

Black Nativism, the #ADOS Movement, and the Law –Implications for Race-Conscious Organizing and Legal Reforms**Introduction – What is “Black Enough?”**

On November 7, 2020, Joe Biden and Kamala Harris were declared the winners of the 2020 presidential election, making history many times over in the process. Joe Biden became just the fifth Presidential candidate to unseat an incumbent in the past hundred years, garnering a higher popular vote than any other presidential candidate in American electoral history.<sup>1</sup> And just as momentously, Kamala Harris became the first woman, Black, and Asian-American vice-president in the nation’s history, something widely thought impossible in the decades previously. In his victory speech, Mr. Biden said the “African American community stood up again for me” in the election, remarking “You’ve always had my back, and I’ll have yours.”<sup>2</sup>

Mainstream news outlets were quick to point out the critical importance of the Black vote to Biden and Harris’s victory. Reports chronicled the heroic efforts of Black activists in getting out the vote in key states like Pennsylvania, Michigan, Wisconsin, Nevada, Arizona and Georgia, also noting that Black and brown voters came out in record numbers to repudiate Donald Trump.<sup>3</sup>

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<sup>1</sup> Sophie Lewis, *Joe Biden Breaks Obama's Record for Most Votes Ever Cast for a U.S. Presidential Candidate*, CBS NEWS (Dec. 7, 2020), <https://www.cbsnews.com/news/joe-biden-popular-vote-record-barack-obama-us-presidential-election-donald-trump/>.

<sup>2</sup> Michelle Mark, *Biden Thanks Black Voters and Tells Them They've Always Had His Back, and So He'll Have Theirs*, BUS. INSIDER (Nov. 7, 2020), <https://www.businessinsider.com/biden-black-voters-youve-always-had-my-back-2020-11>.

<sup>3</sup> Janell Ross, *How Black Voters in Key Cities Helped Deliver the Election for Joe Biden*, NBC NEWS (Nov. 7, 2020), <https://www.nbcnews.com/news/nbcblk/how-black-voters-key-cities-helped-deliver-election-joe-biden-n1246980>.

Several months prior to this victory, though, an altogether different narrative was emerging about the Black community and their relationship to Biden and Harris. Throughout the primary season, Twitter and other social media platforms became flooded with posts proclaiming Harris not to be an authentic “American Black” as a result of her mixed Jamaican and Indian heritage, decrying her political identity and refusing to support her in the primary election.<sup>4</sup> When pointing to her flawed political record as California Attorney General locking up Black and brown communities for drug crimes, they also suggested that her Jamaican identity made her blind to the deep historical pain of anti-Black racism and the link between slavery and mass incarceration.<sup>5</sup>

When Vice President Harris was interviewed on The Breakfast Club—a popular radio show marketed as by and for the Black community—she was asked to respond to these accusations and address the “legitimacy of [her] blackness.” Harris replied: “I am black and I am proud of it. ... I think they don't understand who black people are. Because if you do, if you walked on Hampton’s campus, or Howard’s campus, or Morehouse or Spelman or Fisk, you would have a much better appreciation for the diaspora, for the diversity, for the beauty in the diversity of who we are as black people.”<sup>6</sup> Still, commenters on the video still described the interview as inauthentic, pointing to her supposed AAVE code-switching, lack of hip-hop knowledge, and dissonance between her past marijuana use and prosecution of drug crimes while

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<sup>4</sup> Rachelle Hampton, *A Movement or a Troll*, SLATE (July 9, 2019), <https://slate.com/news-and-politics/2019/07/kamala-harris-not-black-ados-reparations-movement.html>.

<sup>5</sup> Jennifer Ho, *With Kamala Harris, Americans Yet Again Have Trouble Understanding What Multiracial Means*, COLORADO ARTS AND SCIENCES MAGAZINE (Sept. 1, 2020), <https://www.colorado.edu/asmagazine/2020/09/01/kamala-harris-americans-yet-again-have-trouble-understanding-what-multiracial-means>

<sup>6</sup> Alvin Buyinza, *Black Like Kamala Harris: An Identity Dilemma for Second-Generation Black Immigrants*, SLATE (Mar. 14, 2019), <https://www.washingtonpost.com/nation/2019/03/15/black-like-kamala-harris-an-identity-dilemma-second-generation-black-immigrants/>.

serving as Attorney General as further evidence she was not an “American Black” worthy of support.<sup>7</sup>

In some instances, these attacks were spotlighted by right wing pundits and commentators eager to discredit Harris and her campaign. One such post called her “disgusting” for “robbing” American Blacks of their history, and also highlighted her supposed relationship to West Indian slaveholders.<sup>8</sup> This post was later shared by Donald Trump Jr, leading to condemnation of the post’s author from Joe Biden, Elizabeth Warren, and several other 2020 candidates.<sup>9</sup>

One common thread between many of these social media posts was the hashtag “#ADOS,” or “American Descendants of Slavery.” The hashtag is a reference to Black Americans who could trace back their heritage to those enslaved in the United States, compared to those that have emigrated from Africa or the West Indies. Today, there are 4.3 million of these immigrants, make up roughly 10% of the Black American population and marking a fivefold increase since the 1980s.<sup>10</sup> Considered a “model minority” by some commentators, many of these immigrants have found substantial economic, educational, and political success, despite the often poor conditions of their home countries.<sup>11</sup> Motivated by this rise in Black immigration and representation, #ADOS was started in 2019 by former prosecutor Antonio Moore and political

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<sup>7</sup> Matthew Brown, *Fact Check: Claims About Kamala Harris' Comments on Radio Program Inaccurate, Lack Context*, USA TODAY, (Aug. 12, 2020), <https://www.usatoday.com/story/news/factcheck/2020/08/12/fact-check-memes-inaccurately-portray-kamala-harris-radio-comments/3352339001/>

<sup>8</sup> Katie Rogers and Maggie Haberman, *Donald Trump Jr. Shares, Then Deletes, a Tweet Questioning Kamala Harris's Race*, NY Times (Jun 28, 2019), <https://www.nytimes.com/2019/06/28/us/politics/donald-trump-jr-kamala-harris.html>.

<sup>9</sup> Id.

<sup>10</sup> Carlos Echeverria-Estrada and Jeanne Batalova, *Sub-Saharan African Immigrants in the United States*, MIGRATION POLICY INSTITUTE (Nov. 6, 2019), <https://www.migrationpolicy.org/article/sub-saharan-african-immigrants-united-states-2018>.

