

Michigan Law Review

Volume 95 | Issue 4

1997

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Recommended Citation

Angela P. Harris, *Afterword: Other Americas*, 95 MICH. L. REV. 1150 (1997).

Available at: <https://repository.law.umich.edu/mlr/vol95/iss4/13>

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AFTERWORD: OTHER AMERICAS

Angela P. Harris*

George Washington and George Washington's slaves lived different realities. And if we extend that insight to all the dimensions of white American history, we will realize that blacks lived a different time and a different reality in this country. And the terrifying implications of all this . . . is that there is another time, another reality, another America

— Lerone Bennett, Jr.¹

It's a black thing; you wouldn't understand.

— Slogan on t-shirt, popular in the late 1980s

I.

In an article published by *Harper's Magazine* in July 1991, James Traub, a white journalist, reported that participants on "The Gary Byrd Show," a New York City-based black radio talk show, insisted on attributing nearly every event adversely affecting African Americans to racist conspiracies.² Traub titled his article "A Counter-Reality Grows in Harlem," and he was clearly shocked and dismayed by what he saw as the widespread irrationalism, even paranoia, of Harlem's black residents. His article suggested that the emergence of this counterreality was a measure of the dangerous isolation of certain segments of African America from the rest of America: Harlem as hothouse.

Fast forward to the fall of 1996: the CIA is accused of flooding urban African-American communities with crack. This time it is not black talk radio but the *San Jose Mercury News* that breaks the story.³ While whites are shocked and dismayed by the allegations, African Americans are far more willing to believe them; the suspicion that the United States Government introduced crack cocaine

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1. LERONE BENNETT, JR., *THE CHALLENGE OF BLACKNESS* 39 (1972).

2. See James Traub, *A Counter-Reality Grows in Harlem*, *HARPER'S MAGAZINE*, Aug., 1991, at 69.

3. See Gary Webb & Pamela Kramer, *Sealed Records May Show CIA, Drug Link*, *San Jose Mercury News*, Sept. 29, 1996, at 1A.

to black communities in order to pacify or destroy them has been circulating for years.⁴

Another America. Poll takers routinely find statistically significant gaps between the views and opinions of African Americans and those of whites, particularly when it comes to issues of race.⁵ The gaps reflect a chasm of experience and perspective — an epistemological chasm that divides white from nonwhite, and especially white from black. From Traub's perspective, this other America is a counterreality, a paranoid fantasy. From another perspective, it is a folk expression of the long tradition of interpreting social events in the context of persistent American racism.⁶ As Richard Delgado has put it:

One structural feature of human experience separates people of color from our white friends, accounting in large part for our differing perceptions in matters of race. This structural feature, which dwarfs almost everything else, is simply stated: white people rarely see acts of blatant or subtle racism, while minority people experience them all the time.⁷

In the late 1980s and early 1990s, critical race theory introduced another America to the American legal academy. But while people on the streets of New York City and Los Angeles spoke of shadowy conspiracies, critical race theorists took a different approach: they aimed to undermine the reigning America, using logic and, above all, subversive stories. Critical race theory can be understood as a rigorous, formal alternative to occasional journalistic reports of a counterreality: an attempt to give "colorblind" whites the gift of

4. See Regina Austin, *Beyond Black Demons & White Devils: Antiblack Conspiracy Theorizing & the Black Public Sphere*, 22 FLA. ST. U. L. REV. 1021, 1023 (1995) ("Among the most broadly disseminated antiblack conspiracy theories are those dealing with the wholesale destruction of urban black communities by means of drugs and guns.").

5. As Jennifer Hochschild notes: "[W]hen Americans look at the prospects of others or at the overall pattern of racial interaction, African Americans are increasingly dismayed at the height of racial barriers to the American dream while whites are increasingly gratified by the decline of those barriers." JENNIFER L. HOCHSCHILD, *FACING UP TO THE AMERICAN DREAM: RACE, CLASS, AND THE SOUL OF THE NATION* 60 (1995). Reporting on data from opinion polls taken in New York from 1988 to 1993 on the state of race relations in the city, Hochschild concludes that "no matter what direction opinion is moving, blacks and whites are following opposite trajectories. Racial divergence, not merely growing black pessimism, is the underlying phenomenon." *Id.* at 61.

