Policing the Black Experience and Critical Race Theory

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Course Design: Critical Analyses
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In January 2023, the Florida state government banned the AP African American history course administered by the College Board, doing so because material within the course allegedly violated state laws ratified in the Stop W.O.K.E Act. The Stop W.O.K.E Act is a piece of legislation crafted to protect workers and students from instructional material that implicitly or explicitly implicates those with white ancestry in racial atrocities, injustices, and missteps in this country’s past (Mazzei and Hartocollis 2023). The bill states that it prohibits instruction that supports several ideas: that races have moral superiority to other races, that privilege is racial, that white people are solely or more weightily responsible for racial injustice, or rather, that white people are more responsible for correcting it, if and when it exists. This bill protects against any educational program that supports or suggests the idea that racism is systemic (Vile 2022). These ideas, the bill asserts, are not only harmful to classroom and work environments but cause psychological damage to children and workers exposed to them.

A pamphlet from Florida Governor Ron DeSantis’s office claims that curriculum including these ideas is indoctrinating students with principles from Critical Race Theory—colloquially called CRT—inserting this bill into a growing list of attacks against the framework and its entry into educational institutions and work environments (Vile 2022). Despite claims made by DeSantis and leaders of other state governments that Critical Race Theory is being taught at the primary and secondary school level, there is no evidence of this being found in such educational settings throughout the country. Consequently, there are no studies cited to support the claim that students who interact with CRT material are experiencing psychological harm. What is more, the AP African American History course does not teach CRT. The course offers supplemental instruction on aspects of Black scholarship like Black queer studies, intersectional theory (a tenet of CRT but not CRT in its entirety), the prison abolition movement, and the reparations movement, with primary and secondary source documents for literature explaining these concepts, but not CRT.

DeSantis thinks that CRT is a volatile dogma— that it obviously supports racial moral superiority and privileges Black students at the expense of white students, that by learning about or acknowledging the existence of systemic racial injustice it makes white people responsible for ending it and guilty for perpetuating it. He takes issue with intersectionality and the idea of racial privilege, saying that these concepts inherently rank the value of people based on the color of their skin and thereby diminishes the importance of values like personal responsibility. But CRT does not teach those things; we have no research to indicate that CRT does those things, and the AP African American History course does not teach CRT, so what is going on? CRT is heavily influenced by radical thinkers like bell hooks, Angela Davis, and Alice Walker (several authors named in the banning of the course). Sure, one could make the argument that Critical Race Theorists might be happy to see these authors being taught at the grade school level, or that these authors, while definitely not Critical Race Theorists, might agree with certain tenets of CRT, but at the end of the day, there is a difference between making these observations and lying, declaring Black authors and their materials CRT in an effort to make them seem scarier. But perhaps fear is the point, to prime the general population to be terrified of material that they were not being taught in the first place and creating hysteria about the
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ences of fugitive slaves were used to make abolitionist literature 
in the form of slave narratives, revealing the horrors and injustices 
of slavery to sympathetic whites and freedmen in the free states 
(Johnson 1972). This led to several conflicts and riots across the 
country in the name of ending slavery, which, in turn, led to a 
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Northern states would follow soon after (Hart 2009). In some 
parts of Louisiana, it was prohibited to even have a conversation 
with a slave (Hart 2009). In 1857, on the cusp of the Civil War, 
freedman Minister Samuel Greene was arrested in Maryland for 
owning “abolition papers of an inflammatory character,” and “a 
certain abolition pamphlet called ‘Uncle Tom's Cabin ... calculated 
to create discontent amongst the colored population” (Armenti 
2011). In hideous irony, Minister Samuel Greene was, indeed, an 
abolitionist operating the leg of the Underground Railroad that ran 
through Maryland, regularly collaborating with Harriet Tubman. 
Under suspicion of this, a local sheriff searched his home where 
the copy of the book was found. The District Attorney believed 
that there was insufficient evidence to convict Minister Samuel 
Greene of his alleged involvement with the Underground Railroad, 
but his ownership of the book alone was a crime akin to harboring 

These sentiments shockingly resonate with the paternalis- 
tic attitudes used to deride the material in the AP African 
American History course, with the DeSantis administration 
declaring the course “lacks educational value,” saying that 
the material the course teaches is inflammatory and only 
teaches Black students to hold resentment for their class- 
mates and their country (Atterbury 2023).
the present day. We see this policing at its most extreme in our prisons where most book banning in this country takes place. It is no surprise that prisons are places where unpaid labor is legal and common, regular people are typically barred from speaking to and interviewing inmates, and the overwhelming majority of the incarcerated are marginalized people—disproportionately Black people. Most of these bans on books are due to supposed “security threats” (Birch 2022).

