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Our Silence Will Not Protect Us . . . and Neither Will J. Edgar Hoover: Reclaiming Critical Race Theory under the New McCarthyism

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. . . and when we speak we are afraid
our words will not be heard
nor welcomed
but when we are silent
we are still afraid.
So it is better to speak
remembering
we were never meant to survive.
—Audre Lorde (2020:283)

The Trump administration ushered in a manufactured moral panic against critical race theory and antiracist education that has outlasted his presidency. Education bans enforce collective amnesia. As we battle this new McCarthyism, educators and activists must not forget the lessons of the original McCarthyism.¹

In the highly praised “week in the life” biopic *Being the Ricardos* (Sorkin 2021), the answer to the red-baiting innuendo and outright attacks against Lucille Ball is to call in the big guns—FBI Director J. Edgar Hoover—to issue a dispensation, in the form of a live phone call assuring the studio audience that America’s top comedian had been cleared of all charges of communism. Ball had earlier testified before the Cold War career-crushing House

Un-American Activities Committee (HUAC), successfully persuading them that she had checked the Communist box on her voter registration form only to honor her grandfather, not because she actually had any Communist ties. The story nonetheless flared up in a red-ink headline accusing the redhead of being a Red, and the survival of her extremely popular TV show—and her career—was at stake.

In the dramatic climax of the movie, Hoover’s benevolent words exonerating Lucille Ball are met with thunderous applause from the studio audience, reporters snap photos, and professional death for the “I Love Lucy” team is averted. In real life, however, Hoover never made that phone call, and the FBI continued to keep a file on Lucille Ball and husband Desi Arnaz (Villarreal 2021). Director Hoover, Senator Joseph McCarthy, and other Cold Warriors used red-baiting, unfounded allegations, and intimidation to construct a demonized enemy and amass political power. That writer-director Aaron Sorkin, known for his snappy dialogue and smart take on American politics, would treat the fanatically anti-Communist and life-ruining Hoover as benefactor rather than perpetrator is more than just an imprudent exercise of poetic license. With a script that barely gestures toward the profound harm caused by McCarthyism and red-baiting, this 2021 film sends exactly the wrong message in a contemporary moment when a new McCarthyism has engulfed the nation.

¹ Spoiler alert: This commentary reveals the ending of a popular film. Also, democracy.

We would like to offer a different message to educators today worried that the best way to defend themselves from right-wing attacks against a manufactured bogeyman is to insist that they (or their children's kindergarten teachers) do not now teach nor have ever taught critical race theory (CRT).

Attacks on antiracism education, the Pulitzer Prize-winning 1619 Project, and critical race theory seek to silence any discussion of systemic racism, cynically cloaked in a thin pretense of opposing hate, division, and the "anguish" of (white) children. Kindergartners are being saved from picture books about Rosa Parks and high schoolers are being sheltered from Nobel laureate Toni Morrison's novel *Beloved* (1987). These attacks—while similar to earlier "culture wars"—are part of current strategies to undermine democracy (Crenshaw 2022). In addition to voter suppression and storming the U.S. Capitol, destroying truthful education is a key ingredient in the recipe to dismantle democracy in the name of patriotism.

Developed by legal scholars of color in the 1970s and 1980s, critical race theory offers a vital lens that can inform how we educate ourselves, our students, and our communities about the history and present-day manifestations of systemic and structural racism. These academic approaches also provide tools for imagining and creating a more just society that does not rely upon racial hierarchies. We cannot allow the cynical fear-mongering of the Right to make us abandon or denounce what we know are valuable pedagogies and epistemologies.