6. For example, Patricia Turner, a folklorist of African-American culture, argues that racial conspiracy theories in African-American communities provide a way of making sense of, and sometimes providing imagined control over, a white world that in fact has been persistently hostile toward black people. See PATRICIA A. TURNER, *I HEARD IT THROUGH THE GRAPEVINE: RUMOR IN AFRICAN-AMERICAN CULTURE* 105-07 (1993).

7. Richard Delgado, *Critical Legal Studies and the Realities of Race: Does the Fundamental Contradiction Have a Corollary?*, 23 HARV. C.R.-C.L. L. REV. 407, 407 (1988).

Dubois's second sight.⁸ But the race-crits' perception of a fundamental epistemological gap between whites and people of color — and their assumption that it is whites, not people of color, who need to be educated — have, not surprisingly, been strenuously resisted. Ralph Ellison credits Richard Wright as saying, “[T]here is in progress between black and white Americans a struggle over the nature of reality.”⁹ The bitter fights over the existence of a “voice of color” and the worth of storytelling are not just academic turf wars, but reflections on the struggle over whose America this is: who is blind and who can see; whether the talk shows and barber shops of the other America ring with truth, paranoia, or a complex mixture of both.

II.

The terrain of paranoia and conspiracy is a familiar one in American life, of course, and one often mapped by novelists. At the center of Thomas Pynchon's 1966 novel *The Crying of Lot 49*, for example, is a huge and shapeless conspiracy called the Tristero. The Tristero appears to be, among other things, a secret postal network operating in defiance of the U.S. government that connects dispossessed people from all walks of life: communities marginalized and persecuted by society; social movements left in the dustbin of history; misfits, anarchists, and fetishists. The entry point for this secret postal network is a series of cans all over America that say WASTE. Looking closer, one notices that the word is actually an acronym that stands for We Await Silent Tristero's Empire.

Or, maybe not. The deeper subject of Pynchon's novel is paranoia. Oedipa Maas, the protagonist of the story, has stumbled on the Tristero while attempting to carry out her duties as executor of the estate of Pierce Inverarity, an eccentric California real estate mogul who used to be her lover. As she continues to find the signs

8. See W.E.B. DuBois, *THE SOULS OF BLACK FOLK* 2-3 (Vintage Books 1990) (1903). The famous quote in full is as follows:

After the Egyptian and Indian, the Greek and Roman, the Teuton and Mongolian, the Negro is a sort of seventh son, born with a veil, and gifted with second-sight in this American world, — a world which yields him no true self-consciousness, but only lets him see himself through the revelation of the other world. It is a peculiar sensation, this double-consciousness, this sense of always looking at one's self through the eyes of others, of measuring one's soul by the tape of a world that looks on in amused contempt and pity. One ever feels his two-ness, — an American, a Negro; two souls, two thoughts, two unreconciled strivings; two warring ideals in one dark body, whose dogged strength alone keeps it from being torn asunder.

Id.
9. RALPH ELLISON, *Twentieth-Century Fiction and the Black Mask of Humanity*, in *SHADOW AND ACT* 24, 26 (1964).

of the mysterious Tristero everywhere, it occurs to her that its existence is only one possibility. Another possibility is that she is going mad. A third is that, for some unfathomable reason, Inverarity has concocted the whole scheme for her to uncover. And a fourth possibility is that she is hallucinating the whole thing as part of some mid-1960s drug trip.

