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# SISTERS GONNA WORK IT OUT: BLACK WOMEN AS REFORMERS AND RADICALS IN THE CRIMINAL LEGAL SYSTEM

*Paul Butler\**

BECOMING ABOLITIONISTS: POLICE, PROTESTS, AND THE PURSUIT OF FREEDOM. By *Derecka Purnell*. New York: Astra House. 2021. Pp. 288. Cloth, \$28. Paper, \$18.

PROGRESSIVE PROSECUTION: RACE AND REFORM IN CRIMINAL JUSTICE. Edited by *Kim Taylor-Thompson* and *Anthony C. Thompson*. New York: New York University Press. 2022. Pp. 312. \$45.

## INTRODUCTION

Black women are guiding the future of the American criminal legal system. They are leaders of two divergent movements, one focused on reform and the other on radical transformation. Two recent books suggest the potential and limits of these movements—and the tensions between them. Each book centers the vital work of Black women, who too often are the unsung heroes of social justice movements.<sup>1</sup>

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\* Albert Brick Professor in Law, Georgetown University Law Center. I thank Aubrianna Mierow and Torrell Mills for exemplary research assistance. In the interests of full transparency, I provided a short endorsement (blurb) of *Becoming Abolitionists* based on a prepublication draft the publisher shared with me. *Becoming Abolitionists*, PENGUIN RANDOM HOUSE, <https://www.penguinrandomhouse.com/books/675803/becoming-abolitionists-by-derecka-purnell/> [perma.cc/64SG-B77T]. The title of this Review is a riff on Willie Hutch's song "Brothers Gonna Work It Out." See *Brothers Gonna Work It Out*, GENIUS, <https://genius.com/Willie-hutch-brothers-gonna-work-it-out-lyrics> [perma.cc/84V4-AA7M].

1. See BUT SOME OF US ARE BRAVE (Akasha (Gloria T.) Hull, Patricia Bell-Scott & Barbara Smith eds., 2d ed. 2015); see also DARLENE CLARK HINE & KATHLEEN THOMPSON, *A SHINING THREAD OF HOPE: THE HISTORY OF BLACK WOMEN IN AMERICA* (1998) (discussing the crucial yet underrecognized role of Black women as leaders in American history); Shearon Roberts, *PD to Advance Black Racial Solidarity: Black Women & the Labor of Racial Justice Movements*, UNIV. OF S. CAL. CTR. ON PUB. DIPL.: CPD BLOG (Mar. 30, 2021), <https://uscpublicdiplomacy.org/blog/pd-advance-black-racial-solidarity-black-women-labor-racial-justice-movements> [perma.cc/D8UQ-BMCE] (describing how "[b]lack women remain at the foreground of social justice movements today," but "[a]s in the past, they receive less media attention for their labor, or . . . their work is attributed to others").

In the essays compiled by Kim Taylor-Thompson and Anthony C. Thompson<sup>2</sup> in *Progressive Prosecution: Race and Reform in Criminal Justice*, scholars and elected district attorneys make the case that prosecutors are integral to ending the racialized mass incarceration famously described by Michelle Alexander as “the New Jim Crow.”<sup>3</sup> Derecka Purnell’s *Becoming Abolitionists: Police, Protests, and the Pursuit of Freedom*<sup>4</sup> is part autobiography and part manifesto for a country without prosecutors and police.

Both books were published during a time of significant attention to racism in the U.S. criminal legal system. The murder of George Floyd, an unarmed Black man killed in 2020 by Minneapolis police officers, set off a national reckoning on race (Taylor-Thompson and Thompson, p. 1). But women of color had already done much of the theorizing, organizing, and activism that laid the ground work—most notably, Patrisse Cullors, Alicia Garza, and Ayo Tometi, the founders of the Movement for Black Lives.<sup>5</sup> By the time of Floyd’s murder, Michelle Alexander’s *The New Jim Crow*, published in 2010, had become one of the best-selling and most influential books on race of all time.<sup>6</sup>

The fact that Black women stand ready to lead change in the criminal legal system does not mean that they all agree on what that change should be, and how to accomplish it. The Black women whose stories we learn in *Progressive Prosecution* and *Becoming Abolitionists* appear to fall along traditional Left fault lines: liberal reformers versus radical disrupters, civil rights versus critical race theory, and Barack Obama versus Ta-Nehisi Coates. Thus, in *Progressive Prosecution*, reformers like the legal scholar Angela J. Davis<sup>7</sup> and Cook County State’s Attorney Kim Foxx advocate for conviction review units and ending punishment for drug possession crimes. Purnell, in contrast, calls for the abolition not only of police and prosecutors, but also of capitalism.

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2. Kim Taylor-Thompson and Anthony C. Thompson are Clinical Professors of Law Emeriti at New York University School of Law.

3. MICHELLE ALEXANDER, *THE NEW JIM CROW* (3d ed. 2020).

4. Derecka Purnell is a Scholar-in-Residence at the Initiative for a Just Society, Columbia Law School.

5. *Herstory*, BLACK LIVES MATTER, <https://blacklivesmatter.com/herstory/> [perma.cc/5LEL-E3JY]. Tometi has since changed her name from Opal to Ayo. #TeamEBONY, *Black Lives Matter Co-Founder Takes on New Identity*, EBONY (Oct. 6, 2021), <https://ebony.com/black-lives-matter-co-founder-takes-on-new-identity/> [perma.cc/75UW-8J7P].

6. See ALEXANDER, *supra* note 3, at xiv (noting that the book “spen[t] 246 weeks on *The New York Times* bestseller list and has been used widely by faith groups, activists, educators, and people directly impacted by mass incarceration inside and outside prisons” and “[o]ver the past ten years, . . . people in all walks of life . . . have written to share how the book changed them or how they have used it to support consciousness-raising or activism in countless ways”); see also Joy Frank-Collins, *The Extraordinary Legacy of “The New Jim Crow,”* COLUMBUS MONTHLY (June 21, 2021, 11:46 AM), <https://www.columbusmonthly.com/story/lifestyle/around-town/2021/06/21/extraordinary-legacy-the-new-jim-crow/7770767002/> [perma.cc/N45F-W4R8] (“The book won numerous awards, spent nearly 250 weeks on *The New York Times* bestseller list and inspired countless artists, educators, and civil rights activists.”).

7. Not to be confused with the abolitionist Angela Y. Davis, who is discussed elsewhere in this Review. See *infra* Section I.B, Part II.