<sup>11</sup> Clarence Page, *Black Immigrants, An Invisible 'Model Minority'*, REAL CLEAR POLITICS (Mar. 19, 2017), [https://www.realclearpolitics.com/articles/2007/03/black\\_immigrants\\_an\\_invisible.html](https://www.realclearpolitics.com/articles/2007/03/black_immigrants_an_invisible.html)

commentator Yvette Carnell, with a stated goal "to shift the dialogue around the identity of what it is to be African American in an effort to move the discussion from melanin, and properly center the discussion around lineage."<sup>12</sup>

This centering of "lineage" has manifested in #ADOS's support of narrow economic and social reforms that are meant to exclusively benefit generational Black Americans, often at the expense of immigrants and other people of color. In their own words, #ADOS demands "set asides for American descendants of slavery, not 'minorities,'" which they describe as "a throw-away category which includes all groups except white men."<sup>13</sup> Most centrally, this entails reparations to generational Black Americans—the repaying of a "multi-trillion dollar debt" to descendants of slavery through direct cash transfers, as well as "debt free college, home ownership assistance, business financing support, fully endowing all historically black colleges ... guaranteed government contracts for black businesses, and free medical care."<sup>14</sup> They call for a specific American Descendant of Slaves census designation separate from Black immigrants, and that "Black immigrants ... be barred from accessing affirmative action."<sup>15</sup> To increase the rate of generational Black Americans in lucrative STEM fields, they also call for the government to "strictly limit the number of H1-B Visa workers tech companies that flow in each year."<sup>16</sup> In their absence, stated Ms. Carnell, Black voters should abstain from voting for the Democratic nominee and instead vote solely for down-ballot Democrats.<sup>17</sup>

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<sup>12</sup> ABOUT ADOS, <https://ados101.com/about-ados> (last visited Dec. 23, 2020).

<sup>13</sup> BLACK AGENDA, <https://ados101.com/black-agenda> (last visited Dec. 23, 2020).

<sup>14</sup> THE ROADMAP TO REPARATIONS, <https://ados101.com/roadmap-to-reparations> (last visited Dec. 23, 2020).

<sup>15</sup> BLACK AGENDA, *supra* note 9.

<sup>16</sup> *Id.*

<sup>17</sup> Russell Contreras, *Group Seeks to Combat Misleading Information Online*, ASSOCIATED PRESS (Oct. 16, 2020), <https://apnews.com/article/election-2020-race-and-ethnicity-slavery-media-social-media-caeaabd69d5da31d760cbaf6ba061867>

All of these reforms, #ADOS notes, are aimed to “address the losses stemming from the institution of slavery, Jim Crow, redlining, convict leasing, mass incarceration *and immigration*.”<sup>18</sup> This staunchly anti-immigrant stance and suggestion that Black voters boycott the 2020 general election led many to question the motivations and legitimacy of the movement and its founders. Noting the large number of tweets with identical language, one CNN commentator asserted the hashtag “originated from Russian bots,” and was quickly harassed by #ADOS members afterwards.<sup>19</sup> In their attacks on Kamala and other Black immigrant politicians, the group has been compared to the “Birthers” who attempted to smear President Obama during his 2008 election campaign.<sup>20</sup> Conservative pundit Ann Coulter expressed her support for the group on Twitter, suggesting to some that the group had relationships with Republican backers.<sup>21</sup> And most pointedly, critics pointed out that Ms. Carnell had previously been a board member at the conservative “Progressives for Immigration Reform” group, previously designated by SPLC as a hate group.<sup>22</sup> Journalists have also found potential links between PFIR and the John Walton, a white supremacist whose advocacy fund that has supported other Black anti-immigration groups.<sup>23</sup> Rapper Talib Kweli, also targeted previously by the group, put the matter bluntly:

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<sup>18</sup> *Id* (emphasis added).

<sup>19</sup> Aida Chavez, *Black Critics of Kamala Harris and Cory Booker Push Back Against Claims That They’re Russian “Bots,”* THE INTERCEPT (Feb. 13, 2019), <https://theintercept.com/2019/02/13/ados-kamala-harris-cory-booker-russian-bots/>.

<sup>20</sup> Clarence Page, *The Birthers Are Back — This Time for Kamala Harris*, CHICAGO TRIBUNE (Jul 2, 2019), <https://www.chicagotribune.com/columns/clarence-page/ct-column-page-kamala-harris-birthers-ali-alexander-joe-biden-20190702-p3pxywgeurg6venigiwxjxnvwe-p3pxywgeurg6venigiwxjxnvwe-story.html>.

<sup>21</sup> Josie F. Abugov, “*Are We in the Minority?*,” THE HARVARD CRIMSON (Oct. 15, 2020), <https://www.thecrimson.com/article/2020/10/15/gaasa-scrut/>.

<sup>22</sup> Alexander Zaitchik, *Anti-immigrant Groups Continue Greenwashing Campaign*, SOUTHERN POVERTY LAW CENTER, (Oct. 8, 2010), <https://www.splcenter.org/hatewatch/2010/10/08/anti-immigrant-groups-continue-greenwashing-campaign>

<sup>23</sup> Hubert Adjei-Kontoh, *The Tortured Logic of #ADOS*, THE OUTLINE (Nov. 21, 2019), <https://theoutline.com/post/8286/american-descendants-of-slavery-movement?zd=1&zi=ky3q55wi>

“ADOS is an insidious right wing funded anti-immigration hashtag movement cloaked in the righteous language of reparations.”<sup>24</sup>

Be it a legitimate movement or thinly veiled conservative astroturfing, #ADOS has made political inroads at both the local and federal levels. Its inaugural conference in December 2019 had more than 2,000 attendees, and included speeches by both Dr. Cornel West and Democratic primary candidate Marianne Williamson, who also invoked the group’s platform in her reparations proposal and during the Democratic Primary debate.<sup>25</sup> In Multnomah County, Oregon, the Democratic party passed a resolution calling for reparations to American Descendants of Slaves, copying word for word from the reparations guide on the #ADOS website.<sup>26</sup> The group has also succeeded in finding a fiscal sponsor for the country’s first ADOS-exclusive college scholarship.<sup>27</sup>

Along with explicit support for their policies, others have joined #ADOS in its reluctance to support either the Democratic platform or progressive immigration reform. Past polling has shown that Black Americans are more likely than white Americans to believe that immigrants take jobs away from U.S. Citizens.<sup>28</sup> And while the narrative of overwhelming Black support for

<sup>24</sup> Esther Yu Hsi Lee, *Fake ‘Progressive’ Group Pits Blacks Against Immigrants in Nasty TV Ad*, THINKPROGRESS (Oct. 23, 2014),

<https://thinkprogress.org/fake-progressive-group-pits-blacks-against-immigrants-in-nasty-tv-ad-51498ddff50b/>.

