice Sotomayor said it best in her dissent in *Hawaii v. Trump*, the case challenging the constitutionality of your travel ban. Justice Sotomayor explained the racial animus of

both orders: "Today's holding is more troubling given the stark parallels between the reasoning of this case and that of *Korematsu v. United States*, 323 U.S. 214 (1944). In *Korematsu*, the Court gave 'a pass [to] an odious, gravely classification' authorized by an executive order. *Adarand Constructors, Inc. v. Peña*, 515 U.S. 214 (1996) (Ginsburg J., dissenting). As here, the government invoked an ill-defined national security threat to 'justify an exclusionary policy of sweeping proportion. As here, the exclusion order was noted in dangerous stereotype about, inter alia, a particular group's supposed inability to assimilate and desire to harm the United States. As here, the government was unwilling to reveal its own intelligence agencies' views of the alleged security concerns to the very citizens it purported to protect. And as here, there was strong evidence that impermissible hostility and animus motivated the government's policy...."

PROTESTS

*"And I know you will give consideration, shall we perish unjust or live equal as a nation, this is my country."
- Curtis Mayfield (1968)*

Black Americans have fought in every war the United States has undertaken. From Crispus Attucks in 1775, the first to die in the Revolutionary War, to Dorie Miller on December 7, 1942, who shot down several Japanese planes as his ship at Pearl Harbor was attacked. Throughout these conflicts, Blacks have been a loyal and patriotic group while keenly aware of the duality of experiences America offered based on race.

On September 22, 2017, you criticized African American professional football players in the National Football League who have been kneeling during the national anthem to protest the nation's racial disparities. The movement was started in 2016 by quarterback Colin Kaepernick.

You urged NFL owners to fire the protesting players and encouraged fans to walk out of games. "That's a total disrespect of everything that we stand for," you said at a rally in Alabama. "Wouldn't you love to see one of these NFL owners when somebody disrespects our flag, you'd say, 'Get that son of a bitch off the field right now? Out! He's fired,'" you said.

Conflicts between racism and patriotism have existed in America from the beginning of the country. During the Revolutionary War, slaves who escaped from their American owners were promised freedom if they volunteered for British military service. What should Americans think about your position on the NFL protesters' issue?

Shortly before he was scheduled to be shipped out to the Pacific Theater with other Tuskegee Airmen bomber pilots for combat duty in late spring of 1945, Second Lieutenant Mitchell Higginbotham, my cousin, participated in a significant segregation protest

during World War II. For those unfamiliar, the Tuskegee Airmen are the racially segregated all-Black air corps unit that gained fame for outstanding combat during World War II. Named for the airfield at Tuskegee University in Alabama where Black cadets initially trained to become pilots, the Tuskegee Airmen were part of a military experiment, forced on President Roosevelt by civil rights leaders unwilling to allow Blacks to be relegated to noncombat roles only.

While the Tuskegee Airmen had numerous combat firsts overseas, they embraced the dual role of fighting against discrimination in America. Through sit-ins, boycotts and other forms of nonviolent protest, the Tuskegee Airmen sought a ban on all racial segregation in the military.

I urge you to recognize that these NFL protesters are representative of a long line of patriotic Americans like my cousin, Lt. Higginbotham, and particularly Black athletes like Muhammad Ali, LeBron James and Tommie Smith, who peacefully protested white supremacy. They are on strong ground both legally, as to their First Amendment rights, and morally, as to the substance of their protest.

Your call for NFL protesters to be fired while failing to denounce the Ku Klux Klan and Neo-Nazi Party protesters in Charlottesville is most revealing. Most revealing in that you seem to accept the white supremacist protesters in Charlottesville, who wanted Confederate statues restored, and the armed protesters in Michigan, who wanted stay-at-home orders lifted, but you oppose NFL protesters who wanted America to end racial oppression. Your values seem to embrace freedom of speech for white protesters who agree with your political agenda but not Black protesters who disagree with that agenda.

RACIALLY MOTIVATED VIOLENCE

*"Their cause must be our cause too."
- Lyndon Johnson (1963)*

Ahmaud Arbery, a 25-year-old African American male, was out jogging in the Satilla Shores neighborhood of Brunswick, Georgia, on February 25, 2020. Gregory McMichael, a 58-year-old white male and former police officer, claimed that he and his 36-year-old son, Travis, saw Arbery and believed he resembled the suspect in a series of neighborhood home break-ins. According to McMichael, he and his son armed themselves and pursued Arbery in their pickup truck as he ran down a road. After a confrontation on the road between the three, Arbery was shot and killed. Two local prosecutors chose not to indict McMichael or his son and recused themselves from the case, but when a 36-second video surfaced of the shooting and protests began, the chief local prosecutor called for

a grand jury investigation. On May 7, 2020, some two months after the murder, Georgia Department of Investigation police officers arrested Gregory and Travis McMichael on charges of murder.

No doubt many will see similarities between this case and the shooting of Trayvon Martin by George Zimmerman in 2012. The Trayvon Martin tragedy resulted in an acquittal of Zimmerman and remains controversial even today. You, Mr. President, while belatedly extending sympathy to the Arbery family and labeling the video as "disturbing," have chosen to remain silent on administration of justice matters. At a minimum, you should request the Justice Department to review whether any federal civil rights violations have occurred. Your silence on the timing and substance of the indictments speaks volumes about your leadership in circumstances that might result in racial conflict. Most Americans recognize that racism thrives when leaders remain silent in its presence.

I worked in the Kennedy and Johnson administrations, and the day after Dr. Martin Luther King, Jr., was killed, President Johnson called me in to the Oval Office and appointed me vice-chair of the National Commission on the Causes and Prevention of Violence. On that day, President Johnson spoke candidly to the members of the Commission about the need to reduce racially motivated violence in our society. I hope at some point you will find your voice and speak, specifically, to the process and substance of this case but, more important generally, to the need to reduce and eliminate racially motivated violence in America today.

CONCLUSION

Mr. President, the simple truth is that you have a long history of racial animus. Your approach to issues of racial inequity has not reduced or alleviated such problems but rather, in many cases, it has exacerbated conflict. While there are many other equally important issues that the next President must consider, especially in this time of pandemic and economic collapse, protecting the poor, the powerless, racial and religious minorities, and others that this pandemic has frightfully shown are disproportionately harmed by the socioeconomic inequities that continue to exist in our society, is more critical than ever. I will watch the election results from my vantage point in Heaven, with a strong belief in the principle of equality and in the hope for a better tomorrow.

Sincerely,

Past Grand Sire Archon A. Leon Higginbotham, Jr.
Chief Judge (Retired), U.S. Court of Appeals for the
Third Circuit
Current resident of Heaven