Likewise, the diverse organizations and activists who make up the Movement for Black Lives have sometimes embraced strategies that can seem inconsistent. For example, the platform of the Movement for Black Lives states, “We believe we can achieve complete abolition and reimagining of current systems.”<sup>8</sup> It calls for “an end to all jails, prisons, immigration detention, youth detention, and civil commitment facilities.”<sup>9</sup> But some BLM chapter leaders have endorsed “progressive prosecutors” in local district-attorney elections.<sup>10</sup>

This Review explores ways of reconciling these apparent tensions through a Black feminist politics. It proceeds in three parts. Part I heralds the significance of *Progressive Prosecution* and *Becoming Abolitionist* for their respective social justice movements and critiques each for not doing even more. Part II highlights apparent tensions between the two books and more generally between the reformist and abolitionist movements. It then points to shared ground between the two books—the role of Black women and their lived experience in leading both movements. Part III draws on the history of Black feminist movements, particularly the Combahee River Collective, to imagine the potential of Black women leading the transformation of the American criminal legal system.

#### I. TWO MODELS OF CHANGE: THE REFORMER AND THE ABOLITIONIST

On the surface, *Progressive Prosecution* and *Becoming Abolitionists* represent opposing approaches to addressing entrenched problems in the U.S. criminal legal system including mass incarceration, police brutality, and extraordinary race disparities. While this Review ultimately argues that the two are not irreconcilable, there is no doubt that the proponents of each movement diverge in their views in some deep and fundamental ways. *Progressive Prosecution* and *Becoming Abolitionists* are compelling and accessible surveys of and entry points into each movement.

##### A. Progressive Prosecution: Race and Reform in Criminal Justice

In the introduction to *Progressive Prosecution*, the book’s editors—law professors Kim Taylor-Thompson and Anthony C. Thompson—explore the circumstances which led to the unprecedented public outcry for criminal justice reform that began in 2020 (Taylor-Thompson and Thompson, pp. 1–7). They suggest that George Floyd’s death in May 2020 was a tipping point after a series of consecutive, widely publicized, racist incidents—including the deaths of Ahmaud Arbery and Breonna Taylor in February and March 2020,

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8. *The Preamble*, MOVEMENT FOR BLACK LIVES, <https://m4bl.org/policy-platforms/the-preamble/> [perma.cc/K662-6R4N].

9. *End to All Jails, Prisons, and Immigration Detention*, MOVEMENT FOR BLACK LIVES, <https://m4bl.org/policy-platforms/end-jails-prisons-detention/> [perma.cc/P59L-ZCH4].

10. See, e.g., *Endorsements*, ELI SAVIT FOR WASHTENAW PROSECUTOR, <https://eli2020.com/endorsements> [perma.cc/7RQR-9MAA] (showing that Ann Arbor BLM chapter leader Krystle DuPree endorsed Eli Savit).

respectively, and the harassment of Christian Cooper, a Black ornithologist, by a white woman in Central Park in May 2020 (Taylor-Thompson and Thompson, pp. 2–3). According to the editors, these events exposed not only the targeting of Black and brown bodies in the United States by public and private actors but also the failure of prosecutors to obtain justice for individuals who are harmed in racist encounters (Taylor-Thompson and Thompson, pp. 2–7). As the authors highlight, prosecutors in both Arbery’s and Cooper’s cases initially failed to bring charges against the white perpetrators (Taylor-Thompson and Thompson, pp. 2–3). And local prosecutors in Taylor’s case never charged any of the police officers responsible for her death.<sup>11</sup>

This failure to hold accountable law enforcement officials who commit violence against people of color was hardly new in 2020. Taylor-Thompson and Thompson’s theory is that the COVID-19 pandemic compelled white Americans to watch more closely: “[I]n ordinary times, the distractions of work or daily activities would likely have drawn their attention away from the video proof. But these were not ordinary times” (Taylor-Thompson and Thompson, p. 4). After Floyd’s death, Taylor-Thompson and Thompson claim, with more hope than evidence, “something tectonic shifted in the country” (Taylor-Thompson and Thompson, p. 5). It’s true that for a few months U.S. mainstream media covered police killings more frequently than it had before. But certainly there had been other times when police violence against Black people had garnered a lot of press attention and provoked broader dialogues about race relations, including in the 1990s when Los Angeles police officers beat up an unarmed Black driver named Rodney King and were later acquitted of criminal charges relating to the episode.<sup>12</sup> In the decade before Floyd’s death, the killings by police officers of Eric Garner, Freddie Gray, and Walter Scott, among others, received extensive publicity.<sup>13</sup> Taylor-Thompson and Thompson’s optimism that Floyd’s murder created a “tectonic” shift is overstated. Indeed, a common refrain among activists post-Floyd is how they might convert the “moment” to a “movement,” an implicit recognition that preceding “moments” had not resulted in significant change.<sup>14</sup>

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11. At the time *Progressive Prosecution* was written, no charges had been filed in Breonna Taylor’s case. On August 4, 2022, the Department of Justice charged four officers responsible for Breonna Taylor’s death. Despite these federal charges, local prosecutors never brought charges of their own. See Brea Jones, *For the First Time, Police Will Directly Face Charges for Breonna Taylor’s Death*, NPR (Aug. 5, 2022, 7:21 AM), <https://www.npr.org/2022/08/05/1115859362/for-the-first-time-police-will-directly-face-charges-for-breonna-taylors-death> [perma.cc/8GF3-74JU].

12. Olivia B. Waxman, *30 Years After the Rodney King Verdict, Why Advocates Believe ‘Reforms Didn’t Go Far Enough,’* TIME (Apr. 29, 2022, 10:51 AM), <https://time.com/6169564/rodney-king-riots-beating-anniversary/> [perma.cc/U43S-6XSY].

13. See, e.g., Gene Demby & Shereen Marisol Meraji, *A Decade of Watching Black People Die*, CODE SWITCH (May 31, 2020, 11:15 AM), <https://www.npr.org/2020/05/29/865261916/a-decade-of-watching-black-people-die> [perma.cc/8L89-VEAC].

14. See, e.g., Acooa Ellis, *Moment to Movement: The Path Toward a New, Better Normal*, FORBES (Oct. 14, 2020, 8:20 AM), <https://www.forbes.com/sites/forbesnonprofitcouncil/2020/10/14/moment-to-movement-the-path-toward-a-new-better-normal/> [perma.cc/A2NN-5DWF].