<sup>25</sup> Madeleine Aggeler, *Marianne Williamson Says Reparations Are ‘A Debt That Is Owed’*, THE CUT (July 30, 2019), <https://www.thecut.com/2019/07/marianne-williamson-democratic-debate-reparations.html>; Gil Corsey, WDRB (Oct. 4, 2019),

[https://www.wdrb.com/news/new-justice-movement-with-eyes-on-slavery-reparations-brings-national-conference-to-louisville/article\\_3b55731a-e6dd-11e9-85a2-b395fa097341.html](https://www.wdrb.com/news/new-justice-movement-with-eyes-on-slavery-reparations-brings-national-conference-to-louisville/article_3b55731a-e6dd-11e9-85a2-b395fa097341.html)

<sup>26</sup> See Joel Barker, *Multnomah Democrats Pass Resolution Calling for Reparations to American Descendants of Slaves*, MULTNOMAH DEMOCRATS (July 11, 2020),

<https://multdems.org/2020/07/11/multnomah-democrats-pass-resolution-calling-for-reparations-to-american-descendants-of-slaves/>. Cf. The Roadmap to Reparations, *supra* note 11.

<sup>27</sup> *Historical First Scholarships Designated for ADOS American Descendants of Slavery Announced*, EURPUB (May 24, 2019),

<https://eurweb.com/2019/05/24/historical-first-scholarships-designated-for-adose-american-descendants-of-slavery-announced/>.

<sup>28</sup> Tom Rosentiel, *Attitudes Toward Immigration: In Black and White*, (Apr. 25, 2006), PEW RESEARCH CENTER, <https://www.pewresearch.org/2006/04/25/attitudes-toward-immigration-in-black-and-white/>.

Biden and their centrality to his candidacy dominated the airwaves, Black voters, especially men, shifted moderately towards Trump in 2020. For this past election, only 80% of Black men supported Biden, compared to 82% for Hillary Clinton in 2016 and 95% for Barack Obama in 2008.<sup>29</sup> In the battleground states of the Midwest, more than one-third of Black men voted for Trump, contributing to much of the unexpected level of Trump support in those and other states.<sup>30</sup> Overall, Trump attracted the highest percentage of the Black vote of any Republican presidential candidate since 1980.<sup>31</sup> Trump's nativist and protectionist messages to Black voters and voters of color largely mirrored those of #ADOS, and his assertion that Black voters were "embracing our pro-jobs, pro-worker, pro-police ... and pro-American agenda" appears to have, at least in some small part, been true.<sup>32</sup>

This rise of the #ADOS movement and the related increase in support for Trump and protectionist immigration policies is particularly puzzling in this year of unprecedented solidarity in the fight for Black lives. What are the historical explanations for these growing identitarian and political rifts within the Black community? Where does the legal system's treatment of race, both past and present, influence these political realities? And what can this current moment teach us about how we might more effectively build multi-racial and transnational organizing coalitions for social change in the future? Using #ADOS and its historical forebears as case

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<sup>29</sup> Leah Wright Rigueur, *The Major Difference Between Black Male and Female Voters*, THE ATLANTIC (Nov. 21, 2020), <https://www.theatlantic.com/culture/archive/2020/11/why-black-men-and-women-vote-so-differently/617134/>.

<sup>30</sup> Mara Ostfeld & Michelle Garcia, *Black Men Shift Slightly Toward Trump in Record Numbers, Polls Show*, ABC NEWS (Nov. 4, 2020), <https://www.nbcnews.com/news/nbcblk/black-men-drifted-democrats-toward-trump-record-numbers-polls-show-n1246447>.

<sup>31</sup> Avik Roy, *No, Trump Didn't Win 'The Largest Share of Non-White Voters of Any Republican In 60 Years'*, FORBES (Nov. 9, 2020), <https://www.forbes.com/sites/theapothecary/2020/11/09/no-trump-didnt-win-the-largest-share-of-non-white-voters-of-any-republican-in-60-years/?sh=4470b0724a09>

<sup>32</sup> Sean Collins, *Trump Made Gains with Black Voters in Some States. Here's Why*, VOX (Nov. 4, 2020), <https://www.vox.com/2020/11/4/21537966/trump-black-voters-exit-polls>

studies, this paper draws on the canon of Critical Race Theory scholarship to explore these questions.

### **Black Nativism in Historical Context**

#ADOS is far from the first “progressive” social movement among African Americans that has stoked up anti-immigration sentiment. Throughout the 19th and early 20th centuries, many Black Americans expressed concern with newly arrived immigrants—both white and black—and their effect on the Black population’s economic opportunity, particularly in periods of economic crisis. While this history has received little academic attention when compared to that of prominent white racist and nativist groups such as the Know-Nothing party and the Ku Klux Klan, it exposes important political trends that are still in existence today within the Black community.

Jay Rubin, in his survey of Black nativism from 1830 until the beginning of the Civil War in 1861, argues that such nativism was a result of “social, economic, and political pressures generated by the arrival of nearly five million European immigrants in the antebellum years,” contrary to the moral panic and anti-Catholic sentiment of white nativists.<sup>33</sup> This mass immigration caused an upheaval in the economic security of free Northern Blacks, who had up to that point had little competition for the unskilled labor and personal service workforces. As early as 1838, newspapers noted that new immigrants were “crowding themselves into every place of business and of labor, and driving the poor colored American citizen out.”<sup>34</sup> These economic pressures were exacerbated during the later Antebellum period where, in response to rising rates

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<sup>33</sup> Jay Rubin, *Black Nativism: The European Immigrant in Negro Thought, 1830-1860*, 39(3) *PHYLON*, 193, 196 (1978).

