

Cultural Daily

Independent Voices, New Perspectives

Anti-Blackness is Criminal

Kathleen Antonia Tarr · Sunday, September 17th, 2023

My father tells this story about driving around a wealthy neighborhood in his beat-up red van. Born of **Great Depression** era parents, he learned frugality to perhaps a fault. So while he could afford a better vehicle, he didn't buy one. Like his shoes with holes in them and shirts with tears, he holds onto things until they are unusable (side note: the planet would do well to transform more humans in his ideological direction).

So the story goes, Dad pulled up to a stop sign one night in a wealthy neighborhood, and the police pulled him over. They didn't issue him a ticket but ran his driver's license and plates, delaying his journey home. "They only pulled me over because I was driving this van in that neighborhood," he tells it. Further evidencing the harassing nature of the stop is the fact that no ticket was issued.

No one argues with my father's version of events. It makes sense. We are most of us aware of the classist dynamic of most societies, certainly the United States. Some of us are alert to our own negative feelings about and knee-jerk reactions to those who seem "poor." We understand how police frequently enforce the status quo. Yes, my father was pulled over for driving a shabby van in a posh neighborhood.

Were Dad to tell folks he was pulled over for being Black, wide acceptance and support would dissipate.

It's not just because he is *not* Black that folks would protest his version of events. Were he Black and the story about racist (versus classist) cops, many of privileged demographics would offer alternative motivations. They might, in fact, ask *what kind of car* my father was driving because for them, bigotry about vehicles makes more sense. It doesn't actually make more sense; they just want it to. But why do they want it to?

If you find yourself irritated that you've been pulled into this reflection, you may have the answer. So, too, do select members of a 300-person audience who became visibly enraged that I "tricked" them with this story into noting how differently they respond to class as explanation for untoward behavior versus anti-Black racism. The organizers, in fact, who had invited me to speak at several prior functions abruptly discontinued our relationship, disinviting me from an upcoming event that ended up being composed of only White speakers ... and the recording of that last talk I gave becoming suddenly unavailable.

For some people, the notion that anti-Black racism so significantly and profoundly impacts life in these United States is unpleasant enough that they twist their minds into believing whatever else

they can, even if limited alternative evidence exists. While they can acknowledge classism as cause for negative experiences based upon the fact of class disparity and a little information about a circumstance's particulars, they cannot be convinced of anti-Black racism without **proof beyond a reasonable doubt**.

In the criminal context, requiring such degree of proof makes sense. But in civil, **preponderance of the evidence** is supposed to be enough. Despite all of the research linking anti-Black racism directly to disparate **mortality rates, healthcare, access to justice, employment opportunities, education, housing**, and more, too many people in their day-to-day still demand it be evidenced without any room for doubt. This requirement that is imposed upon experts of the Black experience in this nation (i.e., Black people) is at the core of opposition to reparations, affirmative action, and all remedies that acknowledge the disparate harms of society, government, and business.

There are many harrowing individual experiences to speak to and many that have already been spoken to throughout the decades. I can (and will) add some of my own, but unless it is an anti-Black experience without room for even *unreasonable* doubt like the destruction of **Black Wall Street, Jim Crow**, and **slavery** itself, Black people, research, and plain data simply aren't believed by core numbers of the privileged, no matter the volume of evidence. **Anti-Black racism feeds on itself**, in large part because Black people's experiences with racism are held to a higher standard of proof. As such, Black people are treated as "unreliable" when they report their experiences (*playing the race card, everything is race with you people*). **When they (we) are not considered experts in our own lives, there isn't a lot of progress possible.**

The SCOTUS majority's **anti-affirmative action decision** is case-in-point. Justice Sotomayor (dissenting) notes that the "decision exacerbates segregation and diminishes the inclusivity of our Nation's institutions in service of superficial neutrality that promotes indifference to inequality and ignores the reality of race." Justice Brown Jackson states in her dissent, "deeming race irrelevant in law does not make it so in life," and continues, "The takeaway is that those who demand that no one think about race (a classic pink-elephant paradox) refuse to see, much less solve for, the elephant in the room—the race-linked disparities that continue to impede achievement of our great Nation's full potential."

Discussing SCOTUS's decision at the Black August 2023 Hutchins Forum "**The Rise and Fall of Affirmative Action**," John McWhorter asserted affirmative action "made sense in 1970" but no longer for "middle-class and affluent Black kids" and not even in the 80s when he was advantaged by the policy. He believes "being Black is not enough of a concrete, comparative disadvantage" ... the police notwithstanding, McWhorter added, with a weak nod toward structural racism.

Even if you ignore his unsupported default to class as *the* meaningful metric (and note the different standard of proof), the racist forces McWhorter names aren't weak.

I remember being pulled over as a teenager in Kenilworth, Illinois, a wealthy suburb north of Chicago. I was a passenger in a car populated with Black people, and after following us for a while, the police turned on the sirens. We sat there on the side of the road, like my father, waiting for the police to run the plates and check the driver's license and registration.

