

Globalization's People: Black Identities in U.S.-Caribbean Encounters

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Transnationalism has a significant, yet often under-recognized, impact on the complex racial identities of both Black migrant and native-born African-American communities throughout their colonial, independence, and post-colonial histories. This commentary discusses how the U.S. legal, political, economic, and cultural discourse on race is inextricably linked with, and shaped by, international and foreign understandings of racial identity. The essay “samples” illustrative historical and contemporary encounters among the people, politics, economics, and culture of Jamaica and other English-speaking Caribbean countries with U.S. racial politics to illustrate this point. Rejecting the need for recent popular debates about purported cultural or ethnic “superiority,”¹ it instead calls for continuing and enhanced cross-cultural dialogue and fertilization as we look to the future of civil rights and other rights-based movements. Native-born and transmigrant groups, including those of African descent, have always learned a great deal from each other and can continue

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1. See, e.g., AMY CHUA & JED RUBENFELD, *THE TRIPLE PACKAGE: HOW THREE UNLIKELY TRAITS EXPLAIN THE RISE AND FALL OF CULTURAL GROUPS IN AMERICA* (2014) (proclaiming that eight groups have inherent cultural qualities that make them among the most successful in the United States). This book has caused a significant controversy. Compare Vivia Chen, *Why the Tiger Mom's New Book Makes You Nervous*, TIME (Jan. 31, 2014), <http://ideas.time.com/2014/01/31/amy-chuas-new-book-might-make-you-uncomfortable-but-its-not-racist/> (claiming the book's principles are not racist or even based on race), with Suketu Mehta, *The 'Tiger Mom' Superiority Complex*, TIME (Feb. 3, 2014), <http://content.time.com/time/magazine/article/0,9171,2163555,00.html> (calling the book an example of “new racism”).

to do so. Such cross-cultural dialogue need not, however, disintegrate into conflict and calls for cross-cultural dominance.

Over the past fifteen years, I have explored the human rights of Black transmigrants to the United States in various contexts, with particular focus on Jamaican women who migrate to the United States in search of “care-work” (domestic work, childcare, eldercare, home health aide work, and nursing).² Their experiences resonate with those of my own Jamaican immigrant family. I hope to tell more of their stories in forthcoming work.

The Debates

Exotic Others or Hostile Assimilationists?

In U.S. civil rights law and race discourse, Afro-Caribbean transmigrants are often treated as “exotic others”³—as foreigners disengaged from the legal, political, economic, and cultural aspects of race relations in the United States. Some even label the entire group as hostile to civil rights strategies supported by many African-Americans, such as affirmative action, social welfare programs, and race-conscious cultural identities.⁴ They are “model minorities”—middle class “strivers” or “elites” all too willing to leave native-born African-Americans “under the bus” as they chase

2. See, e.g., Hope Lewis, *Transnational Dimensions of Race in America*, 72 ALB. L. REV. 999 (2009); Hope Lewis, *Transnational Dimensions of Racial Identity: Reflecting on Race, the Global Economy, and the Human Rights Movement*, 24 MD. J. INT'L L. 296 (2009); Hope Lewis, *Embracing Complexity: Human Rights in Critical Race Feminist Perspective*, 12 COLUM. J. GENDER & L. 510 (2003); Hope Lewis, *Universal Mother: Transnational Migration and the Human Rights of Black Women in the Americas*, 5 J. GENDER RACE & JUST. 197 (2001); Hope Lewis, “Culturing” Survival: Afro-Caribbean Migrant Culture and the Human Rights of Women Under Globalization, 93 A.S.I.L. PROC., Mar. 24–27, 1999, at 374.; Hope Lewis, *Global Intersections: Critical Race Feminist Human Rights and Inter/National Black Women*, 50 ME. L. REV. 309 (1998); Hope Lewis, *Lionheart Gals Facing the Dragon: The Human Rights of Inter/National Black Women in the United States*, 76 OR. L. REV. 567 (1997); Hope Lewis, Professor of Law at Northeastern Univ. Sch. of Law, *Transnational Dimensions of Women's Empowerment: Refocusing on Economic, Social, and Cultural Rights*, Remarks at the International Conference on the Protection of Women's Rights, Italian Cultural Institute of New York (Sept. 24, 2010) (transcript available at http://iris.lib.neu.edu/slawn_fac_pubs/176/).

3. Annette Trefzer, *Possessing the Self: Caribbean Identities in Zora Neale Hurston's Tell My Horse*, 34 AFR.-AM. REV. 299, 300 (2000).