Unveiling The New "Un-American"

On September 4, 2020, three days after bit player Chris Rufo had a cameo on Fox News in which he declared (in his best Joe McCarthy) that critical race theory had "pervaded every institution in the federal government," the Trump administration issued a memo with the simultaneously innocuous and ominous subject line "Training in the Federal Government" (The White House 2020). The Office of Management and Budget Director spelled out the President's targeting of "un-American" activities:

The President has directed me to ensure that Federal agencies cease and desist from using taxpayer dollars to fund these divisive, un-American propaganda training sessions. . . . [A]ll agencies are directed to begin to identify all contracts or other agency spending related

to any training on "critical race theory," "white privilege," or any other training or propaganda effort that teaches or suggests either (1) that the United States is an inherently racist or evil country or (2) that any race or ethnicity is inherently racist or evil. In addition, all agencies should begin to identify all available avenues within the law to cancel any such contracts and/or to divert Federal dollars away from these un-American propaganda training sessions. (The White House 2020)

This memo decrying "un-American" activities confirms the sentiment of a popular meme: "Racism is so American that when you protest it, people think you are protesting America." By the end of the month, Trump issued Executive Order 13950, with the clownishly Orwellian title "Combating Race and Sex Stereotyping," banning diversity trainings and other antiracism efforts by federal agencies and contractors. On his inauguration day, President Joe Biden revoked Trump's gag order. Nonetheless, within six months, Florida, Arkansas, Idaho, Iowa, Montana, Tennessee, and Oklahoma had already passed measures to ban critical race theory, anti-racism education, and/or the 1619 Project (the acclaimed *New York Times* project that "aims to reframe the country's history by placing the consequences of slavery and the contributions of Black Americans at the very center of our national narrative" [Hannah-Jones et al. 2019]). A majority of states and countless localities have followed suit with over 600 anti-CRT measures alone (Reinhard 2023). These sprawling and vaguely worded proposals (and even "tip lines" for informants) are intended to silence teachers, mobilize the Trump base, and suppress an honest grappling with this nation's history and present.

How Did We Get Here? Racial Reckoning To Racist Retrenchment

In the summer of 2020, widespread protests against systemic racism swept the nation and the world in the aftermath of the police killings of George Floyd and Breonna Taylor. These protests built upon decades and centuries of collective resistance against racial injustice, and they also signaled a shift. People and communities that had never protested before—and had never uttered the words "systemic racism" before—were participating in demands for structural change alongside national and community groups that have been strategizing for racial justice for

generations. Protestors wanted accountability in specific killings, but they also called attention to historical and deeply structural causes of police brutality and social inequities. Statues and plaques honoring Confederate generals and other defenders of slavery came tumbling down in places like Virginia, Kentucky, and South Carolina (Ebrahimji, Moshtaghian, Johnson 2020). Policymakers, journalists, and even the casual consumer of news could not ignore these collective voices.

Something was beginning to shift. “It feels different this time,” wrote Nikole Hannah-Jones in June 2020:

The changes we’re seeing today in some ways seem shockingly swift, and in other ways rage-inducingly slow. After years of black-led activism, protest and organizing, the weeks of protests since George Floyd’s killing have moved lawmakers to ban chokeholds by police officers, consider stripping law enforcement of the qualified immunity that has made it almost impossible to hold responsible officers who kill, and discuss moving significant parts of ballooning police budgets into funding for social services. Black Lives Matter, the group founded in 2013 by three black women, Patrisse Khan-Cullors, Alicia Garza and Opal Tometi, after the acquittal of Trayvon Martin’s killer, saw its support among American voters rise almost as much in the two weeks after Floyd’s killing than in the last two years. (32)

The concerted right-wing response to this transformative period of collective (and effective) uprising against structural racism was an intense effort at containment. This backlash has come in many forms, including the discursive maneuver that *antiracism* is the real racism, and that anguish comes not from discrimination but from *talking about* discrimination. Aiding and abetting white supremacy, this lie aggressively tries to divert attention away from the truth-telling of these protests and silence any discussion of systemic racism and concrete strategies for change.

In September 2020, this cynical gesture appeared in Trump’s memo and executive order, narrating a perverse caricature of critical race theory, and professing to defend (white) Americans from the supposed harm that this diverse body of academic work was allegedly causing to their psyches, their children, and the nation itself. Trump was voted out of office two months later, but the retrenchment continues.

The Long, Predictable History Of American Backlash: Draining Pools Of Knowledge

[W]herever there is race reform, there’s inevitably retrenchment, and sometimes the retrenchment can be more powerful than the reform itself.