We had actually wanted to wave the police down and ask if we were headed north or south. We meant to be in Kenilworth but were slightly lost, and I think some of us legitimately believed the police might help us sort it out. We sat in silence for at least twenty minutes before the police let us

go, with no ticket ... and we were silent for the remainder of the trip home, which I should explain for Mr. McWhorter was not far to our own middle-class suburb. We were pulled over and delayed for being Black in *that* town, and we knew it, even if others are desperate to offer another cause.

These stops don't happen in a vacuum. Black people's encounters with police and criminal justice are one facet of an apartheid that lowers mortality. Other structures of racism are also weighty. My Black, middle-aged (and middle-class) friend who I cared for as he struggled with AIDS died in a *pediatric ward*, not a fate to which any of my White friends succumbed. The "mainstream" is speaking more now about disparate maternal mortality rates that leave **Black women three times more likely to die during and after pregnancy than White women**, but it is not emphasized enough that middle-class and affluent Blacks are not immune to the horrifying impacts of racism in all aspects of healthcare as we've seen with **Serena Williams, Susan Moore**, and countless others. The list is a lengthy one that Black people are understandably terrified by. Add to it our own individual experiences with anti-Black racism as we seek medical care.

McWhorter apparently thinks none of that makes being Black *prima facie* evidence of a profoundly disadvantaged experience in the United States, even as **he tone polices (Black) Harvard Law professor Randall Kennedy**'s disagreement with the idea that race cannot be taken into account for college admissions. Tone policing a Black man of high status is such a cliché anti-Black thing to do, and McWhorter hamstrings his argument by this very action. The fact that McWhorter is also Black doesn't mean his tone policing is not racist and anti-Black. It *does* mean that McWhorter ignores the preponderance of the evidence to comfort his psyche somehow with a redirect to tone and denial of the bigger picture. ... and maybe we can understand **why** a Black person would fight against believing the horrors they and others are experiencing simply because of their Blackness.

I grew up not in similar denial but assuredly with little idea anti-Black racism was pulling the trigger on a variety of assaults I experienced until I reflected as an adult about, for example, the White boy who spat on me at a pool in Michigan for what at the time seemed "no apparent reason" or my own judo teammates who intentionally and uniquely tried to hurt me and my sister during drills. I had no insight into why as a child doctors ignored my reports of pain in my knee at the same time a White friend I would later know was being treated with braces for vague concerns about her legs. I was left permanently disabled when my right knee *shredded* as I put it at eleven years old (**tibial tubercle avulsion**), a life-altering experience anti-Blackness guaranteed.

I didn't understand until I was an adult why I am sometimes seated in the back of empty restaurants or at the worst table in busy ones, why cashiers seem to always change their register when I or another Black person is next in line, or why I was yelled at by a conductor for buying a ticket on the train when they were also sold on the platform (both were acceptable) and by a postal worker who blamed me for not fixing someone's broken mailbox that was in my general, fleeting vicinity even though I was nowhere near my home.

I didn't understand why some of my teachers seemed so irritated that I was the smartest kid in their classrooms, my AP Biology teacher vexed that I brought in the latest research that opposed some of what our assigned textbook asserted. I had teachers who lowered my grades because of what I thought were simple oversights on their part that for "some reason" they felt no need to remedy, and as an undergraduate at the University of California, Berkeley, my first-year rhetoric professor (well, graduate student instructor) wrote, "You sound like one of those black nationalist types," on one of my essays as justification for a less than excellent grade. What had I written about? Hate speech's overlap with tort law. Pretty sophisticated for that age. All the Black students in that class

received the same ‘B’ as I recall including one who I thought consistently submitted amazing argumentative writing, her essay about the rhetoric of graffiti being my favorite but somehow not compelling to our anti-Black instructor.

Berkeley’s affirmative act to admit me as a student enabled me, ironically, to learn important lessons about racism. I began to understand how the racial identity projected onto me impacted (impacts) every corner including my self-worth. I learned, too, through the diversity of students I met. A classmate who some might call a [Candace Owens](#) type did well at Cal grades-wise. In a group discussion about affirmative action pre-[Prop 209](#), she proclaimed the remedy unnecessary. “Look at me. I have a 4.0. Racism is not a problem.” Considering others’ grades, her intelligence, and her professional appearance — that stood out so uniquely that on the first day of class a peer wondered aloud if she were a practicing attorney — I asked her, “Don’t you think you would receive more ‘A+’s if you were White?” She pondered briefly before uttering, “I think you are smarter than I am.”

There were many anti-Black moments I experienced outside of and within Berkeley courses, but I managed to do okay as far as GPA is concerned. I did well on the Law School Admission Test, self-studying to the 95th percentile, and was subsequently accepted into Harvard Law School. After graduation, I passed the California Bar on the first attempt, and later when I sought additional intellectual stimulation, I joined Mensa. **Yes, I am high IQ and still needed affirmative action to go to a university of my choice.**

Egyptian-American astrophysicist [Sarafina El-Badry Nance recalls](#) being told twenty years ago when she was ten *by an astronomer visiting science camp*: “Astronomy isn’t for you.” She since realized, “Those type of comments, compounded over time, created an insidious belief that I didn’t belong and never would. It’s hard to identify the difference between your worth and what somebody else tells you your worth is. And so much happens subconsciously.”