<sup>34</sup> *Id.*, at 199.

of Black unemployment, several states enacted “public charge” rules to exclude Black migrants to free Northern states.<sup>35</sup>

Besides these economic advantages, European immigrants had substantial social advantages over native Blacks. These immigrants, “who can't speak your language and don't respect your laws,” as described by an abolitionist newspaper, still obtained full suffrage rights and citizenship immediately upon arrival—both of which native Blacks had been denied.<sup>36</sup> Just as important were these immigrants’ racial attitudes and perspectives on slavery. Described by Frederick Douglass as “deaf, dumb, and blind to the claims of liberty,” Irish immigrants in particular espoused racist views, rejected the abolitionist cause, and even joined in mob violence against Northern freed Blacks.<sup>37</sup> “Our adversity is essential to their prosperity,” stated Douglass, and Irish immigrants ensured that this adversity continued.<sup>38</sup> These immigrants appeared to have accepted the “racial bribe” necessary to uphold the social order, and the social construction of Whiteness had shifted to assimilate them into it.<sup>39</sup>

While most of this nativist rhetoric was concerned with white European immigrants in the early period of American immigration, Black Americans also expressed hesitance in supporting Black immigration. Attempting to safeguard the “vanishing gains” of the World War I economic expansion, David Hellwig notes that Black Americans endorsed the Emergency Quota

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<sup>35</sup> *Id.*, at 200.

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*, at 197-198.

<sup>38</sup> *Id.*

<sup>39</sup> See LANI GUINIER & GERALD TORRES, *THE MINER’S CANARY: ENLISTING RACE, RESISTING POWER, TRANSFORMING DEMOCRACY* 224-229 (2002) (stating that “[b]y offering [an] option of whiteness over time to selected nonblack nonwhites, the racial binary of black and white is preserved and race in the United States is made more manageable for those seeking to hold onto zero-sum power.”); NOEL IGNATIEV, *HOW THE IRISH BECAME WHITE* (1995); see also David P. Waggoner, *An Inquiry Into White Supremacy, Sovereignty, and the Law*, 45 S.W. L. REV., 897, 906 (2016). (stating that “White society is dependent on people of color because without people of color to compare themselves to, Whiteness would be nothing.”)

Act of 1921 and 1924's National Origins Act, which strictly limited migration from the West Indies and other “undesirable” countries.<sup>40</sup> Despite these restrictions, the beginning of the 20th century saw a wave of roughly 150,000 Black migrants—primarily Afro-Caribbeans—enter the United States.<sup>41</sup> Many of these immigrants were literate and skilled workers, who were described as being able to “distinguish themselves in all spheres of American life business.”<sup>42</sup> Ruel Rogers describes the economic tensions that emerged following this wave of immigration, discussing fierce battles over political representation and power in local politics between Afro-Caribbeans and generational African Americans and few instances of Black political alliances in the early 20th century.<sup>43</sup> Conflict between W.E.B. DuBois & the Jamaican Marcus Garvey, for example, was centered on the role of white elites to their Pan-African reforms but would often devolve into attacks rooted in nativism and colorism.<sup>44</sup> Later in the century, scholars have continued to note conflicts between African Americans and new Black American immigrants, including the assimilation of Afro-Mexicans and refugees in the American South, largely for the same reasons described in the 19th and early 20th centuries.<sup>45</sup>

The history of Black nativism, in sum, cannot be traced back just to ingrained xenophobia or the meddling of conservatives, nor can its present incarnation. Rather, Candis Smith summarizes the sources of nativism as “heavily influenced by forces external to these communities: U.S. immigration policy, fluctuations in racial tension, changes in demographics, political entrepreneurs, and the extent to which Blacks enjoy or are denied civil rights and

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<sup>40</sup> David J. Hellwig, *Strangers in Their Own Land: Patterns of Black Nativism, 1830-1930*, 23 AM. STUD., 94, (1982).

<sup>41</sup> CANDIS WATTS SMITH, BLACK MOSAIC: THE POLITICS OF BLACK PAN-ETHNIC DIVERSITY, 19 (2014).

<sup>42</sup> Laura Barrio-Vilar, “‘All O’ We Is One’?: Migration, Citizenship, and Black Nativism in the Postcolonial Era,” 37(1) CALLALOO, 89, 93 (2014).

<sup>43</sup> Reuel R. Rogers, *Race-Based Coalitions Among Minority Groups: Afro-Caribbean Immigrants and African-Americans in New York City*, 39(3) URB. AFF., 283 (2004).

<sup>44</sup> See Hellwig, *supra* note 30, at 91.

<sup>45</sup> See Smith, *supra* note 32, at 39-43.

freedoms.”<sup>46</sup> To understand #ADOS and how to undo the parallel rise in Black nativism, then, a more thorough understanding of these external circumstances is necessary.

### **Black Abandonment the Failure of Liberal Social Reform**

A central component of #ADOS’s 2020 advocacy efforts was their threat to boycott the election unless the Democratic nominee supported a “New Deal for Black America,” a suite of policy proposals that would provide tangible economic and social benefits to generational Black Americans.<sup>47</sup> The underlying logic behind these demands was that the economic and social conditions of the average Black American have deteriorated over the decades, and that Democratic policies have done little to change this material reality.<sup>48</sup> By courting their votes without providing substantive change, they say, the Democratic establishment has taken Black voters for granted and left them socially and politically abandoned. Moreover, #ADOS asserts the few policy reforms proffered by Democrats had been mere “bribery”—symbolic gestures to gain votes rather than changing the fundamental power structures that have disadvantaged Black Americans.<sup>49</sup>

Both social science research and a long canon of Critical Race Theory scholarship lend credence to this logic of abandonment. Beginning with the desegregation and Civil Rights Movements of the 1950s and 60s, critics have argued that social reforms aimed at the Black community have been largely symbolic, and often forwarded at the expense of substantive shifts in resources or power. Crenshaw, in her critique of the “liberal reform discourse” present in the

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<sup>46</sup> *Id.* at 44.

<sup>47</sup> Darren Sands, *Democrats Are Freaking Out About Pro-Trump Messaging to Occasional Black Voters*, BUZZFEED NEWS (Dec. 4, 2019), <https://www.buzzfeednews.com/article/darrensands/black-voters-2020-democrats-adoss-blexit>.