Fast-forward three decades: on the Fox network every week, FBI agents Fox Mulder and Dana Scully pursue the "X files," cases that the FBI finds too bizarre or mysterious to handle through normal channels. *The X-Files*, created by producer Chris Carter, has become both a critical favorite and a surprise hit for Fox. In the show, Agent Mulder (played by David Duchovny) is an enthusiastic believer in the paranormal; a poster hanging in his office says "I Want to Believe." His partner Agent Scully (played by Gillian Anderson) is a medical doctor and a no-nonsense believer in science, initially assigned to control Mulder's flights of fancy (and to report on his activities to their superiors). The "mythology" of the show — the plot thread that runs through the background of all the episodes — concerns the agents' efforts to uncover a secret project of the U.S. government involving human contact with aliens, a project that may or may not be focused on human-alien interbreeding to create a new master race.

The slogan of *The X-Files* is "The Truth is Out There." But, as with Oedipa Maas's search for the Tristero, the problem with the conspiracy that Scully and Mulder chase every week is not only that they are never certain of exactly what it entails, but also that proof of its existence seems to be impossible. Oedipa Maas, chasing the Tristero, finds her informants, friends, allies, even her ex-husband, disappearing one by one into death, madness, or absence. Whenever Mulder and Scully get too close to finally unveiling the existence of the project, crucial evidence is destroyed or disappears. Their allies similarly disappear or are murdered one by one. Although they seem to have friends and protectors in high places, Mulder has been nearly killed more than once, and Scully's faith in the government she works for has gradually been eroded nearly to the vanishing point. Meanwhile, Mulder's eagerness to believe the most occult explanation for any unusual occurrence is nearly indistinguishable from paranoia; Scully has compared him to Captain Ahab, leading himself and all those around him into madness and death. Like Oedipa Maas, Mulder is either prescient or slowly going insane.

The deepest subject of both *The Crying of Lot 49* and *The X-Files* is not, however, the thin line between truth and paranoia, but the longing for another America. Oedipa Maas explicitly articulates this longing. If the Tristero is real, she tells herself, then she has stumbled

onto a secret richness and concealed density of dream; onto a network by which X number of Americans are truly communicating whilst reserving their lies, recitations of routine, arid betrayals of spiritual poverty, for the official government delivery system; maybe even onto a real alternative to the exitlessness, to the absence of surprise to life, that harrows the head of everybody American you know, and you too, sweetie.

.....

For here were God knew how many citizens, deliberately choosing not to communicate by U.S. Mail. It was not an act of treason, nor possibly even of defiance. But it was a calculated withdrawal, from the life of the Republic, from its machinery. Whatever else was being denied them out of hate, indifference to the power of their vote, loopholes, simple ignorance, this withdrawal was their own, unpublicized, private. Since they could not have withdrawn into a vacuum (could they?), there had to exist the separate, silent, unsuspected world.¹⁰

The secret project that Scully and Mulder endlessly pursue is also another America. A recent episode suggested that the assassinations of President John F. Kennedy and Dr. Martin Luther King, Jr., were committed by a person at the heart of the cover-up conspiracy, a person known to them and us only as the Cigarette-Smoking Man (or Cancer Man, as Mulder calls him). Whereas Pynchon imagines his recondite America as containing both the dark passions and the simple human decency missing from American political and civic life, Chris Carter's secret America is a sinister one, run by a cabal of rich white men who guide the path of history for their own mad and arrogant purposes. Yet *The X-Files'* dark vision of a corrupted America paradoxically calls into being its imagined opposite, its doppelganger. Mulder wants to know the truth not just for his own selfish purposes, to finally learn what happened to his sister, but to tell the truth to the world. And Scully's faith in her government is based on a vision of government work as public service. The sinister other America they are endlessly uncovering is countered by an America they seem to be desperately wishing into existence, an America that would bear witness to their truth-telling and would stir from its apathy into outrage and righteous action. This yearning is doubled by the show's own message: in the dark pool of the evil America run by a cabal of rich white

10. THOMAS PYNCHON, *THE CRYING OF LOT 49*, at 170, 124-25 (1966).

men is reflected our own bright visage as the true American community, held hostage and abused but ready to reclaim our power when faced with the truth.

