



THE MARSHALL PLAN FOR THE ECONOMIC RECOVERY OF BLACK AMERICA

**A white paper from America's leading
voices on civil rights and economic
empowerment**

**Congress Should Use a New Stimulus
Package to Create a \$1 Trillion
Recovery Inclusion & Stabilization
Fund (Marshall Plan) to Help African
American Communities Recover and
Rebuild After the Coronavirus
Pandemic**

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DECLARATION

We the undersigned fully support this proposed plan of action and call on the U.S. Congress and Administration to show their serious intent to support communities of color who have experienced the most loss during the coronavirus crisis and who to date have received almost no assistance.

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Congress Should Use a New Stimulus Package to Create a \$1 Trillion Recovery Inclusion & Stabilization Fund (Marshall Plan) to Help African American Communities to Recover and Rebuild After the Coronavirus Pandemic

Background

As Americans deal with the ramifications of the Corona virus, the great racial disparities that have plagued African Americans for centuries have become starkly and deadly visible for all to see. An imperative exists for Congress to achieve the spirit of the 14th Amendment, the Civil Rights Act and enact affirmative remedies abolishing the residue of systemic racism. This inevitably requires developing a plan to save African American institutions including businesses, non-Profits, HBCUs and other entities serving traditionally under-resourced multicultural neighborhoods and communities.

This current public healthcare and economic crisis has laid bare the adverse impacts and implications of decades long policies and practices of benign neglect towards African Americans and the African American community in terms of housing, education, healthcare, employment and entrepreneurship. For too long the answer to the request for race specific remedies has been met with legal and political hurdles.



This document seeks to not only lay out the provisions of the “African American Marshall Plan” but to also provide the legal justification for such a remedy.

Provisions of the African American Marshall Plan

The stark reality is that the coronavirus pandemic is having a devastating effect on the African America community. Far more often than not, African Americans are deemed “essential” employees for the pandemic response beyond first responders and healthcare professionals even as their children require home schooling or daycare. Moreover, African Americans are at greater risk of contracting, needing hospitalization or dying from the coronavirus than other racial and ethnic groups across the United States.

Along with battling the scourge of this life sapping disease, this new normal requires us to be forward-thinking when it comes to every day American freedoms and liberties, like voting rights, social connection and natural disaster preparedness. We already have seen how difficult it is for states to conduct primary elections during this crisis. Some states, like New York, have postponed primary voting with no guarantees that a primary will happen at all because of the pandemic. In other states, like Ohio, mail-in balloting for the primary election is being considered without the necessary funds to ensure ballots can be mailed to all registered voters. Finally, states like Wisconsin proceeded with in-person balloting despite an inappropriate number of polling places and ballots, as well as failure to ensure adequate social distancing and other preventative safeguards.

Furthermore, we are approximately 60 days away from the 2020 Hurricane Season. Federal and state weather experts such as NOAA, predict that the 2020 season severity of destruction will double the harsh 2019 season at a minimum, with at least 16 named tropical storms and 8 major Hurricanes. As such, there is a very real possibility that as we begin to emerge from this coronavirus season, several jurisdictions along the Atlantic and Gulf Coasts, all with significant industries and sizable communities of color, will experience “Hurricane Katrina” or “Super Storm Sandy” type catastrophes. How will we handle the mass care, food, clothing and shelter needs for millions of Americans if evacuation orders are required? How will we set up emergency shelters just weeks after insisting that Americans shelter in place and practice social distancing? How will we provide for the needs of already over-worked first responders and healthcare professionals, some of whom have contracted the virus themselves? Will they be able to go back on the frontline for storm season so soon after battling the deadly coronavirus? These questions all need



answers. There is no “one size fits all” solution, for these unprecedented times are compounding the losses of un-served and underserved African Americans.

Consequently, a Stimulus Package must include race and ethnicity as a factor to ensure a level playing field in the recovery and mitigation phases of this tragedy across communities of color, particularly the African American community. This plan would be called the Recovery Inclusion and Stabilization Fund (“RISF”).