<sup>48</sup> *Id.*

<sup>49</sup> See BLACK AGENDA, *supra* note 6.

desegregation movement and Civil Rights Era of the 1950s and 60s, sums up this state of affairs thusly: “[a]ntidiscrimination law ... has largely succeeded in eliminating the symbolic manifestations of racial oppression, but has allowed the perpetuation of material subordination of Blacks.”<sup>50</sup>

Derrick Bell’s “interest convergence” thesis proceeds similarly: in his eyes, the project of desegregation was only possible to the extent that Black interests converged with white interests (primarily in the realm of foreign policy); in practice, he asserts that this created symbolic rather than material changes in the educational opportunities of Black students.<sup>51</sup> After decades of litigation and political fighting within the Black community, Bell notes, “the hoped-for improvement in schooling for black children that might have justified the sacrifice and risk [proved] minimal at best.”<sup>52</sup>

Gary Peller describes this liberal integrationist discourse as a “narrative of legitimation”—the provision of a marginal form of formal educational equality to support the idea, however inaccurate, that the American system is unbiased and meritocratic.<sup>53</sup> Scholars have discussed such narratives of legitimation present in other liberal discourses as well—Mark Tushnet, for example, posits that by abstracting away from lived experiences and focusing on incoherent and indeterminate ‘civil rights,’ the liberal reformist can often impede genuine movements for social justice.<sup>54</sup>

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<sup>50</sup> Kimberlé Crenshaw, *Race, Reform, and Retrenchment: Transformation and Legitimation in Antidiscrimination Law*, 101 HARV. L. REV. 1331, 1359 (1998)

<sup>51</sup> See Derrick A. Bell, Jr., *Brown v. Board of Education and the Interest Convergence Dilemma*, 93 HARV. L. REV. 518, 524-25 (1980).

<sup>52</sup> Derrick A. Bell Jr., *Serving Two Masters: Integration Ideals and Client Interests in School Desegregation Litigation*, 85 YALE L.J. (1976).

<sup>53</sup> Gary Peller, *Race Consciousness*, DUKE L.J. 758 (1990).

<sup>54</sup> Mark Tushnet, *An Essay on Rights*, 62 TEX. L. REV. 1363 (1984).

Importantly, some argue that such narratives are not necessarily incommensurate with substantive reform. Crenshaw espouses the need for a sort of “double consciousness” in order to secure material benefits from the current political order: working within the logic of the system to remain effective, while also maintaining a “distinct political thought that is informed by the actual conditions of black people.”<sup>55</sup> Still, she cautions against the possibility of “retrenchment” — material subordination as a response to periods of shallow reform where socioeconomic conditions haven’t been fundamentally disrupted.<sup>56</sup> Arguably, the 30 years since Crenshaw’s article have only seen a deepening of this retrenchment within the Black community. Evidence of such continued subordination is abounding—compared to white Americans, Black populations are on average 3 times more likely to die in childbirth, 2.5 times more likely to live in poverty, 3 times more likely to be killed by law enforcement, and hold 40 times less household wealth, for just a few examples.<sup>57</sup>

As the country has become more economically and socially splintered between racial lines, it has also become splintered within them. Eugene Robinson describes this Black community as one now fractured into four distinct “Black Americas:” a “Mainstream” middle class, an “Abandoned” minority with few opportunities for economic mobility, a “Transcendent” wealthy and politically powerful elite, and an “Emergent” class of recent immigrants and mixed-race persons. And while mainstream incomes have grown and emergent immigrant communities have achieved higher levels of post-secondary education than even white

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<sup>55</sup> See Crenshaw, *supra* note 41, at 1387.

<sup>56</sup> See *Black Agenda 2020*, BLACK TO THE FUTURE ACTION FUND (Feb. 2020), <https://black2thefuture.org/wp-content/uploads/2020/02/BlackAgenda2020.pdf>; Gabriel L. Schwartz & Jaquelyn L. Jahn, *Mapping Fatal Police Violence Across U.S. Metropolitan Areas: Overall Rates and Racial/Ethnic Inequities, 2013-2017*, 15(6) PLoS ONE (2020), <https://doi.org/10.1371/journal.pone.0229686>

<sup>57</sup> John Creamer, *Inequalities Persist Despite Decline in Poverty for All Major Race and Hispanic Origin Groups*, UNITED STATES CENSUS BUREAU (Sept. 15, 2020), <https://www.census.gov/library/stories/2020/09/poverty-rates-for-blacks-and-hispanics-reached-historic-lows-in-2019.html>.

populations, the abandoned are losing ground.<sup>58</sup> According to Robinson, for example, more Black people today are living on an income of less than \$10,000 than in previous decades, and these poor Black Americans have “less hope of escaping poverty and dysfunction than at any time since Reconstruction.”<sup>59</sup>

It is easy to see the same cycle of legitimation, retrenchment, and abandonment of the Civil Rights Era mirrored in the current Democratic establishment aimed at these abandoned Black Americans, even if such party elites are members of the transcendent or emergent classes of Black Americans themselves. Joe Biden’s 2020 “Build Back Better Agenda,” targeted at Black and Brown voters, included many such reforms whose promises are arguably symbolic rather than material for the vast majority of Black Americans. For example, Biden proposes diversity initiatives across Federal agencies, colorblind lending programs for homeownership and small businesses, and equity commissions across the Agriculture Department and EEOC. Biden’s diversity initiatives in particular are reminiscent of the notion of “robust tokenism,” conceived by Randall Kennedy and expanded on by Torres and Guinier, who note such cosmetic changes reduce the possibility that unfair rules and systemic injustices will be challenged.<sup>60</sup> Considering these superficial reforms in contrast to #ADOS’s nativist but expansive Black agenda, it is understandable how such liberal reforms may be seen as mere placative bribery—a kind of “move to innocence” aimed at removing involvement in and culpability for systems of domination that disproportionately affect Black Americans.<sup>61</sup> And like the narratives of

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<sup>58</sup> See Monica Anderson, *Chapter 1: Statistical Portrait of the U.S. Black Immigrant Population*, Pew Research Center (Apr. 9, 2015), <https://www.pewsocialtrends.org/2015/04/09/chapter-1-statistical-portrait-of-the-u-s-black-immigrant-population/>.

<sup>59</sup> See EUGENE ROBINSON, *DISINTEGRATION: THE SPLINTERING OF BLACK AMERICA* 1-20 (2010).

<sup>60</sup> Randall Kennedy, *The Triumph of Robust Tokenism*, *THE ATLANTIC* (Feb. 2001); GUINIER & TORRES, *supra* note 33, at 114-115.