—Kimberlé Crenshaw (Wiener 2021)

Backlash is nothing new. Attacks on education are nothing new. Painting social justice as division is not new. Calling antiracism the *real* racism is not new. It is worth noting here that projection is a key tactic of fascist politics. See Jason Stanley’s *How Fascism Works: The Politics of Us and Them* (2018), among other recent studies of old and new fascism.

In her brilliant study *White Rage: The Unspoken Truth of Our Racial Divide* (2016), Carol Anderson offers a searing analysis of American history as a series of white-led backlash to Black advancement, from Reconstruction to the election of Barack Obama. Backlash can take various forms. In recent years it has metastasized as birtherism (reacting to the first African American President by claiming he’s not American), anti-trans bathroom bills and athletic bans (reacting to federal recognition of same-sex marriage with anti-trans legislation), Sharia law and travel bans (reacting to the mere existence of Muslim Americans anywhere in the country), voter suppression laws (reacting not to voter fraud but rather to the changing demographic makeup of the electorate), and similar fantasies based on lies but still galvanizing a conspiracy-primed public.

A central lie throughout American history has been the reassurance offered to working-class white people that they have more in common with the wealthy white elite than with fellow workers of different ethnic backgrounds. Whatever degradation white folks suffer, at least they are not on the bottom. Heather McGhee, in *The Sum of Us: What Racism Costs Everyone and How We Can Prosper Together* (2021), argues that white people have historically fought to maintain their relative status and make sure someone else is on the bottom, even when that meant destroying public goods that benefit everyone. In the face of social advances, white Americans have closed schools, opposed health care, and even drained public swimming pools, just to keep people of color out, even as each backlash hurt their own education, health, and communities. Educating ourselves and our students about this pattern and about how we don’t have to see justice as a zero-sum

game is crucial to reversing this “divide and rule” dynamic deployed by the elite. In the battle over education, the zero-sum terms have been set as “if we study the history of *you*, it damages the history of *us*,” rather than, “an honest grappling with our true history benefits *all of us*.” Today’s teaching restrictions will diminish everyone’s education. Lawmakers are draining pools of knowledge rather than allowing a truthful and inclusive history to circulate.

Backlash targets education because reactionary forces know that education is powerful. Truthful education arms the populace against disinformation, conspiracy theories, divide-and-rule manipulation, and lies. This has always been the case, but education is even more vital in an era when people get their news and “information” from monetized internet sources and social media.

Many educators, from elementary schools to universities, have responded to contemporary attacks on their teaching by asserting that they are not actually teaching critical race theory, saying that CRT is a fairly obscure academic theory taught in a handful of law schools. Such defenses are understandable, particularly when teachers, librarians, principals, and elected officials are finding their jobs endangered, and violent threats are being launched online, in heated school board meetings, and at people’s homes. And of course, it is true that no one is teaching Derrick Bell’s casebook on *Race, Racism, and American Law* (2000) to middle school kids. At the same time, responding with denials actually plays into the hands of the Right’s goal to “brand” CRT as something toxic.

A tweet from Chris Rufo, who got the anti-CRT ball rolling, nakedly boasts about this disinformation strategy: “We have successfully frozen their brand—‘critical race theory’—into the public conversation and are steadily driving up negative perceptions. We will eventually turn it toxic, as we put all of the various cultural insanities under that brand category” (Meckler and Dawsey 2021). This weaponization of a label the Right intentionally misrepresents obviously harkens back to Senator Joe McCarthy’s sheaf of blank papers not actually filled with the names of “known Communists,” but it also takes place in a new era with even more dangerous modes of disinformation in the hands of right-wing strategists who need only Fox News and a sheaf of tweets.

Denying membership in this phantom club might seem like a prudent act in this theater of threats.