4. See Alvin Bernard Tillery, Jr. & Michell Chresfield, *Model Blacks or “Ras the Exhorter”: A Quantitative Content Analysis of Black Newspapers’ Coverage of the First Wave of Afro-Caribbean Immigration to the United States*, 43 J. BLACK STUD. 545, 548 (2012) (explaining that one theory of early African-American-Afro-Caribbean relations posited that African-Americans believed Afro-Caribbeans “participated in forms of radical politics that signaled a lack of group consciousness”).

assimilationist dreams.⁵ Some, but certainly not all, even make claims of “cultural superiority.”⁶

Addressing the Complexities

As illustrated in my previous work on Black women transmigrants, the realities underlying such stereotypes are much more complex and multi-layered. In addition to the individual differences of opinion and strategy that individuals in any group may adopt, Afro-Caribbean migrant groups are also influenced by class, education, racial politics at home and abroad, gender, religion, disability status, generation, and other social constructs. Defying the stereotypes, some may just as well embrace affirmative action policies and assert strong Black or African cultural identity or radical politics. To the extent that we essentialize what it means to be Black and transmigrant, we marginalize their disparate voices and potential solidarities with U.S. anti-racist movements as well.

Problematizing a Solely “U.S.” Civil Rights Movement

This symposium celebrates a half-century of U.S. civil rights legislation and struggle. Admirably, the theme of this panel recognizes that the domestic U.S. civil rights struggle also had a profound impact on immigrant groups and their communities as well. In these brief remarks, I want to further problematize the idea that “U.S.” civil rights exists only in isolation from other global movements and influences. Instead, the U.S. civil rights movement was and is inextricably linked to international struggles for self-determination, anti-racism, economic independence, and cultural development (exchange?), including those in the Afro-Caribbean. By highlighting these cross-fertilizations, I hope to show that our analysis of the impact of the civil rights movement is not complete without examining Black transnational spaces as well.

5. See Kay Deaux et al., *Becoming American: Stereotype Threat Effects in Afro-Caribbean Immigrant Groups*, 70 SOC. PSYCHOL. Q. 384, 385 (2007) (relating studies that have shown that first-generation West Indian migrants “systematically outperform native-born African Americans”); see also Jemima Pierre, *Black Immigrants in the United States and the “Cultural Narratives” of Ethnicity*, 11 IDENTITIES: GLOBAL STUD. CULTURE & POWER 141, 142–143 (2004) (referencing the news media and academic scholarship relating to Black immigrant “successes” and “failures” of native-born African Americans).

6. See, e.g., CHUA & RUBENFELD, *supra* note 1 (naming “Cuban Exiles” as one of the eight successful ethnic groups).

"Seeing" Black Identities As Transnational

During my talk at the University of Minnesota Law School symposium that served as a basis for this issue of the Journal, I asked that a continuously rotating PowerPoint presentation appear on the screen behind me.⁷ The slideshow was intended to provide a visual flavor of the physical, ideological, cultural, and legal *mélange* that constitute what I am calling here "Black transnational identity." Many of the figures represented were Jamaican or Jamaican-American; others were born in the United States, or Trinidad, or Barbados. All, however, are "globalization's people" in the sense that their understandings of the significance of race and racial identity are shaped in transnational contexts.

Globalization's Movements

In some sense, "U.S." anti-slavery, civil rights, and anti-racism movements were always global in their content and influence.⁸ Such transnational influences can be pervasive in a country whose history has been shaped by colonialism, the Trans-Atlantic Slave trade, incursions into Native American lands, and international and domestic migratory flows. The following are brief illustrative examples or "samples."⁹

Haitian Independence

Haiti's slave rebellion and subsequent independence from France presented a fundamental challenge to the racial stereotypes slaveholders tried to use as pacifiers or violent threats to their own growing African-American populations.¹⁰

7. A list of key figures that I identified as "Globalization's People" appears in the Appendix to this essay. Rather than a comprehensive intellectual history of transnational thought among Blacks in the United States and the Caribbean, the PowerPoint and list are intended to stimulate memories of the complex and continuing interchange across borders even within groups otherwise identified as "African-American," "Afro-Caribbean," or "Black." This list appears in the Appendix on page 363.—Ed.

8. See generally HENRY J. RICHARDSON, III, *THE ORIGINS OF AFRICAN-AMERICAN INTEREST IN INTERNATIONAL LAW* (2008).

9. "Sampling," as used here, echoes the common practice in contemporary popular music, including hip-hop, of inserting brief musical excerpts that trigger deeper recollections or combining them in new and unexpected ways.

10. See Donald R. Hickey, *America's Response to the Slave Revolt in Haiti 1791–1806*, 2 J. EARLY REPUBLIC 361, 361–62 (1982); see also *The United States and the Haitian Revolution: 1791–1804*, U.S. DEP'T OF STATE ARCHIVE, <http://2001-2009.state.gov/r/pa/ho/time/nr/91724.htm> (last updated Jan. 20, 2009).