<sup>61</sup> See Janet Mawhinney, *'Giving Up the Ghost': Disrupting the (Re)production of White Privilege in Anti-Racist Pedagogy and Organizational Change* (1999) (unpublished M.A. thesis, University of Toronto) (defining such “moves to innocence” in the context of failures in university anti-racist praxis); See also ‘Moves to innocence’ are

legitimation present in integrationist discourse, these reforms merely promote formal equality and perpetuate the continued domination of neoliberal capitalism and structural racism articulated by Peller.<sup>62</sup>

Abandoned by the policy regime of this liberal reform discourse and lacking in political efficacy to pursue other routes to material change, conservative voices have capitalized on this absence to push their political agenda. In the case of white abandoned Americans in the rural Midwest and South, Jonathan Metzl describes in *Dying of Whiteness* how the conservative politics have harnessed appeals to “white racial resentment” and racial superiority to maintain the status quo of class exploitation, leading to policies that are contrary to the interest of the working class.<sup>63</sup> This strategy might very well be expanded to “native-born immigrant resentment” to encompass conservative appeals to Black Americans as well. Such appeals come with promises of an alternative to abandonment—an “America-first” economic regime imagining material empowerment as a zero-sum game, and power and resources flowing to Black Americans at the expense of the non-native born. As illustrated by #ADOS, as well as other conservative leaning online movements like #Blexit and Black Voices for Trump, these appeals appear to have been successful.

### **The Limits of Legal Narrative and Symbolic Black Erasure**

In the previous section, I discussed how the law and its discourse of liberal reform has focused on symbolic narratives of legitimation at the expense of material benefits for the most

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characterized by strategies to remove involvement in and culpability for systems of domination. *See also* Tuck, E., & Yang, K. W., *Decolonization Is Not a Metaphor*: 1 DECOLONIZATION: INDIGENEITY, EDUCATION & SOCIETY, 1-40 (2012) (discussing “moves to innocence” in the context of decolonization, and noting they are used to imagine easier paths to reconciliation by turning the material into the metaphorical.)

<sup>62</sup> *See supra*, note 47.

<sup>63</sup> JONATHAN M. METZL, *DYING OF WHITENESS: HOW THE POLITICS OF RACIAL RESENTMENT IS KILLING AMERICA'S HEARTLAND* (2006).

marginalized Black Americans, leaving them socio-politically abandoned. Following this, I argued that this retrenchment of the status of Black Americans created the same economic and social conditions for Black nativism to emerge as were present in the 19th and early 20th century.

In this section I turn to the symbolic function of the law, and argue that its ascriptive function of assigning “Blackness” to its subjects serves to embolden the development of new exclusionary narratives of essentialist and tribalist racial identity. More specifically, I discuss the law’s conception of race as a formal, unchanging, and culturally flat characteristic, as well as its failure to consider the spiritual aspects of Blackness, in informing #ADOS’s philosophy and practice.

A central component of the canon of Critical Race Theory is the recognition of the social dynamics of racial identity. According to John Calmore, CRT defines race as “a fluctuating, decentered complex of social meanings that are formed and transformed under the constant pressures of political struggle.”<sup>64</sup> Gotanda expands on Calmore’s analysis to explicate four distinct meanings of race present in different socio-legal contexts. The first, “status-race,” sees Blackness as a phenotypical ‘contaminant’ and tool for reifying social hierarchies, pre-legally presuming the inferiority of nonwhites and legitimating the withholding of rights and privileges for certain racial groups.<sup>65</sup> The second, “formal-race,” takes on the logic of the liberal reform discourse, adopting apolitical colorblindness and stopping at *de jure* equality.<sup>66</sup> In doing so, the

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<sup>64</sup> John O. Calmore, *Critical Race Theory, Archie Shepp, and Fire Music: Securing an Authentic Intellectual Life in a Multicultural World*, 65 S. CAL. L. REV. 2129, 2160 (1992).

<sup>65</sup> Neil Gotanda, *A Critique of “Our Constitution Is Color-Blind”*, 44 STAN. L. REV. 34, 1 (1991) (“Membership in the new social category of “Negro” became itself sufficient justification for enslavability”). While Gotanda notes that “traditional status-race is now largely discredited,” racial ascriptions may still undoubtedly be violent ones that impose lesser status; *see e.g.*, *Doe v. State*, 479 So.2d 369, 371 (La. Ct. App. 1985) (where a group of plaintiffs brought suit in Louisiana to challenge the ascription “colored” on their parents’ birth certificates, arguing that such an ascription was materially disadvantageous.)

<sup>66</sup> *Id.*, at 4.

social and legal functions of race move from a narrative of subjugation to one of legitimation—a symbolic recognition of equal worth without a parallel recognition of historical oppression or recognizing an obligation to provide redress.

“Historical-race,” Gotanda’s third conception of race, moves to a space of explicit race-consciousness and awareness of structural disadvantages imposed on Black Americans.<sup>67</sup> Historical-race is present in strict-scrutiny analysis, wherein the embodiment of past subordination that renders the use of racial categories inherently illegitimate.<sup>68</sup> Such a historical analysis, however, still works within the logic of legitimation and, indirectly, color-blindness. More specifically, while this conception of race recognizes the historic structures of racism, it merely seeks to restore formal equality through the elimination of legally enshrined racial biases, rather than providing reparative redress or material benefits.

Finally, the category of “culture-race” embodies not only the material conditions of race but also its spiritual ones—a mosaic of the changing beliefs and practices that distinguish one racial group from another.<sup>69</sup> In this way, “status-race” and “culture-race” are in dialectical opposition—where the first defines Blackness as a universal negative or contaminant, culture-race considers its additive potential as a contribution to the cultural and spiritual fabric of a society. Legal analyses including this conception of race have been rare, but they have partially embodied in the recognition of “diversity” as a legitimate state interest in affirmative action cases.<sup>70</sup>

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<sup>67</sup> *Id.*

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

<sup>70</sup> See e.g., *Regents of Univ. of Cal. v. Bakke*, 438 U.S. 265 (1978) (plurality opinion); *Metro Broadcasting v. FCC*, 110 S. Ct. 2997, 3020 (1990)

The definition of “Blackness” undergirding the theories and practices of #ADOS, on the other hand, sits outside of Gotanda’s forms of race currently recognized under the law. Its conception is evident in #ADOS founder Yvette Carnell’s description of generational Black Americans as a “tribe,” one distinct from Black immigrants who haven’t been subjugated under the system of American slavery. Under this logic, Vice President Harris’s mixed-race identity, Jamaican background, and class privilege ascribes a separate ‘tribal identity,’ one whose allegiance and motivations are inherently suspect and one that lacks the “property rights” to reparations and other fruits of slavery.<sup>71</sup>