Critical Race Theory, a frame of legal analysis that asserts that race shapes the way we perceive and interpret law, has been no stranger to tone-policing. Derrick A. Bell, the godfather of Critical Race Theory, was often told that his approach to teaching law, which centered the experience of Black people and placed special emphasis on race was inappropriate, inadequate, and threatening. In one instance, while guest teaching at Stanford Law School in the 1980s, white law students started to hold supplemental classes to undermine his Constitutional law course; this happened, of course, without his knowledge. Allegedly, there were widespread complaints about his teaching style and his framing of the Constitution, but no specific complaints were identified (Gilliam 1986). According to Richard Delgado in “Liberal McCarthyism and The Origins of Critical Race Theory,” (2009), several high ranking universities during the 1960s and 1970s engaged in concerted effort by deans and administrators to expunge radical professors from their campuses in anticipation of an invasion of minority students due to the liquidation of segregation laws. The common mode of thought was that the universities could not risk the mingling of minorities and white Communists (who might corrupt them with ideas of revolution and praxis against the status quo) or else the universities might not survive. These same white professors were nuisances as students, challenging the legitimacy of their universities through protests and other acts of civil disobedience. While the white radical students were merely seen as an annoyance, possessing a nagging overzealousness that would eventually fade with age and tenure, they worried that minorities exposed to radical thought who had more prescient grievances could be fatal to their institutions. They had seen as much from the Black Panthers and other radical groups of minorities who called themselves Maoist, Marxist-Leninists, and Anarchists and were strikingly effective at subverting and disrupting educational institutions. While the universities would have to accept the influx of minorities, they could admit certain kinds of minorities who could more readily mold themselves to moderate beliefs that reinforced dominant liberal ideologies. They were interested in exalting these chosen students to the upper echelons of their race and placing them in leadership positions. These students would serve as controlled opposition to their more radical counterparts, while also being used as evidence of universities’ acceptance of minorities and thus the enduring success of liberal capitalism. But for this to happen, radical professors like David Trubek could not remain during this process; they were denied tenure and faced difficulty with politics in academia for the rest of their careers. Ironically, many of these professors would inadvertently contribute to the creation of Critical Race Theory in the 1980s through their involvement with Critical Legal Studies. A founder of Critical Race Theory Kimberlé Crenshaw was briefly a member of the CLS movement, even at one point being a student of Trubek. Crenshaw documented that despite CLS being markedly more progressive than traditional liberal legal studies, it was still in opposition to the implications of the convergence of radical thought with the racially marginalized experience (Crenshaw). During a CLS conference in 1985, nearly a decade after CLS was first established, Crenshaw and other feminist women of color in attendance decided to host a workshop asking what attracted and repelled people of color from membership in CLS. This workshop wasn’t well received by the white members of CLS, who accused the hosts of the workshop of “mau-mauing” the movement in such a way that might destroy it (Crenshaw pp.1355). According to Crenshaw, the defensiveness of the white CLS members regarding race was a consistent feature of CLS conferences. As a result, the recognition of a need for a legal theory and movement that explicitly centered race was born. Crenshaw and others fulfilled this need by developing Critical Race Theory.

When Critical Race Theory became an officially recognized school of thought, it was immediately met with criticisms from CLS scholars, traditional legal jurists, politicians, pundits, and journalists saying that it was either racist, paranoid, Marxist, or redundant. Writers like James Lindsay, an incredibly influential opponent of CRT, allege that Derrick Bell’s Interest-Convergence thesis, a staple of CRT, was born out of a rejection of desegregation, rather than an analysis of material circumstances and outcomes surrounding the Brown decision—the framing here suggesting that Bell was a reverse racist (Lindsay page number?). Adhering to the logic of anti-literacy laws and soft book banning practices, Lindsay misreads Bell and CRT. The corresponding logic suggests that when a Black person uses their unique perspective to tell their stories and reexamine histories, and in the case that those actions inadvertently or directly challenge dominant narratives, those storytellers are, at best, paranoid and, at worst, engaging in mindlessly destructive, self-harming, rabble rousing; it then becomes the job of the dominant power groups to rein those black writers and storytellers in.

Up until recently, CRT and its tenets may have been discouraged and treated with dismissiveness in many post-secondary institutions, but today CRT is banned in 10 states, with more states announcing plans to restrict its teaching in higher education. States like Iowa and Florida which have banned CRT at the post-secondary level take aim at CRT’s tenets that say the roots of this country are racist, and assert that this belief means that Black people are inherently superior to white people in terms of morality, or that white people are inherently superior to Black people in terms of class and privilege (Miller et al. pp.16-19 ), but any elementary reading of a document using or explaining CRT would immediately reveal these revelations to be incongruent with the framework. It is not Critical Race Theory that these states are attacking—CRT is
only an unfortunate victim of the attack; these states are focused on diminishing and disappearing Black people's conscious experience of racism and their reaction to that experience. That is why bell hooks and Richard Delgado share space on a list of banned authors in Florida. Just like the banning of abolitionist expression following the Stono Rebellion, the banning of CRT takes place after protests following George Floyd's lynching in 2020; and just like slaves were made unable to write their own history, the attacks on CRT and its familial pedagogy in educational institutions rob us of the tools needed to understand it.

Earlier in this essay, I wrote about Minister Samuel Greene, how his ownership of Uncle Tom's Cabin, a book written using the experiences of Black people in bondage, was akin to harboring fugitive slaves. On its face, we might be inclined to look at the authors of his incarceration with a shocked expression, dumbfounded, in awe of their paranoia. But it is important that we recognize there is little actual difference between freeing the enslaved and allowing them to freely share their experiences. Black people can't be free until they can freely share their experiences of captivity.

Works Cited


