

WHEN THE STARS BEGIN TO FALL

Sean Costello*

FOREWORD

In local, human terms, *the crit* is a collection of unique and exceptional characters. We have proven at times deliberate and at others erratic, but at all times imaginative, hopeful, and original. Each year, the growth of our community begins with a write-on. First, *crit*-hopefuls review a critical legal piece. Next, they prepare and submit a critical response. Students are invited to prepare their submissions in whatever format, style and tone they see fit; creative responses are encouraged.

The write-on for the 2009–2010 academic year involved a reading of Derrick Bell’s critical race piece, “The Chronicle of the Space Traders.”¹ Two decades ago, Professor Bell injected a challenge – a hypothetical, outlandish trade – into the academic discourse. His work imagined an America in which the white majority chose to vote the black population not only off of the continent, but off of the planet. In exchange for quick remedies to the social, environmental, and economic ills that their lifestyles had enabled, Bell’s whites struggled for but a moment. Thereafter, they destroyed – by wholly legal means – the structures set in place to protect and uphold the civil rights and civil liberties of black American citizens.

Bell presented the majority’s dilemma in deliberate and white-centric terms. As a result, the outcome of their struggle appears almost rational – and certainly logical. Like the real-life evolution from once blatant de jure racism to the insidious de facto discrimination that cried out for Bell’s academic critique in the late 1980s, the very language and perspective presented by “The Chronicle of the Space Traders” were formed and informed by the white experience. Bell offered his challenge to the racial hierarchy in terms that resonated with the racial monarch; the dilemma belonged to the whites—and in their unique capacity to respond to that dilemma, so too did the power.

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¹ Derrick Bell, *After We're Gone: Prudent Speculations on America in a Post-Racial Epoch*, 34 ST. LOUIS U. L.J. 393 (1989).

Offered here is the creative response prepared by our own Sean Costello. Sean has adapted and expanded Bell's critique, inviting readers to step beyond the white majority perspective. As he invites readers into the mind of a single black man in the hours before he and his people are removed from the planet, Sean examines the social history and individual subconscious that prepare a man for his own disappearance.

Sean's work is one outstanding example of the interdisciplinary, extra-legal, and critical examination of the law and its many rigid structures that *the crit* strives to employ. His work is both a call to explore further and a foot set on the path of that exploration. Much work is left to be done.

Sarah Simmons
the crit, Editor in Chief

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It is barely dawn on New Year's 1999, and I can't stop dreaming. I'm still black. It's always been late.

The ominous ships approach, their black gaping hulls like empty, self-contradictory smiles. Finally America has confessed itself. Made its self actually known. On and off, black and white, binary dreams barraging me all night.

The first dream is a subway.

Though first a train from Bed-Stuy. It is dusk in the fall, 1982. My father writes black culture. I am holding his hand – so large it encapsulates mine. I imagine the subway as a worm. The walls are coal, black and shimmering. I imagine the graffiti rubbing off on it, and it looks like when I spill ketchup and mustard on myself.

The gallery is at 48th Street, and my father smirks and mutters: "Andy . . . Andy." I don't know Andy.³ We walk and all the white people wear fur and their eyes are open too wide. Everyone is going the wrong direction. Their jewels and bright teeth clink in time with their high heels.

Then Jean-Michel,⁴ peeing outside on broken cardboard; a brown smooth roll, releasing smoke. The smoke curls around his matted dreadlocks like a broken, undulating halo. A misplaced Haile Selassie.⁵ My father makes me wait, and Jean waits with me. In the alley, he lets me practice letters with charcoal on a wall of smooth brick, red baked earth. I copy him letter for letter: S-A-M-O. He tells me this means "same old shit." But I don't know what that means yet.

Then late and the subway back. Only feeling like everyone is afraid of me.

² Lyric from 19th century slave spiritual, *My Lord, What a Morning*.

³ Andy Warhol, American artist. *See generally* ANDY WARHOL, *THE PHILOSOPHY OF ANDY WARHOL: FROM A TO B AND BACK AGAIN* (Harcourt Brace Jovanovich 1975).

⁴ Jean-Michel Basquiat, American artist. *See generally* PHOEBE HOBAN, *BASQUIAT: A QUICK KILLING IN ART* (Viking 1998).

⁵ Haile Selassie, Ethiopian political and religious leader. *See generally* CHARLES GORHAM, *THE LION OF JUDAH: A LIFE OF HAILE SELASSIE I, EMPEROR OF ETHIOPIA* (Farrar, Strauss & Giroux 1966).

The second dream is a lecture.

Though first a girl. I had met her near Barnard. I worked maintenance there during the day but lived in Newark. Everyone in Bed-Stuy was cracked.

I enjoyed the poetry of the Newark station. Watching the homeless, pot-bellied blacks bum-rushing passengers, though not for cash.

The bums had thick skin. It was unbelievably cold, and they stood in unzipped polyester Mets jackets. The oldest of them, the King, kept asking the white kids if they were from Nova Scotia and then laughing and giggling. The bundled youths seemed jealous that the King knew something they didn't; if at least how to stay warm.

Then the train, crawling toward the city. She would always wait for me midtown, near the hidden white marbled Mormon Temple – in Lincoln Square – where the wealth secreted itself, through mortared echoes of opera and up from under blood-red croppped carpets. Always in the alley there were prematurely aged men – on their second shift: coughing janitors waiting for the end of shows.

This dream we walked down 63rd Street and rented a room at the YMCA, then a slow floating walk through the park.

Then to the lecture, a cab. I touched her brilliant red hair, strands on the back black vinyl seat. So fine I thought it would crumble like sandy clay. Her skin translucent, glowing milk quartz like the inside of a fish; a random smattering of small freckles trying to let color loose.

When we arrived all the students were pushing each other around. Then they seemed to part for her and we entered and

Foner⁶ was shaking hands. Some of the bearded professors wore bowties, like casual Elijah Muhammads.⁷

Then the famous historian,⁸ speaking about what might be a real Lincoln, about Lincoln evolving his own mind. I thought about Bitches Brew⁹ at home on the dilapidated record player. I dreamed my hands were shaking. I dreamed I shook it off. This was just about love.

The last dream is a fortress.

Just screams and sirens. The real, the current America. My family gone in the smog of crushed concrete dust. Our lungs on fire but billows as well. Hatred and anxiety. The Ghosts traipse and stun, invisible but to those of us inside the dungeon.

One approaches me, stabs: “Your fathers were animals as well. . . . We watched them auctioned like burros.” Then a deputy shaking his head opportunely: “Look what your Earth can do.”

Finally dawn and shackled. Immediately and literally understanding freedom.

⁶ Professor Eric Foner, American Civil War and Reconstruction historian. *See generally* ERIC FONER, *OUR LINCOLN: A NEW PERSPECTIVE ON LINCOLN AND HIS WORLD* (W.W. Norton 2008).

⁷ Elijah Muhammad, Nation of Islam leader. *See generally* KARL EVANZZ, *THE MESSENGER: THE RISE AND FALL OF ELIJAH MUHAMMAD* (Pantheon 2001).

⁸ Foner, *supra* note 5.

⁹ Album by Miles Davis, American jazz musician. *See* MILES DAVIS, *THE COMPLETE BITCHES BREW SESSIONS* (Columbia 1998).