While this ‘tribal’ identity of generational African-Americans appears straightforward to distinguish on the basis of a direct lineage to American slaves, it in fact encompasses a unique spiritual and material character that the law does not, and perhaps cannot, recognize. Torres and Milun’s “Translating Yonnonidio” articulates this impairment of the law, using the Mashpee Indian tribe’s land claim suit as an example.<sup>72</sup> In the *Mashpee* court’s analysis, the tribe failed to meet the “ethno-legal” definitions of tribal self-government, territorial sovereignty, and racial purity, thus making them ineligible to lay claim to their ancestral lands despite their deep cultural practices and long history of self-recognition.<sup>73</sup> For Torres and Milun, the case illustrates that a tribe “is incapable of legal self-definition”—rather, its self-identification or other extralegal

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<sup>71</sup> See Cheryl L. Harris, *Whiteness as Property*, 106 HARV. L. REV. 1707 (1993) (discussing the concept of Whiteness as a form of property rooted in and perpetuating White supremacy). #ADOS’s claim to the \$2 trillion dollars stolen from them as a result of chattel slavery is not ‘property’ as Harris explicitly envisaged the term, but adheres to the same logic. In her argument that affirmative action does not establish a property interest, Harris notes that the policy “is based on principles of anti-subordination, not principles of Black Superiority” *Id.*, at 1785. #ADOS’s claim, on the contrary, *would* appear to be based on principles of superiority, requiring the transfer of the white property interest to Black Americans while maintaining racial oppositionality.

<sup>72</sup> Gerald Torres & Kathryn Milun, *Translating Yonnonidio by Precedent and Evidence: The Mashpee Indian Case*, DUKE L.J. 625 (1990).

<sup>73</sup> *Id.*, at 630.

signifiers are merely “indexical signs,” facts lacking in direct legal value that at most may point the court in the direction of facts considered legally coherent.<sup>74</sup>

While American Indians and generational Black Americans are certainly distinct in many important ways, #ADOS’s identification as a “tribe” defined by the material and spiritual character of subjection to chattel slavery operates in a similar way as the Mashpee’s tribal self-identification. And under the *Mashpee* court’s analysis, it is likely that the shared experience of chattel slavery would similarly constitute an extra-legal identity signifier with no inherent legal value. Moreover, those facts with legal value that such a shared experience may point to—namely ones constituting “historical-race” and, potentially, “culture-race”—also appear missing from the generational Black American community as well. On its face, this may seem counterintuitive considering the clear distinction of slavery and American socialization in creating generational Black American history and culture; nonetheless, there is a strong argument that such facts would not be legally dispositive.

For an illustrative example of this point, we might compare a third-generation Black immigrant descended from enslaved Haitians with a direct descendent of American slavery. While the subjugation to the particular harm of American slavery was not a part of the immigrant Black American’s history, she is clearly still entangled in its historical and present manifestation—the systemic public and private discrimination in the name of maintaining the binary of white supremacy and black inferiority. And both of our Black Americans are certainly a part of the same Black cultural milieu, encompassing not just the Black American cultural tradition but a pan-African Black consciousness and understanding of the parallel roles of international and domestic Black subjugation. And while there may certainly be distinctions in

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<sup>74</sup> *Id.*, at 655.

“culture-race” between our two Black Americans on the basis of their unique lineage and cultural traditions, research on assimilation of Black immigrants suggests these distinctions would be quite slight for second or third-generation immigrants.<sup>75</sup> Moreover, even if we grant that there may be substantial differences, these would be primarily spiritual distinctions that the white gaze of the law has historically failed to recognize as valid.<sup>76</sup>

Accepting that shared identity on the basis of subjection to chattel slavery is not a valid “ethno-legal” category, it would be unlikely that generational Black Americans with links to American slavery would have a basis by which to seek legal recognition. There are both material and symbolic consequences to this. Based on the current Equal Protection Clause jurisprudence, for example, if reparations were provided solely to native Blacks, there is a strong possibility a scheme may be struck down on equal protection grounds.<sup>77</sup> And while a debate exists within the current literature on the constitutionality of applying affirmative action specifically to native-born descendants of slavery, with, it certainly appears possible that such a distinction on the basis of lineage could be struck down on Constitutional grounds here as well.<sup>78</sup>

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<sup>75</sup> See Matthijs Kalmijn, *The Socioeconomic Assimilation of Caribbean American Blacks*, 74(3) Social Forces, 911 (1996).

<sup>76</sup> See Gotanda, *supra* note 56 (stating that culture-race defines Black as “African-American culture, community, and consciousness,” and noting it is the basis for the court’s diversity reasoning, but stating that the Court generally ignores this aspect of culture).

<sup>77</sup> See Eric Posner & Adrian Vermeule, *Reparations for Slavery and Other Historical Injustices*, 103 COLUM. L. REV. 689 (2003) (citing *Jacobs v. Barr* 959 F.2d 313 (D.C. Cir. 1992), cert. denied, 506 U.S. 831 (1992) (implying that providing reparations to Japanese Americans but not German Americans for internment would itself be discriminatory on the basis of ethnicity or national origin.))

<sup>78</sup> In *Grutter*, the court suggested that the legitimate state interest of diversity contains within it an interest in dispelling embedded stereotypes of specific races and ethnicities. *Grutter v. Bollinger* 539 U.S. 306 (2003). One argument made for the constitutionality of affirmative action directed specifically at native-born blacks would be that the “embedded stereotypes” of native-born blacks are distinct from those of immigrant blacks. See, e.g., Cedric Gordon, Note, *When Diversity for Diversity's Sake is not Enough: Should Black Immigrants Receive the Benefit of Affirmative Action at the Detriment of Native Blacks?*, 1 IND. J. L. & SOC. EQUALITY 185 (2013). This argument is lent credence by studies finding differences in the impact of “stereotype threats” invoking Black identity on African immigrant educational performance as compared to native-born Black educational performance, a difference that some argue explains part of the disproportionate representation of Black immigrants at elite universities. See Kay Deaux, et al., *Becoming American: Stereotype Threat Effects in Afro-Caribbean Immigrant Groups*, 70(4) SOC. PSYCH. QUARTERLY 385-404 (2007). However, these distinctions in academic performance substantially dissipate for 2nd and 3rd generation immigrants, suggesting that such “embedded stereotypes” are similar for Black immigrants

Besides these material disadvantages imposed by such a distinction, the legal assimilation of generational and immigrant Black populations would also have substantial symbolic effects as well. Like that of the Mashpee tribe, it would equate to a symbolic social erasure of generational Black Americans—both of the unique historical sin of slavery and the intersectional challenges faced by Black immigrants.