Teaching Truth To Power: Reclaiming Critical Race Theory

We propose a different approach. Teachers and their supporters should enthusiastically embrace the paradigm-shifting lens of critical race theory and point to its power as theory, praxis, and pedagogy. We know the dangers are real. Educators are being threatened, attacked, and fired. Much is at stake. Our point is that ceding critical race theory to the Right’s misrepresentations only empowers the tactic. And because they’ve painted this complex theory in such ambiguous and slippery terms (it disrespects our “founding fathers,” it makes [white] children feel bad, it divides, etc.), one can’t ever really prove one’s hands are clean. Even bland institutional buzzwords like “equity” have been painted as dangerous code for CRT. Critical race theory is a vital lens to help us make sense of the disparities of wealth, health, housing, education, and imprisonment in U.S. society that persist even after the Civil War Amendments, *Brown v. Board of Education*, the 1964 Civil Rights Act, and other legal gestures toward racial equality. By shining a light on systemic racism, critical race theory allows us to analyze the many ways that racism is maintained, even in the absence of explicitly racist laws and overtly racist individuals. Without critical race theory, we are left to believe—incorrectly—that such disparities are due to innate differences or individual failings.

Key Components Of Critical Race Theory

American law is born of racism and gives birth to racism.

—Mari Matsuda (1996:52)

Race-baiting right-wing lawmakers are passing laws declaring that race is irrelevant to our national story. This flurry of cookie-cutter legislation actually proves the relevance of critical race theory. Race is central to an understanding of U.S. law, and law is central to an understanding of U.S. racism. Here are some actual elements of critical race theory that we propose instructors at all levels can embrace—in our classrooms, our own self-education, and our work to share knowledge within our communities.

- Race is a social construction, with real consequences
- Racism has always been embedded in U.S. law and all our institutions—it is ordinary, not aberrational
- Racism is systemic and structural, not just interpersonal

- Understanding racism requires intersectional analysis
- Storytelling from multiple perspectives can help counter dominant narratives

Race is a Social Construction, with Real Consequences

[The “social construction” thesis] holds that race and races are products of social thought and relations. Not objective, inherent, or fixed, they correspond to no biological or genetic reality; rather, races are categories that society invents, manipulates, or retires when convenient.

—Richard Delgado and Jean Stefancic (2012:8)

A core premise of critical race theory is the idea that race is a social, political, cultural, and legal construction, invented to justify exploitation, exclusion, enslavement, and genocide. Calling race a construction is *not* to say that race doesn’t matter. On the contrary, once invented, race has profound consequences. Playwright Lorraine Hansberry describes this paradox succinctly in her play *Les Blancs*: “It is pointless to pretend it doesn’t exist—merely because it is a lie” (1994:92).

In her essay “What Race Isn’t: Teaching about Racism,” poet and teacher Aurora Levins Morales describes teaching this paradox as a “tightrope walk”:

To expose the notion of biological race as fraudulent, to look at the actual genetics of human diversity and see that there is no such thing as race, no human subspecies, without allowing any quarter to the liberal pretensions of colorblindness, to the literal white-washing of real differences in culture, experience, power, resources. To demolish the idea of fundamental biological difference and refuse to let anyone get away with “We’re all human beings” meaning “We’re all like me” or use the true statement that all lives are important to undermine and dismiss the specific power of saying, in the face of systematic and deadly racist violence, that Black Lives Matter. (2019:110)

While those who seek to ban antiracism education say that such pedagogy will divide us into rigid camps, Morales insists that a truthful telling of the manipulations, alliances, and betrayals that make up U.S. history can actually help students of all races see their own identities with more complexity and thus build coalitions with more integrity.

She concludes her essay, “If we can teach the history of racism in the United States as a history of the shifting needs of empire, . . . if we can hold the tension between disbelief in race and belief in what racism does to us, we will enable more and more young people to remake old and seemingly immutable decisions about where their interests lie and with whom” (111). Racism has always been used by the ruling elite in this country to divide and control the masses. Today the anti-antiracism forces are not afraid of division—that is just their cover story—they are afraid of the coalition-building that is possible when people understand their history and the unequal power relations that govern their lives. Such alliances across differences were clearly manifesting in the 2020 summer of protests, activism, and policy proposals.

This, in fact, is what scares the Right about teaching the true story of race in America—*not* that it will divide us, but precisely that it might interrupt the divide-and-rule manipulations that keep us apart.

Racism Has Always Been Embedded in U.S. Law and Other Institutions—It Is Ordinary, Not Aberrational

In August of 1619, a ship appeared on this horizon, near Point Comfort, a coastal port in the English colony of Virginia. It carried more than 20 enslaved Africans, who were sold to the colonists. No aspect of the country that would be formed here has been untouched by the years of slavery that followed. On the 400th anniversary of this fateful moment, it is finally time to tell our story truthfully.