Black Diplomats

Later, the occasional presence of Haitian and other diplomats of color, who expected to be treated with respect under international norms, caused further conflict and consternation both within the United States and abroad.¹¹ Sometimes violent resistance to the need to treat even Black diplomats with a certain degree of respect under international relations also highlighted the horrific enslavement African peoples in the United States were forced to live every day. United States claims to strong legal protections of human dignity for its citizens were hypocritical in light of the violence and discrimination imposed on African-Americans and other minorities. The lesson was not lost on both native-born and Haitian Blacks.

Garveyism

By the early twentieth century, radical pan-African leaders and activists such as Marcus Garvey organized large numbers of Blacks, native-born to the United States as well as immigrants, in quasi-military style and used economic, political, and cultural self-reliance and self-determination as organizing principles.¹² Although such efforts were controversial even among African-American Blacks at the time, they served to illustrate the potential for post-slavery liberation. The movement demonstrated that Blacks could organize themselves politically, adhere to self-defined cultural standards, and work to build political and economic power.

Global Wars and the Rise of National Liberation Movements

By the mid-twentieth century, African-Americans were going off to, and dying in, global wars in defense of purported freedom and democracy at home.¹³ These soldiers began to encounter individuals and allies who treated them as human beings and even

11. See Mary L. Dudziak, *Desegregation as a Cold War Imperative*, 41 STAN. L. REV. 61, 90–93 (1988) (recounting the discrimination against Francois Georges, Haitian Secretary of Agriculture in 1947, who traveled to the United States to attend a conference of the National Association of Commissioners, Secretaries, and Directors of Agriculture, only to be turned away from a Mississippi hotel upon arriving).

12. See generally Mark Christian, *Marcus Garvey and African Unity: Lessons for the Future From the Past*, 39 J. BLACK STUD. 316 (2008).

13. AZZA SALAMA LAYTON, INTERNATIONAL POLITICS AND CIVIL RIGHTS POLICIES IN THE UNITED STATES 1941–1960, at 61–64 (2000); Harvard Sitkoff, *Racial Militancy and Interracial Violence in the Second World War*, 58 J. AM. HIST. 661, 661–62 (1971).

heroes. The contrast with their treatment as second-class citizens at home was made even clearer. Meanwhile, a U.S.-based call for full civil rights for African-Americans and other marginalized groups began to take root. Their influence was transnational as well. The early African National Congress (ANC), one of the South African liberation movements founded in 1912 and reinvigorated in the anti-apartheid struggles of the 1940s and 1950s, drew aspects of its structure and goals from the National Association for the Advancement of Colored People (NAACP), founded in 1909.¹⁴ American political leaders were pressured by the growing domestic civil rights movement and their own guilty consciences to engage in the beginnings of anti-discrimination law reform. At the same time, there was an equally sharp backlash against the growing signs of Black empowerment.¹⁵

Human Rights for All?

The Atlantic Charter and Franklin Roosevelt's "Four Freedoms"¹⁶ and "Second Bill of Rights"¹⁷ speeches also began to articulate a vision of human rights that included securing economic and social rights¹⁸ as well as the right to freedom of speech and belief.¹⁹ Those rights were articulated as belonging to "all" peoples, wherever they were in the world—and therefore seemingly included African-Americans and other U.S.-based subordinated groups as well as colonized peoples.²⁰ The

14. See LIBRARY OF CONG. EXHIBITIONS, *A Renewal of the Struggle*, NAACP: A CENTURY IN THE FIGHT FOR FREEDOM, <http://www.loc.gov/exhibits/naacp/a-renewal-of-the-struggle.html> (last visited Feb. 21, 2014).

15. See, e.g., JAMES JENNINGS, *THE POLITICS OF BLACK EMPOWERMENT: THE TRANSFORMATION OF BLACK ACTIVISM IN URBAN AMERICA* 27–30 (1992).

16. Franklin D. Roosevelt, *Four Freedoms*, State of the Union Address (Jan. 6, 1941), (transcript available at <http://www.fdrlibrary.marist.edu/pdfs/ffreadingcopy.pdf>).

17. Franklin D. Roosevelt, *Second Bill of Rights*, State of the Union Address (Jan. 11, 1944), (transcript available at http://www.fdrlibrary.marist.edu/archives/address_text.html).

18. See generally Hope Lewis, "New" Human Rights?: U.S. Ambivalence Toward the International Economic and Social Rights Framework, in *BRINGING HUMAN RIGHTS HOME: A HISTORY OF HUMAN RIGHTS IN THE UNITED STATES* 100 (Cynthia A. Soohoo et al. eds., 2007).