Proposal

Under the RISF, \$1 trillion fund would be created from up to \$400 billion of previously authorized but unspent funds, and up to \$600 billion in newly appropriated funds from the next Stimulus Package that can be drawn upon by minority businesses and minority nonprofit organizations to fund community-based businesses and revitalization projects. Under the RISF:

- \$350 billion in forgivable loans to “qualified” African American for-profit businesses
- \$250 billion for “qualified” non-profit organizations serving predominantly African American constituents or community projects
- \$250 billion to support both public and private Historically Black Colleges & Universities (“HBCUs”)
- \$150 billion for municipalities with substantial African American populations to help prepare for and respond to natural disasters

The stakes for our increasingly diverse and divided nation have never been higher in our lifetimes. History has shown that generations of benign neglect policies and practices toward the African American communities have crippled our overall ability to compete on the world stage in this technological age. We believe Congress must act boldly and decisively by creating the Recovery Inclusion and Stabilization Fund so that we emerge from the current crisis as One Nation, with all hands on deck that is ready, able and willing to lead the world in this new normal.

Legal Justification for Race Specific Remedies

The 14th Amendment was ratified by the states in 1868 as the longest Amendment to the Constitution. The five (5) portions each specifically address the remedies



necessary to remove all vestiges of racial discrimination. The drafters of the Fourteenth Amendment tried to force the former slave states to enfranchise blacks on the same basis as white by threatening to reduce their representation in Congress if blacks were not allowed to vote. The most vitriolic debates of the era centered upon birth right citizenship for former slaves and the cascading groups such a ruling would entail. Senator Simon Cameron of Pennsylvania argued for the inclusion of ...” the Negro, the Irishman, the Frenchman, the Scotsman, the Englishman and the Chinaman.” Whereas west coast republicans openly opposed the measure because of opposition to the Chinese immigration and the “pagan race “program. Less than five (5) years after ratification the Supreme Court begins to distort the meaning of the Amendment in the 1873 **Slaughterhouse** cases. The Supreme Court discussed race to accomplish an economic benefit for white, largely confederate plaintiffs. Despite the history of the 13th, 14th and 15th Amendments, the Supreme Court refuses to offer blacks any civil rights protections from open brutality. The 14th Amendment would not be used to actually support black civil rights until **Gaines v. Canada** in 1938. The notion that the 14th Amendment supports any other groups, but slaves and their descendants would cascade into privacy arguments in the 1970s.

Prior to 1973 access to abortion was not considered a right in America, and many women were relegated to choose between unwanted pregnancies and dangerous procedures in unauthorized locations. The landmark **Roe v. Wade** shifted the tides by legalizing the right to abortion across the country. The Supreme Court recognized an implicit constitutional right to privacy in the 14th Amendment. The nation would debate the efficacy and moral implications of the ruling for nearly Fifty (50) years. The origins of the 14th Amendment are grounded in protecting former slaves from denying ... “life liberty or property” without due process of law, or to “deny any person within its jurisdiction the equal protection of the laws.”

The continued debate about **Roe v. Wade** seems vibrant and at the forefront of the American body politic on a daily basis. However, the Supreme Court ruled to limit the remedies passed by Congress to help the descendants of former slaves in 1989. **Richmond v. Croson**, imposed strict scrutiny upon any racial equity remedy because African Americans and Caucasians “achieved racial equity”. The fundamental underpinnings of the ruling seem to avoid any cognitive understanding of the term equity. In fact, the original Lyndon Johnson’s Civil Rights Act, Civil Rights Commission, stated the United States should enact affirmative action to provide opportunities to a class of qualified persons who suffer both actual and historical discrimination.



Conclusion

Individuals with veracity of purpose deduce the 14th Amendments should be utilized to remove the remnants of slavery. Tailored remedies are within the auspices of the original constitutional drafter's intent. We should demand the Supreme Court fulfill its duty from over One Hundred Fifty (150) years ago. The reversal of **Richmond v. Croson** should be the clarion call of all people who seek the fulfillment of Abraham Lincoln's Emancipation Proclamation and the Civil Rights Act of 1964.

Given where we stand, the incontrovertible solution is a Marshall Plan aimed at remedying 150 years of purposeful exclusion and denial of opportunity. As has been explained, Congress has both the authority and the duty to ensure the affirmative right of life liberty and the pursuit of happiness for all Americans including African Americans. Anything short of absolute economic inclusion and support is inexcusable.