The thesis of *Progressive Prosecution* is succinctly stated in Thompson and Taylor-Thompson's introduction: in the quest to reform the criminal legal system, prosecutors "should have been the first to step up" but instead they "remained painfully silent" (Taylor-Thompson and Thompson, p. 6). Prosecutors wield enormous power in exercising their vast discretion about who to charge, and what crimes to charge. Thompson and Taylor-Thompson believe that prosecutors have the power to reform the system from within—if they can resolve their cozy ties to law enforcement and commit themselves to being "minister[s] of justice" for their entire community.<sup>15</sup> Thompson and Taylor-Thompson call for "robust" reform of the criminal legal system and state that each of the contributors to their edited volume "starts from the premise that the prosecution function should be the place where that reformation/re-formation begins" (Taylor-Thompson and Thompson, p. 7).

*Progressive Prosecution* is an important and useful handbook for current and aspiring progressive prosecutors, and any citizen looking to hold their local district attorney accountable. (Taylor-Thompson and Thompson, p. 12). The anthology would have been even stronger if any of its contributors had seriously engaged the liberal or radical critiques of the progressive-prosecutor movement.<sup>16</sup> In contrast to *Becoming Abolitionists*, *Progressive Prosecution* excludes a "preaching to the choir" vibe that is unlikely to gain any new converts to its cause. The reality is that the main day-to-day work of prosecutors, progressive or otherwise, is locking people up—particularly people of color and poor people. As I have written elsewhere, "Adding up the costs of a lifetime of deprivation and then presenting the bill to the person who suffered it seems an odd job for a humanitarian."<sup>17</sup>

On a more theoretical level, the Left critiques of the progressive-prosecutor movement also engage Audre Lorde's famous edict that "the master's tools will never dismantle the master's house" to suggest that prosecutors are incapable of eradicating systemic racism from inside the criminal legal process.<sup>18</sup> As I suggest below, I suspect that many of the contributors to *Progressive Prosecution* would mainly agree, but defend their project based on individual cases in which deserving defendants get breaks from progressive prosecutors that the defendants might not get from other prosecutors.

15. See Taylor-Thompson and Thompson, p. 4.

16. See PAUL BUTLER, LET'S GET FREE (2010); see also Paul Butler, *Progressive Prosecutors Are Not Trying to Dismantle the Master's House, and the Master Wouldn't Let Them Anyway*, 90 FORDHAM L. REV. 1983 (2022); Abbe Smith, *The Prosecutors I Like: A Very Short Essay*, 16 OHIO STATE J. CRIM. L. 411 (2019); Abbe Smith, *Can You Be a Good Person and a Good Prosecutor?*, 14 GEO. J. LEGAL ETHICS 355 (2001); Benjamin Levin, *Imagining the Progressive Prosecutor*, 105 MINN. L. REV. 1415 (2021).

17. BUTLER, LET'S GET FREE, *supra* note 16, at 102.

18. AUDRE LORDE, *The Master's Tools Will Never Dismantle the Master's House*, in SISTER OUTSIDER 110, 112 (Nancy K. Bereano ed., rev. ed. 2007) (emphasis omitted); Butler, *Progressive Prosecutors*, *supra* note 16.

I have had the honor of working on reform issues with both of the elected prosecutors—Kim Foxx, the Cook County state’s attorney, and Dan Satterberg, the King County prosecuting attorney—featured in this book. I know that they are sincerely committed to equal justice under the law. Their chapters offer compelling insights on the challenges of transforming their offices from the inside—even when they, as leaders, fully support the change. Still, after reading those chapters, a visitor to criminal court in Chicago or Seattle—and especially to those cities’ jails—might be surprised to see these municipalities maintain the vast racial disparities seen in many other U.S. cities.<sup>19</sup>

Thompson and Taylor-Thompson acknowledge that activists have cited structural racism as a reason for “abolition of the criminal legal system as we know it. The argument for abolition insists that injustice sits at the core of the system’s design and that no actor is untainted by racism” (Taylor-Thompson and Thompson, p. 7). Significantly, the editors do not discount this claim; rather, they state, “There is certainly merit in [the abolitionist] view, particularly as it makes plain that incremental change will not suffice to bring justice back into the criminal legal system. But even if abolition may be desirable, we believe that prosecutors and the criminal legal system will likely persist” (Taylor-Thompson and Thompson, p. 7).

#### B. Becoming Abolitionists: Police, Protests, and the Pursuit of Freedom

Derecka Purnell does not possess Thompson and Taylor-Thompson’s patience, nor does she share their limited optimism about the potential of reform. Part memoir, part manifesto, *Becoming Abolitionists* tells the story of what led Purnell to abolition while providing arguments, guidance, and grace to readers as to why and how they should begin their own journeys. Purnell starts with what is, for an abolitionist, an incriminating admission: she was once someone who would call the police for any reason, simply because she did not imagine other ways of keeping safe. Purnell writes, “Calling them felt like *something*, as the legal scholar Michelle Alexander explains, and something feels like everything when your other option is nothing” (Purnell, p. 3).

Except that dialing 911 didn’t work the way it was supposed to. If and when the police came, they often made things worse, not better. In this sense, the cops were just another apparatus of a system designed by and for rich, straight, white men to protect their interests.

Seeing how the law failed Black people—taking away their homes, relationships, children, and freedom—had the ironic effect of inspiring Purnell to pursue a path as a civil rights attorney (Purnell, p. 12). Along the way, Purnell worked as a middle school teacher with Teach For America, where she realized

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19. Josh McGhee & Jared Rutecki, *Fewer People in Cook County Are Being Charged with Crimes. Why Are Black People Making Up a Larger Share of Defendants?*, INJUSTICE WATCH (Dec. 1, 2021), <https://www.injusticewatch.org/news/courts/2021/the-circuit-racial-disparities-explainer/> [perma.cc/S5EP-UULG]; TASK FORCE 2.0: RACE AND THE CRIMINAL JUSTICE SYSTEM, RACE AND WASHINGTON’S CRIMINAL JUSTICE SYSTEM (2021), [https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1116&context=korematsu\\_center](https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1116&context=korematsu_center) [perma.cc/BB8X-5NV2].

that children need more than just an excellent education—they need to be kept safe from violence and poverty (Purnell, p. 43). At Harvard Law School, Purnell wanted to learn about the problematic institution of policing, and was frustrated that, when racial issues were raised in the classroom, the focus was more micro than macro (Purnell, pp. 52–54). Problems like racial profiling and implicit bias were discussed more among students than in classes with professors, and structural racism was not discussed at all (Purnell, pp. 55–56).