19. See PAUL GORDON LAUREN, *POWER AND PREJUDICE: THE POLITICS AND DIPLOMACY OF RACIAL DISCRIMINATION* 136–165 (2d ed. 1996); M. Glen Johnson, *The Contributions of Eleanor and Franklin Roosevelt to the Development of International Protection for Human Rights*, 9 HUM. RTS. Q. 19, 21–23 (1987).

20. See, e.g., MARY L. DUDZIAK, *COLD WAR CIVIL RIGHTS: RACE AND THE IMAGE OF AMERICAN DEMOCRACY* 79–114 (2011); John David Skrentny, *The Effect of the Cold War on African-American Civil Rights: America and the World Audience 1945–1968*, 27 THEORY & SOC'Y 237, 244–45 (1998).

establishment of a United Nations (UN) in 1947 and the elaboration of a Universal Declaration of Human Rights (UDHR) in 1948 gave hope to millions that self-determination, an end to racial discrimination, and the protection of rights generally, would be part of the post-war "New World."²¹

Cold War Civil Rights?

The idealistic universalism of the mid-century U.S. and U.N. pronouncements seemed to stem from genuine desires to link reality to unfulfilled values of democracy, freedom, and human dignity. But leading legal historians such as Mary Dudziak have also highlighted the instrumental value attached to U.S. civil rights changes by foreign affairs officials.²² Pursuing, or appearing to pursue, desegregation and other civil rights policies during the post-World War II period also served Cold War political agendas. The Soviets were adept at pointing out U.S. hypocrisy in touting democracy and freedom, while allowing or fostering lynching, segregation, and other violations of the human rights of Blacks, Native Americans, Latinos, and Asians.²³ The United States, including Human Rights Commissioner Eleanor Roosevelt, countered with charges of Soviet repression of political dissenters, religious minorities, and lack of freedom of expression.²⁴

Black Press

Black Americans, especially those in urban centers, were aware of the international Brinksmanship as well. Black organizations, some of which had worked with international socialist or communist organizations, began to debate the value of such alliances as anti-communist sentiments, and McCarthyism rose in significance.²⁵

The African-American press played an important transnational role by reporting U.S. civil rights abuses to the world and by reporting African, and later, Caribbean and Latin American, independence and anti-colonialist struggles.²⁶

21. See MARY ANN GLENDON, *A WORLD MADE NEW: ELEANOR ROOSEVELT AND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS*, at xv–xxi (2001).

22. See generally *id.*

23. Dudziak, *supra* note 11, at 88–90.

24. See, e.g., GLENDON, *supra* note 21, at 143–72.

25. See generally CAROL ANDERSON, *EYES OFF THE PRIZE: THE UNITED NATIONS AND THE AFRICAN-AMERICAN STRUGGLE FOR HUMAN RIGHTS 1944–1955* (2003).

26. PENNY M. VON ESCHEN, *RACE AGAINST EMPIRE: BLACK AMERICANS AND ANTICOLONIALISM 1937–1957*, at 7–21 (1997).

The Cold War powers competed for the hearts and minds of newly-independent peoples. Appearances mattered. Both East and West had to propagandize the purported benefits of their own economic and political systems to the emerging Third World.²⁷

Apartheid

Meanwhile, the South African White minority had chosen 1948, the same year as the international adoption of important human rights documents such as the UDHR, as the time to formalize and legalize its horrendous and universally condemned system of apartheid.²⁸ Geopolitics ultimately demanded that the United States distinguish itself from such a state pariah, but it took decades, strong internal and international anti-apartheid movements, international arms and economic boycotts, and the end of the Cold War to do it. The global response to the recent passing of legendary political activist, political prisoner, and first democratically-elected President of South Africa, Nelson Mandela, indicates how influential that "domestic" struggle became in international contexts, including the U.S.-based Free South Africa Movement (FSAM).²⁹

Bricker Amendments and Dulles Compromise

By contrast, southern democrats, or "Dixie-crats" as they were known, resisted internationalism and its potential influences on U.S. law and politics in the 1950s.³⁰ At least in part, their fears about international and related domestic scrutiny on segregation, racial violence, and economic and social marginalization drove them to try to limit the influence of international human rights

27. Roger E. Kanet, *The Superpower Quest for Empire: The Cold War and Soviet Support for 'Wars of National Liberation,'* 6 COLD WAR HIST. 331, 332-34 (2006).

28. THE HISTORY OF EDUCATION UNDER APARTHEID, 1948-1994, at 337 (Peter Kallaway, ed., 2002) ("In the 1948 elections, the National Party was elected, enabling the legislative framework and institutional bureaucracy of apartheid . . . to be established.").