—The 1619 Project (Hannah-Jones et al. 2019:1)

Opponents of the 1619 Project and critical race theory would have America’s students believe that slavery and other forms of racism are mere past aberrations—brief exceptions to American Exceptionalism—this despite the fact that two-thirds of our first eighteen presidents enslaved their fellow humans (making it an aberration to lead the nation and *not* be a slaveholder), and over 1,700 members of Congress held people in slavery (Weil, Blanco and Dominguez 2022). The U.S. Constitution, while it stealthily avoids the word slavery in 1787, upholds the practice in several provisions, including a fugitive slave law, the “compromise” to count enslaved Americans as three-fifths of a person, and protection of the international

slave trade. And yet, the anti-education bill passed in Texas makes it illegal to teach students that “slavery and racism are anything other than deviations from, betrayals of, or failures to live up to, the authentic founding principles of the United States” (Foster et al. 2021).

Critical race theory helps us comprehend the founding principles of the United States as complicated and contradictory, rather than simplistically perfect. It offers an honest accounting of early laws enshrining racism as well as a way to understand how those legal principles—even after they are reversed—continue to influence law and society. The 1619 Project asks us to look at racialized human enslavement in the 1600s to begin to understand the true story of our founding, and our present.

A 1662 statute in colonial Virginia held that a child born with mixed parentage would follow “the condition of its mother,” thus cementing racialized American enslavement as not only permanent for the individual but also perpetual for future generations (Higginbotham 1978:43). This law is also an indicator of the widespread rape of enslaved women, solving the reality of mixed-race children by making them legal property instead of heirs to their father’s privilege, as Harriet Jacobs put it, “thus taking care that licentiousness shall not interfere with avarice” ([1861] 1987:76). This colonial principle becomes the law of the land throughout the slaveholding states of the United States.

While the Constitution codifies birthright citizenship in the 14th Amendment (1868), with the Supreme Court affirming the principle in *U.S. vs. Wong Kim Ark* (1898), anti-immigrant forces today are fighting to change U.S. law to make the children of immigrants follow the condition of their mothers.

The 1790 Naturalization Law, which remained in effect until 1952, restricted naturalized citizenship to immigrants who were “free and white.” Let’s sit with this legal fact for a moment. U.S. law officially defined naturalized citizenship as white for 162 years (a very long aberration indeed, if we try to fit this fact into Texas’s law). In his book *White by Law: The Legal Construction of Race*, legal scholar Ian Haney López offers a detailed history of twisted court rulings deciding which groups could qualify as “white” and receive the many benefits accorded to legal whiteness. In 1922, for example, the Supreme Court held that Takao Ozawa, despite his American schooling and

English fluency, could not become a citizen since he was “clearly . . . not Caucasian” (2006:60). Indian Americans (literally “Caucasians”), on the other hand, were initially deemed white, but later deemed not white (*U.S. v. Bhagat Singh Thind* 1923). Racially barred from naturalized citizenship, those who had already gained citizenship were denaturalized.

Today, seven decades after the repeal of the racist 1790 law, we still see racialized treatment of immigrants, refugees and asylum-seekers, in law (such as Trump’s Muslim bans) as well as the unequal enforcement of laws. Which immigrants are more likely to be subjected to workplace raids, endless detention, family separation, and deportation? It’s not British nannies hired by wealthy parents or white Canadians overstaying their student visas.

An academic course that allowed itself to be informed by critical race theory could trace these twists and turns for students to gain a more nuanced understanding of notions like “American” and “citizen,” and how they have changed over time for political purposes. Teaching such an understanding is now illegal in several states.

Racism Is Systemic and Structural, Not Just Interpersonal

African Americans are not significantly more likely to use or sell prohibited drugs than whites, but they are *made* criminals at drastically higher rates for precisely the same conduct. In fact, studies suggest that white professionals may be the most likely of any group to have engaged in illegal drug activity in their lifetime, yet they are least likely to be made criminals.