My friend Luke Cole identifies "The Truth Will Set You Free" as one of the three central myths of "white Americana."¹¹ It seems not to have occurred to Mulder and Scully that their corrupt, shadowy America may have no doppelganger: that, faced with an uncomfortable truth, Americans finally would prefer lies and ignorance. But people of color have imagined this possibility many times. Derrick Bell imagines a series of "Racial Data Storms" that broadcast directly into white Americans' consciousness facts about the disparities in life chances between blacks and whites and "the feelings of frustration, despair, and rage that blacks experience when discrimination bars them from jobs they would otherwise obtain."¹² In his fable, this inescapable consciousness of racism causes whites finally to mobilize for social reform and interracial justice. But Bell immediately calls this dream into question, wondering if African Americans are deliberately kept on the bottom of American society as the price of ethnic peace. He suggests that African Americans are "a race of Jeremiahs, prophets calling for the nation to repent," and he reminds us that "[a]bout the least dire fate for a prophet is that one preaches, and no one listens; that one risks all to speak the truth, and nobody cares."¹³

Like Mulder and Scully, critical race theorists are constantly trying to expose the truth to the world, hoping against hope that their other, unsullied America will rise up in righteous indignation and sweep away injustice. And, like Mulder and Scully, their objectivity is constantly called into question. Like Oedipa Maas, and like people of color generally when suspecting the effects of racism, they are forced to wonder whether they are seeing an inner truth or are merely paranoid. Finally, like Mulder and Scully critical race theorists face a serious dilemma as they seek to speak truth to power. For all their posturing as outlaws, and for all the very real scorn, censure, and physical danger they are subjected to in the course of their quest, Mulder and Scully are employees of the U.S. government, with all the privileges and perquisites thereto. They have

11. Luke W. Cole, *Environmental Justice and the Three Great Myths of White Americana*, 3 HASTINGS W.-NW. J. ENVTL. L. & POLY. 449, 450 (1996) ("The three great myths of white Americana are: 1) The truth will set you free; 2) The government is on our side; and 3) We need a lawyer.").

12. DERRICK BELL, *FACES AT THE BOTTOM OF THE WELL: THE PERMANENCE OF RACISM* 149 (1992).

13. *Id.* at 157.

jobs they want to protect; and they provide legitimacy and cover for the very government they seek to expose as corrupt.

In this symposium, Alex Johnson, Margaret Russell, and Robert Williams each put it clearly, although in very different ways: the dilemma of lawyers and law professors of color is that they depend for their livelihoods and their professional identities on the system they criticize as racist. As members of the bourgeoisie (or the New Class, or the professional middle class, depending on which theorists you read), they are at once both the most eloquent testament to the brokenness of the system and the most fatally compromised. If they were really so dangerous, Mulder and Scully would have been killed long ago. And classrooms and courtrooms, if you listen closely, are full of the echoes of missing persons: those scary Negroes and Indians and others who were simply "too radical" to be borne; the missing teachers and advocates who never were hired, or never got tenure, or went mad or destroyed themselves or died young; the Rob Williamses who weren't prudent enough to get tenure before describing their colleagues as vampires. We are all the spooks who sat by the door.

III.

And yet: another America. The quests of Oedipa Maas, Fox Mulder, and Dana Scully resemble one another but differ from the critical race theorists' quest in a crucial way. Each of the fictional searchers for the truth is an atomistic individual, and the America they seek is not only a place of truth and justice but of community. Oedipa is divorced, her ex-husband "Mucho" Maas having slowly retreated into a world of LSD-induced solipsism, and she has no children, no other family or close friends. Her Tristero is an imagined America of fellowship, though of the most marginalized and forlorn kind.

Fox Mulder famously has no human connections other than his partner (he doesn't even permit anyone to call him by his first name), and his relationship with her is caring but chaste. Scully's father and sister are dead; she also never dates or seems to have any friends. Yet their search for "the truth" — and, perhaps, the popularity of their search with millions of Americans — betrays their yearning for an America that would be a beloved community, a place where people are brought together by the ties of humanity rather than the lures of political and commercial lies.