29. William Minter, *Sylvia Hill: From the Sixth Pan-African Congress to the Free South Africa Movement*, in NO EASY VICTORIES: AFRICAN LIBERATION AND AMERICAN ACTIVISTS OVER A HALF CENTURY, 1950-2000 (William Minter et al. eds., 2007), available at http://www.noeasyvictories.org/select/08_hill.php; *The Free South Africa Movement*, AFRICAN ACTIVIST ARCHIVE, <http://africanactivist.msu.edu/organization.php?name=Free%20South%20Africa%20Movement>.

30. See Daniel H. Wolf, *An Extraordinary Facilitator: The Voting Rights Act and U.S. Adherence to International Human Rights Treaty Obligations*, 31 U. PA. J. INT'L L. 1149, 1171 (2010) ("For all intents and purposes, the Fourteenth and Fifteenth [A]mendments were a 'dead letter' in the South.").

treaties at home.³¹ Many were even willing to amend the U.S. Constitution to do so through the introduction of various bills known as the Bricker Amendments.³²

Such politically and economically dangerous efforts led the Eisenhower administration's Secretary of State, John Foster Dulles, to enter into a compromise in which the United States would continue to influence the nature and drafting of human rights treaties on the world stage, but would not pursue U.S. ratifications.³³ We were left with this state of affairs until the Carter administration began to sign major human rights treaties as a matter of foreign policy and as the Cold War ended, when U.S. presidents and Congress began to feel more comfortable in ratifying them (with "reservations, understandings, and declarations" that would severely limit their implementation in U.S. federal courts).³⁴

African-American Influences on Foreign Policy and the Progressive Development of International Law

United States norms on civil and political rights were not only being influenced by the newly-complex global gaze; African-Americans and others engaged in, or allied with, the civil rights struggle, influenced U.S. foreign policy and international law and policies as well.³⁵

Civil Rights and Radical Interventions on the World Stage

Historians such as Carol Anderson and Brenda Plummer discuss the excitement and sometimes ambivalence with which organizations like the NAACP met the new UN human rights system.³⁶ Would activism through human rights and other mechanisms play into Soviet Communist hands, or would it provide an important new forum for African-Americans to advocate for civil rights and social justice in alliance with newly-emerging states?

31. *Id.* at 1157.

32. *Id.* at 1157–58.

33. Cathal J. Nolan, *The Last Hurrah of Conservative Isolationism: Eisenhower, Congress, and the Bricker Amendment*, 22 PRESIDENTIAL STUD. Q. 337, 343–44 (1992).

34. David Sloss, *The Domestication of International Human Rights: Non-Self-Executing Declarations and Human Rights Treaties*, 24 YALE J. INT'L L. 129, 139–40 (1999).

35. LAYTON, *supra* note 13, at 31–35.

36. ANDERSON, *supra* note 25; see generally BRENDA PLUMMER, *RIISING WIND: BLACK AMERICANS AND U.S. FOREIGN AFFAIRS* (1996).

An Appeal to the World

African-American intellectuals and social justice advocates filed petitions before the UN about U.S. racial violence and civil rights abuses.³⁷ The NAACP presented "An Appeal to the World: A Statement on the Denial of Human Rights to Minorities in the Case of Citizens of Negro Descent in the United States of America and an Appeal to the United Nations for Redress" in 1947.³⁸ The Appeal was written by the great African-American scholar and internationalist W.E.B. DuBois.³⁹

In December 1951, a petition titled "We Charge Genocide" was brought to the UN by William R. Patterson and other activists like Paul and Eslanda Goode Robeson.⁴⁰

Internationalizing Our Problem?

In 1964, Organization for African and African-American Unity leader Malcolm X argued that African-Americans should "internationalize our problems" by bringing them before the UN directly or under the auspices of African nations.⁴¹ Born to an African-American father (Earl Little) and a Grenadan-American mother (Louise Little), Malcolm X was said to have been influenced by his father's advocacy for Marcus Garvey's Universal Negro Improvement Association.⁴²

37. See, e.g., ANDERSON, *supra* note 25, at 160 (describing a petition written to the UN by W.E.B. DuBois in 1949 regarding an improper life sentence in what was clearly a self-defense case).

38. W.E.B. DuBois, *An Appeal to the World: A Statement of Denial of Human Rights to Minorities in the Case of Citizens of Negro Descent in the United States of America and an Appeal to the United Nations for Redress* (NAACP eds., 1947).

39. *Id.*; LAYTON, *supra* note 13, at 51-52.

40. See WE CHARGE GENOCIDE: THE HISTORIC PETITION TO THE UNITED NATIONS FOR RELIEF FROM A CRIME OF THE UNITED STATES GOVERNMENT AGAINST THE NEGRO PEOPLE (William L. Patterson ed., 1970); see also DUDZIAK, *supra* note 20, at 96-98; LAYTON, *supra* note 13, at 67-69.