It is in this state of material abandonment and symbolic erasure by the law that #ADOS was founded, and both its philosophies and practices can thus be seen in oppositionality to the legal system. #ADOS then joins a line of other Black groups looking to exercise what Tushnet calls “exit rights”—legalized opportunities to withdraw from the social contract and “defend oneself against state incompetence.”<sup>79</sup> By using the state to shift resources to Black communities and funding Black institutions, #ADOS desires not to enter the mainstream social arena—one fundamentally incapable of respecting it—but rather to shape the fate of its own #ADOS ‘tribe’ with as little outside disturbance as possible. Such a goal is one with long legal and political precedent within the Black community, with strong similarity to groups such as the Black Panthers to the Republic of New Afrika.

Yet #ADOS distinguishes itself from these other self-determination-minded Black movements, not only in their identification as a *tribe* but also their embrace of *tribalism*. We might contrast this with Black nationalism, as articulated in the movements of the 1960s and 70s,

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and the native-born over time & working against the constitutionality of such a directed affirmative action regime. *Id.* Finally, previous affirmative action cases have foreclosed the legitimate public interest of assisting particular races or ethnicities because they are perceived as victims of societal discrimination, an argument that may be persuasive in the context of such a regime. *See Regents of the University of California v. Bakke*, 438 U.S. 265 (1978). While it is outside the current scope of this essay to come to a legal conclusion on this controversial topic, it would undoubtedly be a close case.

<sup>79</sup> Robin L. West, *Tragic Rights: The Rights Critique in the Age of Obama*, 53 WM. & MARY L. REV. 713, 730 (2011).

which envisaged race as a source of community, culture, and solidarity in which to build collective power against White supremacy.<sup>80</sup>

While nationalists were split on the character of Black American culture, with some emphasizing the Pan-Africanist tradition and others arguing for a unique Black American culture, these distinctions were ones transcended by the need for Black solidarity in the broader racial struggle.<sup>81</sup> For tribalists, however, these distinctions are ones to be emphasized—not in service of collective solidarity and “power-with,” but rather an exclusionary “power-over.”<sup>82</sup> As Guinier and Torres note, the allure of such exclusionary forms of power may be difficult to resist in a society built on unjust hierarchies.<sup>83</sup> Fanon, for example, made note of the embrace of bourgeois colonial values and “vulgar tribalism” that were present in several independent post-colonial African states, describing their degeneration from national consciousness to chauvinism—a blind loyalty to an ethno-state that excluded and persecuted those that did not conform with their narrowly-defined conceptions of national culture.<sup>84</sup> Instead of disrupting the systems of power and privilege imposed by the law, then, movements rooted in racial tribalism have merely reproduced them along a different axis. In the process, they have often failed to create the sort of material advantages for the most marginalized promised by the movement in the first place.<sup>85</sup>

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<sup>80</sup> See Peller, *supra* note 47, at 761.

<sup>81</sup> *Id.*

<sup>82</sup> See GUINIER & TORRES, *supra* note 33, at 108-115; 141-147 (defining ‘power-over’ as power where “one group’s benefit comes at another’s expense ... necessarily something one has over either others or oneself” and ‘power-with’ as “the psychological and social power gained through collective resistance and struggle and through the creation of an alternative set of narratives.”)

<sup>83</sup> *Id.*

<sup>84</sup> See FRANTZ FANON, *THE WRETCHED OF THE EARTH*, 156-167 (1963).

<sup>85</sup> See GUINIER & TORRES, *supra* note 33, at 115.

#ADOS's tribalism is harmful not only in its exclusionary power analysis but also in its essentialism—its belief that historical connection to enslavement is to be the singular category of analysis for determining one's level of power and potential for organizing. In this way, #ADOS might be compared to early Latine activists and second-wave feminist theorists, both of which were similarly critiqued of adopting essentialism at the expense of their own effectiveness.<sup>86</sup> This erasure operates on the same logic that legal erasure, which flattens the complexity of race through its formal colorblindness and limited spiritual analysis while still recognizing oppression on other bases. #ADOS, on the other hand, flattens race across the axis of "lineage," discounting the complex entanglement of white supremacist, capitalist, and cis-hetero-patriarchal subjugation in such a way that erases or actively denies these unique and intersectional struggles.

While rooted in oppositionality to the law's conception of race, then, #ADOS ironically reproduces its essentialism and symbolic erasure by failing to consider the uniting character of white supremacy and global racial capitalism in subjugating both generational Black Americans and Black Immigrant populations. At the same time, it promotes a harmful form of exclusionary tribalism with a long history of promoting bigotry and hindering power-building.

### **Conclusion - Towards a New Politic of Black Solidarity**

Throughout this paper

To conclude, however, I hope to discuss

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<sup>86</sup> See, e.g., Gerald Torres and Katie Pace, *Understanding Patriarchy as an Expression of Whiteness: Insights from the Chicana Movement*, 18 WASH. U. J. L. & POL'Y 129 (2005) (describing how the color and gender-blindness of LULAC hampered its effectiveness within the broader coalition of Latine people in Texas); Catharine MacKinnon, *From Practice to Theory, or What Is A White Woman Anyway?* 4 YALE J. OF LAW & FEMINISM 13, 16 (1991) (contending that "to argue that oppression 'as a woman' negates rather than encompasses recognition of the oppression of women on other bases, is to say that there is no such thing as the practice of sex inequality.")

Modern day Pan-Africanists may do well to take notes from LatCrit scholars engaged in work on transnational Latine solidarity and organizing.

The effects of this. Smith's historical analysis of native and foreign-born Black political relations concludes in a similar way: "Pan-ethnic identities also appear to become more salient when Black immigrants gain a sense of racial consciousness and recognize that they are disenfranchised and discriminated against primarily because of their race." finding incentives for coalition building and organizing.

This essay does not aim to discredit #ADOS for their x. Rather, . If #ADOS is legitimately concerned (and is not

This racial consciousness may become evident when considering

**collective action that is cross-racial and sustainable ultimately depends on three key ingredients: (1) a reconceptualization of the meta-narratives of power-over, (2) a commitment to sharing power in ways that are generative, that build from familiar settings, and that emphasize human agency within an organized community, and (3) a willingness to engage with internally embedded hierarchies of ENLISTING RACE TO RESIST HIERARCHY 137 race an**

**To return to our initial vignette of . Not "authenticity," but consciousness and a willingness to fight against oppression everywhere.**