Purnell learned more from her activism than her studies. She discovered that the criminal legal system failed to hold police officers accountable for violence and misconduct, and she began questioning whether it was productive for Black lawyers to invest in a system that almost inevitably failed their clients (Purnell, pp. 68–74).

*Becoming Abolitionists* reads like the textbook Purnell wishes she had in law school; it traces the history of policing in the United States to its origins in slave patrols (Purnell, pp. 55–66). Purnell weaves in her experiences at protests, her time defending accused people in a law school clinic, and her involvement in social justice movements in the United States and South Africa with thoughtful discussions of history, politics, and philosophy. Purnell’s goal is not so much to convert as to encourage the beginning of a journey (Purnell, p. 5). The book comprehensively examines abolition through multiple lenses and perspectives, including the concerns of the LGBTQ+ community, survivors of domestic and sexual violence, and climate-change activists.

Purnell’s conception of abolition is akin to what the legal scholar Allegra McLeod calls “gradual decarceration,”<sup>20</sup> and, in this book, Purnell focuses more on police than prisons. Abolition made sense to her when she understood it as a movement using incremental progress to shrink the police rather than as a movement ending policing overnight (Purnell, p. 128). Purnell encourages readers to notice and let go of the desire for a perfect set of alternatives to police and prosecutors. Her claim is that many solutions can and should be the answer (Purnell, pp. 9–10). She is excited by the movement building opportunities occasioned when “[a]bolition destroys the stubborn allegiances [which] keep society so violent and births new possibilities to live under a dynamic democracy led by the people” (Purnell, p. 111).

The crucial service that *Becoming Abolitionists* provides is making abolition seem less utopian and scary to skeptics. Purnell effectively disrupts concerns that relying substantially less on police and prosecutors would plunge the country into anarchy or violence. This is a major contribution that is likely to persuade some skeptics. Although the philosopher and social justice icon Angela Y. Davis, the geographer Ruth Wilson Gilmore, and the activist Mariame Kaba have each written important books on prison abolition,<sup>21</sup> Purnell’s

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20. Allegra M. McLeod, *Prison Abolition and Grounded Justice*, 62 *UCLA L. REV.* 1156 (2015).

21. See, e.g., ANGELA Y. DAVIS, *ARE PRISONS OBSOLETE?* (Greg Ruggiero ed., 2003); ANGELA Y. DAVIS, *ABOLITION DEMOCRACY* (Greg Ruggiero ed., 2005); ANGELA Y. DAVIS, GINA DENT, ERICA R. MEINERS & BETH E. RICHIE, *ABOLITION. FEMINISM. NOW.* (Brenna Bhandar &



is the first major book on abolition written by a lawyer. That fact marks an important occasion in the movement because it's lawyers, more than scholars or community workers, who would work out the nuts-and-bolts implementation of abolition. I wish that Purnell had done a deeper, more lawyerly dive into the mechanics—how exactly the state should actually respond when a member of the community has been harmed by another person. Important aspects of abolition lawyering remain undertheorized, including institutional questions like whether there would still be trials for adjudication of guilt—even if there is no punishment—and which harm-doers would remain in the “dangerous few” category that some abolitionists use to describe people who even in an abolitionist regime would require supervision.<sup>22</sup>

## II. BLACK WOMEN AS MOVEMENT LEADERS

Both the progressive-prosecution and prison-abolition movements owe their vitality and street cred to Black women. The legal scholar Angela J. Davis, who is African American, literally wrote the book that introduced the concept of progressive prosecution.<sup>23</sup> Some of the first elected progressive prosecutors were Black women, including Baltimore's Marilyn Mosby, Orlando's Aramis Ayala, Chicago's Kim Foxx, and Boston's Rachael Rollins.<sup>24</sup> While white men including Larry Krasner and Chesa Boudin have commanded much media attention,<sup>25</sup> Black women have faced the most pushback.<sup>26</sup>

Professor Angela J. Davis's contribution to *Progressive Prosecution* discusses the racist and misogynistic reactions to Black women who are chief

Alberto Toscano eds., 2022); RUTH WILSON GILMORE, *ABOLITION GEOGRAPHY* (2022); MARIAME KABA, *WE DO THIS 'TIL WE FREE US* (Tamara K. Nopper ed., 2021).

22. McLeod, *supra* note 20, at 1168.

23. ANGELA J. DAVIS, *ARBITRARY JUSTICE: THE POWER OF THE AMERICAN PROSECUTOR* (2009) (discussing prosecutorial reform generally); *see also* Angela J. Davis, *The Prosecution of Black Men*, in *POLICING THE BLACK MAN: ARREST, PROSECUTION, AND IMPRISONMENT* 178 (Angela J. Davis ed., 2017) (discussing prosecutorial discretion and decisionmaking); Angela J. Davis, *The Progressive Prosecutor: An Imperative for Criminal Justice Reform*, 87 *FORDHAM L. REV. ONLINE* 8 (2018) (emphasizing the importance of progressive prosecutors).

24. Rhonda Stewart, *How Black Female Prosecutors Are Challenging the Status Quo and Fighting for Reform*, A.B.A. J. (Sept. 10, 2020, 12:22 PM), <https://www.abajournal.com/web/article/how-black-female-prosecutors-are-challenging-the-status-quo-and-fighting-for-reform> [perma.cc/TA2J-YEMG]; Nicole Lewis & Eli Hager, *Facing Intimidation, Black Women Prosecutors Say: “Enough,”* MARSHALL PROJECT (Jan. 16, 2020, 2:00 PM), <https://www.themarshallproject.org/2020/01/16/facing-intimidation-black-women-prosecutors-say-enough> [perma.cc/6PDY-N4ZZ]; Butler, *Progressive Prosecutors*, *supra* note 16, at 1995–96 (discussing Aramis Ayala and Kim Foxx).

25. *See, e.g.*, Zachary Rodriguez, “Philly D.A.”: Larry Krasner's First Term, Under a Lens, THE MARSHALL PROJECT (June 5, 2021, 7:00 AM), <https://www.themarshallproject.org/2021/06/05/philly-d-a-larry-krasner-s-first-term-under-a-lens> [perma.cc/2H5V-NN5C]; Tim Arango, *San Francisco's Top Prosecutor Will Face a Recall Election*, N.Y. TIMES (Nov. 10, 2021), <https://www.nytimes.com/2021/11/10/us/san-francisco-recall-chesa-boudin.html> [perma.cc/JM5Z-DFAA].