41. Dorothy Thomas, *Advancing Rights Protection in the United States: An Internationalized Advocacy Strategy*, 9 HARV. HUM. RTS. J. 15, 18 (1996).

42. Malcolm X, *An Appeal to African Heads of State*, Remarks at Addis Ababa, Ethiopia (July 17, 1964), available at <http://www.hierographics.org/malcolmX.htm>; Malcolm X, *Second Speech to the OAAU*, in BY ANY MEANS NECESSARY: THE SPEECHES AND WRITINGS OF MALCOLM X (1992); Ted Vincent, *The Garveyite Parents of Malcolm X*, 20 THE BLACK SCHOLAR 10, 10 (1989).

**From the Civil Rights Acts to the International Convention
on the Elimination of All Forms of Racial
Discrimination**

We are here to celebrate, among other things, 50 years of the U.S. civil rights movement and 50 years of the Civil Rights Acts.

The Third World

Meanwhile, anti-colonial and nationalist movements were emerging in Africa, Latin America, and Asia. Jamaica, independent in 1963, eventually became part of the Non-Aligned and Third World movements under Prime Minister Michael Manley.⁴³

Martin Luther King, Jr.

As Henry Richardson notes, Martin Luther King was not only a domestic civil rights activist; he also became an international human rights and peace activist, articulating connections between the lives of young African-Americans and post-colonial war in Vietnam in his "Beyond Vietnam: A Time to Break Silence" speech at New York's Riverside Church.⁴⁴ King's global significance and commitment to human rights was also recognized by his receipt of the Nobel Peace Prize.

International Human Rights Standards

Emerging international human rights law was being influenced by both American civil rights struggles and post-colonial struggles for self-determination.⁴⁵

43. William Jesse Biddle & John D. Stephens, *Dependent Development and Foreign Policy: The Case of Jamaica*, 33 INT'L STUD. Q. 411, 414, 420 (1989).

44. Martin Luther King, Jr., *Beyond Vietnam: A Time to Break Silence*, Remarks at Riverside Church in New York City (Apr. 4, 1967), *text and audio available at* <http://www.americanrhetoric.com/speeches/mlkatimetobreaksilence.htm>; Henry J. Richardson, III, *Dr. Martin Luther King, Jr. as an International Human Rights Leader*, 52 VILL. L. REV. 471, 471-72 (2007).

45. See generally VIRGINIA ANDERSON PRATT, *THE INFLUENCE OF DOMESTIC PARTICIPATION IN THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS, 1946-1953* (1986); Natalie Hevener Kaufman & David Whiteman, *Opposition to Human Rights Treaties in the United States: The Legacy of the Bricker Amendment*, 10 HUM. RTS. Q. 309 (1988); see also Clarence Clyde Ferguson, Jr., *The United Nations Human Rights Covenants: Problems of Ratification and Implementation*, 62 A.S.I.L. PROC. 91 (1968) (arguing that domestic resistance to the application of international human rights standards at home lay in racial tensions and the desire to maintain discrimination against African-Americans).

The International Covenant on the Elimination of All Forms of Racial Discrimination

For example, the UN drafted and adopted another great civil, political, economic, and social rights legal instrument—the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).⁴⁶ Few will remember that U.S. legal scholar and diplomat C. Clyde Ferguson, former Dean of Howard Law School and the second tenured Black Professor at Harvard Law School, helped draft key provisions of the ICERD, ensuring, for example, the inclusion of “special measures,” or what we refer to domestically as “affirmative action.”⁴⁷ Ferguson served both as a Commissioner of the U.S. Civil Rights Commission and as an Expert Representative to the UN Subcommittee on Racial Discrimination.⁴⁸

The “Race Convention” preceded the adoption of even the International Covenant on Civil and Political Rights and the ICESCR, the core international human rights instruments under the UN system.⁴⁹

Gay McDougall

Subsequently, African-American lawyer and human rights advocate Gay J. McDougall would become the first U.S. expert appointed to the ICERD Committee and the UN Independent Expert on Minority Issues.⁵⁰

Black Power

Black immigrants were among the ranks of the labor organizers and civil rights activists that worked in solidarity with African-Americans to march, boycott, and demand civil, political, and economic rights. Stokely Carmichael (later called Kwame Ture), an immigrant from Trinidad, helped organize the Student Non-Violent Coordinating Committee and the Black Panther Party.

46. Gay J. McDougall, *Racial Discrimination as a Violation of International Law: International Standards and Mechanisms*, in BEYOND RACISM 439–40 (Charles V. Hamilton et al. eds., 2001).