—Michelle Alexander (2012:197, notes omitted)

For centuries, slave laws and Black codes targeted African Americans explicitly. Such laws are no longer on the books, but they live on through the racialized criminalization that is now baked into the prison industrial complex. With or without overtly racist laws or bigoted law enforcement officers, people of color are more likely to be stopped, searched, charged, tried, convicted, and sentenced to prison time than white Americans, and therefore also more likely to suffer the life-long consequences of having a criminal record. Michelle Alexander details this prime example of systemic racism in *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*.

One of the biggest challenges we face as classroom instructors who teach antiracism is combating the idea that many of our students have that racism is solely an individual and interpersonal phenomenon. Racism is seen as individual malice of a relatively small number of ill-intentioned people. This individualized perspective provides comfort to many people who do not harbor explicitly negative feelings toward people of color. They can feel relieved that they are not at all part of the problem of racism, and they believe they do not benefit from the current racial system. While individual racists certainly exist (and they are more emboldened today than they have been in decades), the problem of overt racism is only a part of the problem of racism. Racism is a system of inequality based on the presumption of white superiority. As we demonstrate above, racism is embedded in our institutions and is supported and maintained by laws, policies, and practices in history and the present. Social psychologist Beverly Daniel Tatum (2017) talks about the prevalence of cultural racism akin to smog in the air. When racism is particularly damaging we can see the toxic air we breathe. At other times, we may not be able to see the poison we breathe in, but it is there nonetheless. Racism permeates our institutions in such a way that it can seem invisible, but that doesn't mean it's nonexistent.

While anti-CRT crusaders insist that racism is only explicit racial hatred of individuals, Tatum defines racism as a system (not just a feeling) of advantage (not just discrimination). She offers another metaphor to symbolize the structural nature of racism, which functions as a conveyor belt or moving walkway. Structural racism moves without any effort on our part and regardless of our individual attitudes, benefiting people in the dominant group. Active racists run on the walkway, committing intentional discrimination; passive racists who stand still are still carried along, receiving the benefits of the system; active anti-racists turn around on the moving walkway and move in the opposite direction, faster than the speed of racism.

The anti-antiracism mob screams in manufactured anguish that such definitions accuse white people of being inherently bad. On the contrary, critical race theorists make two things very clear: 1) this machine moves along with *or without* anyone's badness, and 2) people in the dominant group *can choose to become actively antiracist*. For example, white people can work in coalition with

people of color to strengthen antiracist education or join other efforts to dismantle systemic racism. It is up to white people, not critical race theorists, whether white people turn around on that walkway.

Haney López, in his 2014 book *Dog Whistle Politics*, also offers multiple ways to understand plural racisms, with *racism as hatred* as only one form, alongside *structural racism*, *implicit bias*, and *strategic racism* (2014:41-50). This last form is the deliberate deployment of neutral-sounding dog whistles to activate a base and generate political gains. "We have learned to see racism in the spittle-laced epithets of the angry bigot," he writes. "We must also learn to see racism in the coded racial entreaties promoted by calculating demagogues" (2014:50).

Opponents of critical race theory are invested in not only limiting the definition of racism to the angry bigot (and ignoring systemic racism and other forms of less overt racism), but also redefining racism with Orwellian precision so that antiracist critical race theorists are the real racists.

Understanding racism as systemic is the most important contribution of critical race theory. It makes sense of the enduring racial disparities in the U.S. despite "formal" equality. It does *not* tell white people to feel guilty (another central claim of the anti-CRT machine). It tells white people that they—with or without effort or ill intent—will receive certain benefits ("white privilege" is one of the key terms the Right seeks to ban). The goal is not for white people to feel "anguished" about this fact—white people's guilt does little to end systemic racism. The goal is for white people to do something to end systemic racism.

Understanding Racism Requires Intersectional Analysis

I am Black and I am female and I am a mother and I am bisexual and I am a nationalist and I am an anti-nationalist. And I mean to be fully and freely all that I am!