26. Butler, *Progressive Prosecutors*, *supra* note 16, at 1994.

prosecutors, providing examples from around the country of how they have been treated by colleagues and constituents in response to both their progressive policies and their identities. In the book's final and most interesting chapter, Kim Foxx speaks to her experience as the first African American woman elected as a prosecutor in Illinois (Foxx, in Taylor Thompson and Thompson, pp. 252–83). She writes of the racist and misogynistic treatment that she received from colleagues and law enforcement and details her efforts to create racial equity despite the hostility she faced from those with which she worked (Foxx, in Taylor Thompson and Thompson, pp. 257–61). She also discusses relying on her personal experiences with public housing, trauma, mental health, and substance use disorder to guide her leadership of the prosecutor's office (Foxx, in Taylor Thompson and Thompson, pp. 268–274).

Unlike the progressive-prosecutor movement, Black women cannot claim credit for launching the struggle to abolish incarceration. Prison-abolition movements have been around essentially as long as prisons have existed.<sup>27</sup> There were significant periods of focus by American socialists in the 1920s;<sup>28</sup> Scandinavian ex-inmates, lawyers, psychologists, social workers, and sociologists in the 1960s;<sup>29</sup> and law professors in Argentina in the early 1990s.<sup>30</sup> But now, in the United States, the prison-abolition movement is a Black feminist project; its primary theorists and activists include Angela Y. Davis, Mariame Kaba, Ruthie Gilmore, Dorothy Roberts, the women who started the Movement for Black Lives, and, now, Derecka Purnell.<sup>31</sup>

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27. The United States established its federal prison system in 1891. *The History of Corrections in America*, NAT'L INST. CORR. (Feb. 9, 2022), <https://nicic.gov/history-corrections-america> [perma.cc/TY23-4U2R]. After visiting prisons in the United States in January 1842, Charles Dickens became a staunch believer in the abolition of inhumane prison practices, frequently criticizing the institution in his writings. See, e.g., Diana C. Archibald, *Many Kinds of Prison: Charles Dickens on American Incarceration and Slavery*, IPERSTORIA, Fall/Winter 2019, at 43, 43 (citing ALEXANDER, *supra* note 3) (noting that “incarceration . . . picked up where slavery left off”); Sean C. Grass, *Narrating the Cell: Dickens on the American Prisons*, 99 J. ENG. & GERMANIC PHILOLOGY 50, 50–52 (2000).

28. Kary Antholis, *Interview: Paul Butler, on the Prison Abolition Movement*, CRIME STORY at 26:48–28:08 (July 21, 2020), <https://crimestory.com/2020/07/21/interview-paul-butler-on-the-prison-abolition-movement/> [perma.cc/3YD9-YJ3R] (discussing Emma Goldman, a socialist and major advocate of abolition in the 1920s, as well as the different periods of prison-abolition movements); see EMMA GOLDMAN, *Prisons: A Social Crime and Failure*, in ANARCHISM AND OTHER ESSAYS 115 (1910) (“Society might with greater immunity abolish all prisons at once, than to hope for protection from these twentieth century chambers of horrors.”).

29. Máximo Langer, *Penal Abolitionism and Criminal Law Minimalism: Here and There, Now and Then*, 134 HARV. L. REV. F. 42, 47–48 (2020).

30. *Id.* at 47.

31. See generally DAVIS, ARE PRISONS OBSOLETE?, *supra* note 21 (arguing for the abolition of prisons in the United States); KABA, *supra* note 21 (reflecting on abolition and providing advice to other abolitionists); GILMORE, *supra* note 21 (providing her theories and thoughts on abolition); PATRISSE CULLORS, AN ABOLITIONIST'S HANDBOOK (2022) (providing guidance to becoming an abolitionist); Alicia Garza, in HOW WE GET FREE: BLACK FEMINISM AND THE COMBAHEE RIVER COLLECTIVE (Keeanga-Yamahtta Taylor ed., 2017) (discussing Garza's activism); Mike Berardino, *Black Lives Matter Co-Founder Opal Tometi Encourages ‘Unapologetic’ Activism*, INDYSTAR (Jan. 22,

The progressive-prosecutor and abolition movements in the United States are largely, but not exclusively, inspired by racial critiques of the criminal legal system. But their methods of resistance seem, if not inapposite, in great tension. For example, Angela J. Davis discusses how prosecutors have enabled racial injustice in the system, including through the use of cash bail, plea bargaining, the death penalty, and the failure to prosecute police brutality and misconduct (Davis, *in* Taylor-Thompson and Thompson, pp. 99–105). Davis recommends guidelines that district attorneys should follow when taking office to maximize their ability to effect change: hiring their own executive team, engaging in frequent communication, and providing education and training to their staff and colleagues (Davis, *in* Taylor-Thompson and Thompson, pp. 115–16). Davis contends that there is a need for a national, progressive district-attorney organization to provide support, training, and technical assistance to prosecutors attempting to reform the system (Davis, *in* Taylor-Thompson and Thompson, p. 125). In contrast, Purnell writes, “Tweaking the court with modest reforms focuses too narrowly on improving specific practices whereas building an abolitionist future ends these deep forms of violence that underlie our relationships to each other” (Purnell, p. 112). Purnell’s description of policing conveys the disutility of trying to repair it. She writes, “Policing was, and is, deeply connected to the control of land, labor, and people who threatened white supremacy” (Purnell, p. 29). In this sense, as I have written elsewhere, “the system is working the way it is supposed to,” so there is nothing to fix.<sup>32</sup> Angela Y. Davis is an even stronger critic of reform. Davis “warns that piecemeal reforms of policing and the carceral state have ‘provided the glue that has guaranteed their continued presence and acceptance.’”<sup>33</sup> I believe there is something about the experiences of Black women that might help us reconcile these seemingly divergent visions. The way that Kim Foxx and Derecka Purnell center their life stories in their work is illustrative. Foxx describes herself as a “daughter of the projects”—Chicago’s notorious Cabrini-Green, to be exact. (Foxx, *in* Taylor-Thompson and Thompson, p. 255). As a child, she survived a brutal sexual assault and the trauma of witnessing the impact of gun violence on people close to her (Foxx,

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2019, 3:01 PM), <https://www.indystar.com/story/news/2019/01/21/black-lives-matter-co-founder-opal-tometi-speaks-notre-dame/2641487002/> [perma.cc/PZK5-M4JL] (noting that Tometi describes herself as a prison abolitionist); Dorothy E. Roberts, *The Supreme Court, 2018 Term—Foreword: Abolition Constitutionalism*, 133 HARV. L. REV. 1 (2019) (arguing for abolition); see also Antholis, *supra* note 28 (describing the prison-abolition movement as a Black feminist project and mentioning Ruthie Gilmore, Angela Y. Davis, and the women who started the Movement for Black Lives).