47. Harvard University Library, *Ferguson, Clarence Clyde. Photographs, 1949–1984: Finding Aid*, available at <http://oasis.lib.harvard.edu/oasis/deliver/~law00062>.

48. Clarence Clyde Ferguson, Jr., *Civil Rights Legislation 1964: A Study of Constitutional Resources*, 24 FED. B.J. 102, 104–105 (1964).

49. McDougall, *supra* note 46, at 436–37.

50. See Gay J. McDougall, *Lecturer's Profile: Gay J. McDougall*, HOWARD UNIV. LAW SCHOOL, , <http://www.law.howard.edu/1625> (last visited Dec. 27, 2013).

TransAfrica

By the 1970s and 1980s, Black international identities and politics were becoming even more pervasive. The Congressional Black Caucus helped found TransAfrica, the U.S. foreign policy lobby and forum for Africa and the Caribbean under the leadership of Randall Robinson. Best known for its organizing work supporting the international Free South Africa Movement, the small staff included native-born Blacks, Haitian-Americans, Jamaican-Americans, Malawian-Americans, Ghanaian-Americans, and Sierra Leonean-Americans.

The organization has gone on to influence U.S. foreign policy toward Haiti, banana-producing states in the Eastern Caribbean, and the Sudan.⁵¹

Black Migrants

The civil rights struggles of the 1950s and 1960s helped open the door for a critical mass of immigrants from countries heavily populated by peoples of African descent to enter the United States in substantial numbers.⁵²

Early Migrants

But some were already present through British visas and/or recruited as temporary agricultural workers during wartime.⁵³ They were Harlem activists, construction workers, cane cutters in Florida and fruit pickers in Connecticut. They were garment makers, home care workers, or hospital aides and nurses.⁵⁴

Caribbean or African-American Icons?

Some of them became the parents of American-born cultural icons and civil rights activists. For example, both Harry Belafonte and Sidney Poitier were born in New York to immigrant parents,

51. For more information on TransAfrica's work, see <http://transafrica.org> (last visited Apr. 15, 2014).

52. Roy Simon Bryce-Laporte, *Black Immigrants: The Experience of Invisibility and Inequality*, 3 J. BLACK STUD. 29, 34–35 (1972); see generally PHILIP KASINITZ, CARIBBEAN NEW YORK: BLACK IMMIGRANTS AND THE POLITICS OF RACE (1992).

53. DOROTHEE SCHNEIDER, CROSSING BORDERS: MIGRATION AND CITIZENSHIP IN THE TWENTIETH-CENTURY UNITED STATES 231 (2011).

54. Winston James, *Explaining Afro-Caribbean Social Mobility in the United States: Beyond the Sowell Thesis*, 44 COMP. STUD. SOC'Y & HIST. 218, 228 (2002) (providing a table pertaining to the occupational status of Black immigrants entering the United States from 1899 through 1931).

helping complicate images of Black males in theater and film.⁵⁵ But they also used their fame to help fund civil rights marches.⁵⁶

Transnational Cultures

From Nationalism to Transnationalism

Although my relatives (and I) get a little nationalist thrill when we hear the global impact of Bob Marley's music as "Jamaican music," we must also realize that his music is globalization's music. It draws both from the sounds of the U.S. southern "super-stations" that could be heard in Jamaica and stretches to the sounds of Ethiopian Emperor Haile Selassie speaking to the League of Nations. There is now almost no country on the globe where his "culturally-specific" music is not played, often in opposition to post-colonial oppression, poverty, and racism. Like the people of any country who celebrate local heroes and heroines, Jamaicans and Jamaican-Americans have reason to be proud of that. But on a deeper level, we must reflect on the crucible of post-colonial activism, African-American civil rights, religious legacies, and West African traditional music that influenced him and therefore, those who hear him.

Beyond Competition: Reinventing Black Identities Under Globalization

I've tried to give you a taste of the *mélange*, or *soufflé*, that complicates Black identities across borders.

My goal is to move us beyond real or imagined segregations and separations. Not an approach that is "post-racial," but one that recognizes our complex relationships, histories, political struggles, and even music as parts of a whole upon which ever-changing coalitions can be built.

55. KASINITZ, *supra* note 52; Nancy Foner, *West Indians in New York City and London: A Comparative Analysis*, 13 INT'L MIGRATION REV. 284, 284-85 (1979).

56. David Benjamin Oppenheimer, *Kennedy, King, Shuttlesworth and Walker: The Events Leading to the Introduction of the Civil Rights Act of 1964*, 29 U.S.F. L. REV. 645, 665 (1995); Milton S. Katz, *E. Frederick Morrow and Civil Rights in the Eisenhower Administration*, 42 PHYLON 133, 141 (1981).