I, too, turned most of my pre-college anti-Black experiences inward as examples of my unworthiness *as a human being*. It took Berkeley’s profound racisms to illuminate that it wasn’t me. Cal helped me understand the insidious and violent nature of anti-Black racism and to some degree why and how it manifests. Those insights didn’t help me remedy not receiving a home loan as an adult, even with a large down payment available. They did help me when I wasn’t permitted an apartment rental application once I showed up in-person even though the unit had been available when I inquired not long before by phone. I, of course, wouldn’t have had to rent if I’d been able to own. That decades-long loss of equity is a profound disadvantage.

I still am sometimes slow to understand the anti-Blackness that is happening in a moment, mostly because of shock. Perhaps because my parents never gave me “the talk” it took me so long to gain essential insights. What is clear is the “concrete, comparative disadvantage” I endured as a youth and today simply because I am Black (and oft times because I am a Black *woman*).

McWhorter may agree with SCOTUS’s anti-affirmative action majority in believing a 17-year-old will be able to articulate the role of race in their life, ergo that I would have been able to write an essay as part of my Berkeley application that would have assured me the same result: admission. But universities “considering an applicant’s discussion of how race affected his or her life, be it through discrimination, inspiration or otherwise” is not the same as outright acknowledging the realities of disadvantage in this nation imposed merely because of Blackness. Why put young applicants through the pain and time required to do justice to the topic? Further, what could I have

written at that age? “I’m biracial, and sometimes people ask only my father if I’m adopted.” It really doesn’t express the depth.

Of course, none of these impositions applied regarding sexism and loss of opportunities for (White) women who are, in fact, the greatest beneficiaries of affirmative action. White women and girls are indeed denied opportunities based upon gender, but they are not virulently challenged in their report of such. A preponderance of the evidence is enough.

In part this benefit is afforded because most people believe if White women haven’t been able to achieve equity, outside forces must be to blame. By contrast, even the privileged “liberal” version of anti-Blackness that acknowledges racism in the United States still concludes Black people are lesser, *because of how hard their living situations are*. The *systems* are racist, therefore – so the stereotypes go – Black people turn out *not smart enough to do well in school, more often engaged in criminal behavior*, and *unmotivated*. This supposed benevolent view does not account for *grades literally not reflecting performance, disparate scrutiny of behavior* and law enforcement, and individual efforts to overcome anti-Black racism simply not succeeding. Renown historian Heather Cox Richardson vigorously nodded toward the latter when *she claimed Frederick Douglass escaped slavery because he tried whereas other enslaved Black people who didn’t escape, by definition, didn’t try*. These anti-Black beliefs run deep and have blinded people so thoroughly they now demand proof of racism beyond a reasonable doubt as – to borrow from Stewart Copeland – *a key to a door that’s wide open*.

What is it that, for example, discounts what so many Black people saw as obvious in the footage of the *Alabama Sweet Tea Party*: that it was sparked by anti-Black racism. It wasn’t until reporting of racial slurs that even *The Root* headlined “*It Turns Out Good Ol’ Fashioned Racism Is To Blame for the Start of Montgomery Brawl*.” The evidence is preponderant in the videos alone without that information, and if someone paid attention, they would note that experts on both the Black experience and anti-Black racism (i.e., Black people) immediately understood it. Note that despite the fact of the racial slur, “*police still believe the brawl was not racially motivated*.”

Make it make sense.

I recently came across a quote credited in April 2015 to *stimmyabby* (Tumblr) about the word “respect” and how people’s understanding manifests in mindset and behavior:

Sometimes people use “respect” to mean “treating someone like a person” and sometimes they use “respect” to mean “treating someone like an authority”

and sometimes people who are used to being treated like an authority say “if you won’t respect me I won’t respect you” and they mean “if you won’t treat me like an authority I won’t treat you like a person”

and they think they’re being fair but they aren’t, and it’s not okay.

That unfairness, in a nutshell, is the heart of anti-Blackness and what further traps it in a horrific loop. As *AP African American Studies courses are derailed* across the country, and as at least one state wants to teach K-12 students the *benefits of slavery*, we are somehow supposed to believe Black people **of every class** aren’t being bombarded with negative messages about their worth and

non-existence of their well-documented experiences. Black people are not trusted as authorities *because* they are Black, and to point out anti-Black racism where people who disregard Black personhood say it does not exist is to challenge privileged authority. The challenge itself is considered disrespectful. Conservative and liberal racists lash out, push back, and because of who holds power in this nation, proving an anti-Black experience to them then requires overwhelming evidence beyond a reasonable doubt.

As we left [Black August](#), the 60th anniversary of the “[March on Washington for Jobs and Freedom](#)”, and the horror of the [murders in Jacksonville](#), Florida, [President Biden and Vice President Harris asked us to rise up against hate](#). Yet no justice can be found where Black citizens are not considered experts in being Black in the United States. When our experiences with racism require a standard of proof that is itself anti-Black, our oppression will most assuredly continue ad infinitum.

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