32. Paul Butler, *The System is Working the Way It Is Supposed to: The Limits of Criminal Justice Reform*, FREEDOM CTR. J., 2019, at 125.

33. John Nichols, *Angela Davis Makes the Case for Abolition as Opposed to Reform*, NATION, <https://www.thenation.com/premium/society/angela-davis-abolition/> [perma.cc/DQS7-BY6E] (quoting Angela Y. Davis, *Why Arguments Against Abolition Inevitably Fail*, MEDIUM: LEVEL (Oct. 6, 2020), <https://level.medium.com/why-arguments-against-abolition-inevitably-fail-991342b8d042> [perma.cc/2FBU-GNMZ]).

in Taylor-Thompson and Thompson, p. 256). She recalls hiding in the bathtub with her older brother when they heard gunshots.<sup>34</sup> Foxx learned early on that “people who perpetrated sinister acts of violence . . . could also be profoundly kind and generous,” like the local drug seller who provided food and protection to the elders in her community (Foxx, in Taylor-Thompson and Thompson, p. 256). By the time she was in the third grade, she knew that she wanted to be a lawyer.<sup>35</sup> She also cites the killing of seventeen-year-old Laquan McDonald by a Chicago police officer in 2014 and “the alleged role of the state’s attorney’s office in delaying the release of a video showing the shooting” as influencing factors in her prosecutorial race.<sup>36</sup> When she worked as a line prosecutor in the Cook County State’s Attorney Office, she found she had more in common with her defendants than with many of her colleagues, who were mainly white (Foxx, in Taylor-Thompson and Thompson, p. 258).

Purnell witnessed her first shooting when she was thirteen years old at her neighborhood’s public recreation center by a uniformed security guard (Purnell, p. 2). In her hometown of St. Louis, Missouri, Purnell recalls the mistreatment of herself, her brother, and her classmates at school. (Purnell, pp. 14–18). Like Foxx, Purnell knew she wanted to be a lawyer at a young age. While she credits her mother for initially pushing her toward a career in the law, she eventually became inspired to be a civil rights lawyer based on both events that she witnessed and her own experiences with organizing and working in social justice spaces (Purnell, pp. 12–17). Purnell witnessed the traumatic aftermath of Hurricane Katrina and protested police violence against communities of color (Purnell, pp. 20, 28). She also experienced personal trauma from the effects of violence on her loved ones (Purnell, p. 3). As she was pregnant with her first son during George Zimmerman’s trial, she reflected on what she hoped for her son’s future:

[P]eople are fighting so that you will have the luxury of being a child. You will be able to wear hoodies in any neighborhood. You will not have to turn your music down because you are afraid of being killed. You will do more than “survive.” You will live. You will play . . . you will learn to love. (Purnell, p. 45)

She discusses the difficulties of attending a predominantly white institution while also finding a justice-minded community (Purnell, pp. 52–53). And while participating in a law school clinic, she also grappled with growing up “in the same racist, ableist, homophobic, classist, and patriarchal society” as

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34. Hal Dardick & John Chase, *Foxx Capitalizes on Personal Story, Political Ties in State’s Attorney Race*, CHICAGO TRIB. (Mar. 4, 2016, 6:37 PM), <https://www.chicagotribune.com/politics/ct-kim-foxx-states-attorney-profile-met-20160303-story.html> [perma.cc/L5UU-297F]; Carol Felsenthal, *Kim Foxx Wants to Tell You a Story*, CHI. MAG. (Dec. 10, 2018, 12:22 PM), <https://www.chicagomag.com/Chicago-Magazine/January-2019/Kim-Foxx-Wants-to-Tell-You-a-Story/> [perma.cc/37ZV-GP34].

35. Dardick & Chase, *supra* note 34.

36. Felsenthal, *supra* note 34.

her clients, including some who sexually harassed her in court (Purnell, p. 112).

In their stories, Foxx and Purnell see each other. To be very clear, my claim is not that Foxx is an abolitionist or that Purnell is a fan of any prosecutor, progressive or not. Rather they might not construct their projects as being in opposition in ways that many other people would. Foxx describes a meeting she held for Black prosecutors in her office after the murder of George Floyd:

Many questioned whether their presence in the office was an act of complicity in promoting a racist system. Others rejected that view, contending that their presence was necessary to reform the system and to hold it accountable. However, we were all aware that as individuals there was only so much we could do in a system that by its very design is broken. (Foxx, *in* Taylor-Thompson and Thompson, p. 267)

Purnell has stated that she “really dislike[s] the phrase ‘progressive prosecutor’ because it’s essentially meaningless.”<sup>37</sup> Her concern is that there are no metrics for evaluating what it means to be a progressive prosecutor, thus allowing anyone to claim the mantle.<sup>38</sup> Nonetheless, Purnell is encouraged that people, including prosecutors, are experimenting with different ways to free as many people as possible from the carceral system.<sup>39</sup> She has occasionally supported the campaigns of progressive prosecutors, especially candidates who are former defense attorneys.<sup>40</sup>

Purnell thinks of police reforms as “tyrannical prizes” but some of her abolitionist proposals would not seem out of place in the platform of the Democratic Party (Purnell, p. 67). The “vision of abolition” with which she concludes her book is that “[e]very neighborhood would have five quality features: a neighborhood council; free twenty-four-hour childcare; art, conflict, and meditation centers; a free health clinic; and a green team.” (Purnell, p. 276). One could imagine Foxx thinking “if that’s abolition, sign me up.” The point is that in articulating projects that are quite different in vision and scope, the reformer and the radical don’t talk past each other—or even necessarily accept those labels. They speak in a language the other readily understands and might even embrace. The final Part situates this dynamic in a politics of Black feminism.