Such a place seems impossible to imagine for any of these characters. The very emptiness of their own lives makes their American

dream seem impossibly extravagant. Mulder's constant references to what the American people would do when finally confronted with "the truth" are as vague as they are passionate. Oedipa's dream of the Tristero constantly recedes from her even as it persistently makes itself visible; she is never accepted into its fellowship. The existence of the Tristero comes to be all or nothing for her, for the America she lives in has become intolerable. As she muses:

For it was now like walking among matrices of a great digital computer, the zeroes and ones twinned above, hanging like balanced mobiles right and left, ahead, thick, maybe endless. Behind the hieroglyphic streets there would either be a transcendent meaning, or only the earth. . . . Ones and zeroes. . . . Another mode of meaning behind the obvious, or none. Either Oedipa in the orbiting ecstasy of a true paranoia, or a real Tristero. For there either was some Tristero beyond the appearance of the legacy America, or there was just America and if there was just America then it seemed the only way she could continue, and manage to be at all relevant to it, was as an alien, unfurrowed, assumed full circle into some paranoia.¹⁴

For the critical race theorists in the symposium, however, the choices are not all or nothing, paranoia or perfect community, white or colored America. There is another alternative: the imperfect but real communities that sustain people working together to widen the circle of legal and social inclusion. And this fellowship is not a distant or vaguely imagined one. In this symposium, Robert Williams speaks of a community where one can be an individual and simultaneously a member of a group, a world in which the question "Boy, what have you done for your people today?" can be asked and answered. For him, that community already exists; for others in the symposium, the beloved community is one that must be built.

As lawyers and teachers, critical race theorists live in social engagement (even colonies of the Undead can provide a kind of community). In this symposium Leslie Espinoza, Naomi Cahn, and Tony Alfieri each speak of lawyering as a social practice in which new ethics can be shaped, and new stories told, to bind us to one another in more truthful and more human ways in the pursuit of justice. Williams praises teaching as a practice in which real human linkages can be formed and maintained. Most ambitiously, Eric Yamamoto's article offers a vision of a critical race praxis that can begin to heal the rifts between theorists and practitioners, as well as the rifts among racialized ethnic groups locked in conflict not only with whites but with one another.

14. PYNCHON, *supra* note 10, at 181-82.

The liberal dream of a beloved American community has traditionally been of an America without race. More specifically, it has been Justice Scalia's dream of a melting-pot America in which "we are all just one race" — the "American" race.¹⁵ Yamamoto's other America is a good deal more complex; yet, like the real-life communities of solidarity formed by lawyering for social change, it is also more grounded in reality. It begins with a world in fact divided by power and group interest, rather than a utopia in which all racial barriers somehow have softly and suddenly vanished away. While our fictional searchers for another America can only fantasize it into existence, critical race theorists have a material place to start.

Oedipa Maas "had heard all about excluded middles; they were bad shit, to be avoided; and how had it ever happened here, with the chances once so good for diversity?"¹⁶ For the critical race theorists in the symposium as well, the belief that the alternatives are all or nothing may itself be an obstacle to forward movement. Derrick Bell has suggested that within the binary black-white paradigm of American race relations, both sides are frozen. He suspects that "whites" need "blacks" as the sign of both their wholeness and their brokenness, the sign of a possibility, a communion, that is endlessly deferred. It is perhaps in offering a third way — a community that begins to take shape here and now, a justice that acknowledges race rather than making it magically disappear, a language that tries to bridge "reality" and "counterreality," a world that includes "non-white others" rather than only black and white — that the critical race theorists in this symposium are the most radical.

15. See *Adarand Constructors, Inc. v. Peña*, 115 S. Ct. 2097, 2119 (1995) (Scalia, J., concurring) ("We are all just one race here. It is American.").

16. PYNCHON, *supra* note 10, at 181.