—June Jordan (1992:189)

While critical race theory foregrounds the analysis of race, it also recognizes that race (as an identity) and racism (as a system of oppression and privilege) do not exist in isolation. Whereas its attackers say that CRT reduces everything and everyone to race, actual critical race theorists know that identity is complex and understanding racism

requires intersectional analysis. Kimberlé Crenshaw published groundbreaking law review articles three decades ago that placed women of color at the center of the story in order to reveal the need for intersectionality in efforts to end discrimination and gendered violence. In “Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color” (1991), Crenshaw details “how the experiences of women of color are frequently the product of intersecting patterns of racism and sexism, and how these experiences tend not to be represented within the discourses of either feminism or antiracism” (1243-44, notes omitted). Her critique targets oppressive institutions as well as single-minded movements for liberation. Intersectionality has since become a widely referenced concept (and even buzzword), and at times the complexity gets lost. More than just the identity math of “race + gender,” intersectional analysis tells us to examine both the multiplicity of identity and the interlocking nature of systems of oppression.

Critical race theory, infused with intersectional analysis, tells a crucial part of the story of injustice in the US, but it is of course not comprehensive. Other bodies of theory have a more transnational focus or a deeper analysis of settler colonialism, imperialism, racial capitalism, heteropatriarchy, ableism, and environmental devastation. Critical race theorists do not pretend to have all the answers, but their early focus on intersectionality made it clear that they understood the need for multiple lenses and a rigorous practice of looking for what is missing.

Legal scholar Mari Matsuda (1996) articulates intersectional analysis through a particularly accessible tool for teaching and activism:

The way I try to understand the interconnection of all forms of subordination is through a method I call “ask the other question.” When I see something that looks racist, I ask, “Where is the patriarchy in this?” When I see something that looks sexist, I ask, “Where is the heterosexism in this?” When I see something that looks homophobic, I ask, “Where are the class interests in this?” Working in coalition forces us to look for both the obvious and the nonobvious relationships of domination, and, as we have done this, we have come to see that no form of subordination ever stands alone. (64-65)

Matsuda, Crenshaw, and other feminist scholars of color

have applied this analysis to law as well as movements for resistance. Dorothy Roberts (2017) and Loretta Ross (Ross and Solinger 2017), for example, have brilliantly demonstrated how reproductive justice is not solely a matter of women’s gendered rights, as race and class have always intersected with gender in both the denial of and movements for reproductive rights. The singular story of white middle class women fighting *for* the right to abortion and birth control erases the multiple ways that Black, Latinx and Indigenous people have also had to fight *against* forced sterilization. Trans men like Cazembe Murphy Jackson, a “Black, Southern, queer, trans organizer” and rape survivor, have been telling their abortion stories to “encourage reproductive justice groups to be more inclusive *and* inspire LGBTQ organizations to move outside their silos and take on the issue of reproductive rights” (Terrell 2021). The intersectional tools of critical race theory offer us a much more nuanced and complex way to understand both oppression and social movements.

Storytelling from Multiple Perspectives Can Help Counter Dominant Narratives

Stories humanize us. They emphasize our differences in ways that can ultimately bring us closer together. They allow us to see how the world looks from behind someone else’s spectacles. They challenge us to wipe off our own lenses and ask, “Could I have been overlooking something all along?”

—Richard Delgado (1989:2440)

We could have told them a different story.

—Harriet Jacobs ([1861] 1987:146-47)

The legal scholars who created critical race theory invoke poetry, drama and storytelling as seriously as they cite statutes and court cases. They recognize that U.S. law tells a dominant narrative that leaves out stories from the bottom. “Using stories, testimonials, and accounts of personal and mythical experience, writers of color evoke a worldview that challenges the status quo in legal thought” (Matsuda 1996:51). Slave laws banned literacy and testimony—literally writing Black voices out of official records—but Harriet Jacobs, Frederick Douglass, Sojourner Truth, Phillis Wheatley, and thousands of other enslaved Americans insisted on telling their stories anyway, offering powerful counternarratives through autobiography, oratory, journalism, poetry, and interviews. Derrick Bell and

Patricia Williams are among the founders of critical race theory who incorporate their own personal histories, along with fables and allegories, to illuminate complex legal arguments with lived experience and imagination.