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37. Quarantine Tapes, 210: *Derecka Purnell*, ONASSIS L.A. & DUBLAB, at 12:49 (Oct. 21, 2021), <https://quarantine-tapes.simplecast.com/episodes/the-quarantine-tapes-210-derecka-purnell> [perma.cc/8N2Z-ZCCM].

38. *Id.* at 13:30.

39. *Id.* at 15:12.

40. *Id.*

III. TRANSFORMING THE CRIMINAL LEGAL SYSTEM: A BLACK FEMINIST  
APPROACH

*Many of the people in the Movement for Black Lives absolutely acknowledge that they are inspired by the politics of the Combahee River Collective . . . One of the signs to me that feminist-of-color politics are influencing this moment is the multiracial, multiethnic diversity—and not just racial and ethnic, but every kind of diversity—of the people who are in the streets now. That’s right out of the Black feminist playbook.*

—Barbara Smith, *Cofounder, Combahee River Collective*<sup>41</sup>

The Combahee River Collective was a group of Black feminists established in 1974.<sup>42</sup> Its name came from a military-style operation led by Harriet Tubman in 1863 that freed more than 750 slaves.<sup>43</sup> In 1977, it released the Combahee River Collective Statement, one of the founding documents of Black feminism. According to the preface,

The most general statement of our politics at the present time would be that we are actively committed to struggling against racial, sexual, heterosexual, and class oppression, and see as our particular task the development of integrated analysis and practice based upon the fact that the major systems of oppression are interlocking. The synthesis of these oppressions creates the conditions of our lives.<sup>44</sup>

The statement contains a description of process that is helpful in examining the progressive-prosecutor and abolition movements. It reads,

In the practice of our politics we do not believe that the end always justifies the means. Many reactionary and destructive acts have been done in the name of achieving “correct” political goals. As feminists we do not want to mess over people in the name of politics. We believe in collective process and a nonhierarchical distribution of power within our own group and in our vision of a revolutionary society. We are committed to a continual examination of our politics as they develop through criticism and self-criticism as an essential aspect of our practice.<sup>45</sup>

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41. Keeanga-Yamahtta Taylor, *Until Black Women Are Free, None of Us Will Be Free*, NEW YORKER (July 20, 2020), <https://www.newyorker.com/news/our-columnists/until-black-women-are-free-none-of-us-will-be-free> [perma.cc/PDM2-H8L7].

42. Combahee River Collective, *The Combahee River Collective Statement* (Apr. 1977), in *HOW WE GET FREE*, *supra* note 31, at 15.

43. Duchess Harris, *From the Kennedy Commission to the Combahee Collective*, in *SISTERS IN STRUGGLE: AFRICAN AMERICAN WOMEN IN THE CIVIL RIGHTS-BLACK POWER MOVEMENT* 280, 294 (Bettye Collier-Thomas & V.P. Franklin eds., 2001).

44. Combahee River Collective, *supra* note 42.

45. *Id.*

The Collective's multilayered perspective and focus on identity contributed to what the critical race theorist Kimberlé Crenshaw would later call "intersectional feminism."<sup>46</sup> In *How We Get Free: Black Feminism and the Combahee River Collective*, the scholar Keeanga-Yamahtta Taylor explores the Collective's impact through interviews with its members and contemporary Black feminists, including Alicia Garza, one of the founders of the Movement for Black Lives.<sup>47</sup> Taylor describes her goal as "reconnect[ing] the radical roots of Black feminist analysis and practice to contemporary organizing efforts."<sup>48</sup> The philosopher Olúfemi O. Táíwò has written about the significance of the Combahee River Collective's vision of social change. He thinks the focus on identity politics, or what he describes as "standpoint epistemology," can foment "[a] constructive political culture [that] would focus on outcome over process, . . . the pursuit of specific goals or end results rather than avoiding complicity in injustice or promoting purely moral or aesthetic principles."<sup>49</sup>

There are strategic benefits from this approach, including the potential to attract more allies to the cause. Barbara Smith, one of the founders of the Combahee River Collective, used the image of a bridge to discuss how the Collective's concept of identity politics was intentionally inclusive. Smith said,

"If I don't have a particular identity, I'm not allowed to work on a particular issue"—that sounds to me like an excuse. That sounds to me like O.K., so that's what somebody decides if they're not really willing to go there, and go through the struggle of crossing boundaries and working across differences.<sup>50</sup>

The benefits of this approach were evident in the demonstrations after the murder of George Floyd, which marked the largest social justice protests in U.S. history.<sup>51</sup>

A Black feminist framework makes it possible to understand the progressive-prosecution and abolition movements as pragmatic projects each pursuing urgent—but very different—goals intended to blunt the impact of anti-Blackness on the U.S. criminal legal system. It is not that either side surrenders its strong ideological and political commitments. The abolitionist Mariame

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46. HOW WE GET FREE, *supra* note 31, at 13.

47. *Id.*

48. *Id.*

49. Keeanga-Yamahtta Taylor, *The Defeat of Identity Politics*, NEW YORKER (Sept. 21, 2022), <https://www.newyorker.com/books/under-review/the-defeat-of-identity-politics> [perma.cc/87WZ-D2QM].

50. *Id.*

51. Larry Buchanan, Quoc Trung Bui & Jugal K. Patel, *Black Lives Matter May Be the Largest Movement in U.S. History*, N.Y. TIMES (July 3, 2020), <https://www.nytimes.com/interactive/2020/07/03/us/george-floyd-protests-crowd-size.html> [perma.cc/EL6C-VC6A].

Kaba, for example, is forthright on what she sees as the limits of liberal discourse. She writes, “We cannot reform police. We cannot reform prisons. We cannot.”<sup>52</sup> But Kaba understands that

Telling people this can foster to [sic] a sense of despair; it can demobilize people in real ways . . . . It’s much more productive for me to put out things that affirmatively express what I believe abolition to be based on my study, thinking, and practice, rather than spend my time chastising other people for not getting it right.<sup>53</sup>

The focus of the Black women leaders of these movements is not on ideological purity but the relief of human suffering—especially the suffering of Black women. Theoretical discourse about the utility of reform can be a barrier to addressing urgent needs. In Kaba’s words,

There’s also the angle that when you say things can’t be reformed, the question becomes how do you handle people who are in immediate need for relief, right? How are you going to make life livable for people living in unlivable circumstances?<sup>54</sup>

The statement coined the term “identity politics,” asserting, “We believe that the most profound and potentially most radical politics come directly out of our own identity, as opposed to working to end somebody else’s oppression.”<sup>55</sup>

For many Black women prosecutors and abolitionists, this pragmatic, identity-based politics is on full display. Their policies are based on their experiences, and their approaches fall between liberal reform and radical transformation, meaning their response is frequently “yes/both” rather than “either/or.” They were Black women before they were prosecutors and abolitionists—and see that as a source of power and expertise for their projects. Kim Foxx roots her decision to become a prosecutor in her identity, noting, “I took the position that the power of prosecutorial discretion was not one that should be ceded to those who had no connection to the communities impacted by their policies” (Foxx, *in* Taylor-Thompson and Thompson, p. 257). She writes, “My platform was geared toward those who were most directly impacted by the criminal legal system: end users. Instead of targeting constituencies that were likely to have little to no contact with the criminal legal system, I focused my attention on those who did” (Foxx, *in* Taylor-Thompson and Thompson,

52. John Duda, *Towards the Horizon of Abolition: A Conversation with Mariame Kaba*, NEXT SYS. PROJECT (Nov. 9, 2017), <https://thenextsystem.org/learn/stories/towards-horizon-abolition-conversation-mariame-kaba> [perma.cc/SC7Q-23QT].

53. *Id.*

54. *Id.*

55. Combahee River Collective, *supra* note 42; HOW WE GET FREE, *supra* note 31, at 4.



p. 255). Rachael Rollins, the United States attorney for the District of Massachusetts and the former Suffolk County district attorney,<sup>56</sup> states, “I also have siblings and loved ones who have cycled in and out of the criminal legal system, struggling with mental health issues and substance abuse disorders. I’ve prosecuted people in the same courtroom where my brother was sentenced.”<sup>57</sup> Rollins describes herself as bringing those experiences to work with her every single day.<sup>58</sup> Aramis Ayala, the former state attorney for the Ninth Judicial Circuit Court of Florida, disclosed, during her campaign, that her husband, David Ayala, had served seven years in prison for drug and financial crimes.<sup>59</sup>

Some Black women abolitionists have embraced reformist strategies. Indeed, the abolitionist Ruthie Gilmore popularized the term “nonreformist reforms.”<sup>60</sup> Purnell writes,

Once I understood that abolition was not going to realistically result in the end of policing overnight, but rather . . . incremental progress toward shrinking the police, abolition made perfect sense. Abolition makes sense if you believe that we should end violence and exploitation. This is a path that we forge. How we get there is up to us. (Purnell, p. 128)

Likewise, the abolitionist Mariame Kaba explicitly affirms working with reformers:

We’ll have some different types of actors to deal with as we make our demands and as we’re trying to figure out how we’re going to push towards whatever the goal is for people. For some people the end goal is going to be reform, for some people it’s going to be abolition, others will have other kinds of goals.<sup>61</sup>

In a revealing interview, Kaba explicitly noted and discounted the tension between abolition and reform:

Somehow what people think is that either you’re interested in reform or you’re an abolitionist—that you have to choose to be in one camp or the other. I don’t think that way. For some people, reform is the main focus and

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56. See Austin Chandler, *Restorative Justice's Healing Powers*, B.C. L. SCH. MAG. ONLINE (May 16, 2022), <https://lawmagazine.bc.edu/2022/05/restorative-justices-healing-powers> [perma.cc/5QDX-FBBQ].

57. *Id.*

58. *Id.*

59. Josie Duffy Rice, *The Harmful Logic Behind New Attacks on the Husband of This Candidate for Orlando Prosecutor*, DAILY KOS (Aug. 26, 2016, 2:41 PM), <https://www.dailykos.com/stories/2016/8/26/1564166/-The-harmful-logic-behind-the-attacks-on-the-husband-of-this-candidate-for-Orlando-prosecutor> [perma.cc/WDX6-FB62].

60. Amna A. Akbar, Response, *Demands for a Democratic Political Economy*, 134 HARV. L. REV. F. 90, 101 (2020). André Gorz is credited with originating the phrase. See Mark Engler & Paul Engler, *André Gorz's Non-Reformist Reforms Show How We Can Transform the World Today*, JACOBIN (July 22, 2021), <https://jacobin.com/2021/07/andre-gorz-non-reformist-reforms-revolution-political-theory> [perma.cc/RSK6-75K5].

61. Duda, *supra* note 52.

end goal and for some people, abolition is the horizon. But I don't know anybody who is an abolitionist—who I know personally, and I don't know every abolitionist, obviously, because there are so many people in the world who practice and think and who use abolition in various ways—I don't know a single . . . one who doesn't support *some* reforms.<sup>62</sup>

I don't want to understate the important differences between Black women reformers and abolitionists. But, consistent with a Black feminist framework, many on both sides are okay with working together, not so much glossing over their real differences but working across them. Prosecutors and abolitionists maintain their distinct ideological commitments but understand that strategic political alliances can mobilize activists and even create limited gains that help people in desperate circumstances.

#### CONCLUSION

A Black feminist approach centers the experiences of Black women, which has the effect of transforming both the progressive prosecutor and abolition projects. The Combahee River Collective Statement lists several “Black Feminist Issues and Projects,” including organizing workers at a factory that employed women of color, and addressing welfare and daycare concerns.<sup>63</sup> Significantly, the criminal justice projects the statement describes include establishing “a rape crisis center in a Black neighborhood” and addressing the concerns of women survivors of domestic violence.<sup>64</sup> This stands in contrast to the focus on police brutality (and, since the statement, mass incarceration) as the primary subjects of activism, and for which the experiences of Black men command the most attention.<sup>65</sup>

The prosecutors and abolitionists featured in *Progressive Prosecutors* and *Becoming Abolitionists* understand that the criminal legal system reflects larger forces of subordination, such as white supremacy and patriarchy, and until those forces are defeated the problems will remain. The genius, and profound potential, of Black feminism is its insight that “the most profound and potentially most radical politics come directly out of [Black women's] own identity, as opposed to working to end somebody's else's oppression.”<sup>66</sup> When Black women work first to free themselves, everybody wins.

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62. *Id.*

63. Combahee River Collective, *supra* note 42.

64. *Id.*

65. *But see* #SayHerName, AFR. AM. POL'Y F., <https://www.aapf.org/sayhername> [perma.cc/R6NV-HUCS].

66. Combahee River Collective, *supra* note 42.