This aspect of critical race theory is part of what makes this intellectual project born in law schools a viable and accessible strategy in a range of classrooms. Toni Morrison's novel *Beloved* weaves a haunting narrative around the true story of Margaret Garner, who attempted to kill her young children rather than watch them be returned to Kentucky slavery, teaching generations of students deep truths about U.S. slavery in a work of fiction. (A white mother's outrage that her 17-year-old son was assigned this Pulitzer Prize-winning book in an AP English class helped Glenn Youngkin win the 2021 governor's race in Virginia.)

Lorraine Hansberry's family challenged restrictive covenants in Chicago, resulting in a little-known Supreme Court case (*Hansberry v. Lee* 1940), but it is her play *Raisin in the Sun* ([1959] 1995) that moves viewers and readers to viscerally feel the injustice of housing segregation. Fred Korematsu challenged Executive Order 9066 and his name is on a shameful Supreme Court decision upholding the incarceration of Japanese Americans (*Korematsu v. United States* 1944); the children's book *Fred Korematsu Speaks Up* (Atkins, Yogi, and Houlette 2017) vividly uses lyrical storytelling and visual artifacts to teach about anti-Asian racism and the need to speak up in the face of injustice. Javier Zamora's heart-stopping poetry tells the harrowing experience of fleeing El Salvador as a nine-year-old child trying to reunite with his parents in the U.S., and offers a humanizing counternarrative to the demonization of immigrants and unaccompanied minors. Bao Phi's fearless spoken word performances and beautiful children's books shine a light on the experiences of Vietnamese refugees and other Asian Americans resisting discrimination and erasure. Frank Waln's Indigenous hip hop and campus visits combine rap and storytelling to teach audiences about genocide, colonialism, intergenerational trauma, mental health, and survivance.

Such counter-storytelling can address the erasures built into a legal, political, and cultural landscape that privileges already dominant points of view. Anti-democratic forces fear these voices because they have the power to move us to think in new ways.

What Now

The hopeful part of the description offered by outsider theorists is the recognition of the vulnerability of racist structures . . . the deep contradictions and instability inherent in any racist organization of social life. All the sorrow songs of outsider jurisprudence are thus tempered by an underling descriptive message of the possibility of human social progress.

—Mari Matsuda (1996:23)

Critical race theory seeks to understand *and change* the racist structures that organize our society. Matsuda describes it as a theory of not only law but also justice—defining a just world as “one that heals the wounded among us, that brings back the lost and the wasted, that elevates all human beings to their highest potential” (1996:53). We do not have to accept the system of inequality, domination, and division that we have inherited. And critical race theory is a tool to dismantle, not create, imposed divisions.

In a recent interview about the attacks on the school of thought she helped to found, Matsuda urges all of us to respond to these attacks with two actions (Atmos 2021). First, we have a duty to educate ourselves—we have all been miseducated about our history, about how racism operates, and about the struggles that communities have engaged in to create a just world. Second, we need to take that knowledge and join together with others to work toward positive social change, on any front. It might be registering voters, volunteering at a food pantry, organizing a book circle with your local NAACP chapter, painting a community mural, or finding out how to support your kids' schoolteachers. The very act of working together is a vital strategy.

Change happens in coalition, not isolation. Heather McGhee argues against being trapped in the zero-sum narrative that has been imposed upon us and instead reaping the benefits of the “solidarity dividend” of working together across differences.

As with the red-baiting of McCarthyism, HUAC and J. Edgar Hoover who surveilled Lucille Ball (and hundreds of other actors, activists, politicians, pastors, educators, and everyday people who wrote a letter to the editor), today's CRT-baiting has people feeling afraid and isolated. Keeping your head down and your mouth shut feels like a safe course of action. These are indeed dangerous

times. It is not hyperbolic to say that academic freedom and democracy itself are under attack. We write this as tenured university professors who are unlikely to lose our jobs. At least for now—one of us teaches in Texas, where efforts to support the academic freedom to teach critical race theory have been met with efforts to end university tenure. Those of us with some degree of job security have an increased duty to speak honestly about the value of critical race theory and the real motives behind the attacks. All of us have a duty to contribute to truthful education. When silencing truth is the goal, speaking out has to be the response.

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