Appendix

Black Identity and Globalization's People: A Mélange†

Hope Lewis

Marcus M. Garvey (1887–1940)¹

Founder of the Universal Negro Improvement Association (UNIA), a Pan-Africanist and Back-to-Africa Movement. Born in Jamaica, moved to the United States, eventually deported.

Paul Robeson (1898–1976)²

Orator, political activist, actor, singer, athlete, international human rights advocate. African-American born in Princeton, New Jersey, United States.

William Edward Burghardt (W.E.B.) DuBois (1868–1963)³

Founder and General Secretary of the Niagara Movement, Co-founder of the National Association for the Advancement of Coloured People (NAACP), civil rights activist, Pan-Africanist, sociologist, historian, lecturer, and writer.

†. The following lists key figures that I refer to as “globalization’s people” in the essay, “Globalization’s People: Black Identities in U.S.-Caribbean Encounters,” 32 *LAW & INEQ.* 349 (2014). This Appendix lists the individuals that appeared on a continuously rotating PowerPoint presentation during my talk at the *Law and Inequality: A Journal of Theory and Practice* symposium at the University of Minnesota Law School. This list was compiled on January 15, 2014, and it is not intended to be comprehensive.

1. MARCUS GARVEY & AMY JACQUES GARVEY, *THE PHILOSOPHY AND OPINIONS OF MARCUS GARVEY* (2d. ed. 1978).

2. PAUL ROBESON, JR., *THE UNDISCOVERED PAUL ROBESON: AN ARTIST’S JOURNEY, 1898–1939*, at 3 (2001); PAUL ROBESON: *HERE I STAND* (PBS: American Masters 1998).

3. W.E.B. DU BOIS, *THE PHILADELPHIA NEGRO: A SOCIAL STUDY* (Univ. of Penn. Press ed. 1995); W.E.B. DU BOIS, *THE SOULS OF BLACK FOLK* (Dover Thrift ed. 1994); see also NAACP, *History: W.E.B. Du Bois*, <http://www.naacp.org/pages/naacp-history-w.e.b.-dubois> (last visited Dec. 27, 2013).

Shirley Graham DuBois (1896–1977)⁴

Writer, musician, political activist, and lecturer. Field secretary for the NAACP and wife of W.E.B. DuBois.

Malcolm X (born “Malcolm Little”) (1925–1965)⁵

Black nationalist, political activist, Nation of Islam minister, founder of the Organization of Afro-American Unity (OAAU), Pan-Africanist. African-American born in the United States, mother born in Grenada, British West Indies. Father, Earl Little, was a Baptist minister from Georgia. Both parents were active in Garvey’s Universal Negro Improvement Association.

Shirley Anita Chisholm (1924–2005)⁶

Candidate for the 1972 Democratic Presidential nomination. First African-American Congresswoman. Born in Brooklyn, New York, United States to Caribbean immigrants (mother from Barbados and father from Guyana). Chisholm co-founded the National Political Congress of Black Women.

Martin Luther King, Jr. (1929–1968)⁷

Christian minister, theologian, civil and human rights leader, peace activist, and orator.

4. Alesia E. McFadden, *The Artistry and Activism of Shirley Graham Du Bois: A Twentieth Century African American Torchbearer* (May 2009) (unpublished Ph.D. dissertation, University of Massachusetts Amherst) (available though Open Access Dissertations at University of Massachusetts Amherst).

5. MANNING MARABLE, *MALCOLM X: A LIFE OF REINVENTION* (2011); MALCOLM X & ALEX HALEY, *THE AUTOBIOGRAPHY OF MALCOLM X AS TOLD TO ALEX HALEY* (Penguin Modern Classics ed. 2001).

6. *History, Art & Archive: Shirley Anita Chisholm*, U.S. HOUSE REPRESENTATIVES, <http://history.house.gov/People/detail/10918> (last visited Dec. 27, 2013).

7. King, well known for his brilliant leadership of the mid-twentieth century U.S. civil rights movement, also reached out to the newly-independent nations of Africa and the Caribbean. See, e.g., *Pieces of the Past: June 20, 1965—Martin Luther King, Jr. Visits Jamaica*, JAM. GLEANER, <http://jamaica-gleaner.com/pages/history/story003.html> (last visited Jan. 1, 2014); Telephone interview with Dr. E. Anthony Allen (Jan. 1, 2014). He also spoke out against the Vietnam War. See Roger Alford, *The Impact of Martin Luther King, Jr. on International Law*, OPINIO JURIS (Jan. 21, 2008), <http://opiniojuris.org/2008/01/21/the-impact-of-martin-luther-king-on-international-law/>; see generally Henry J., Richardson, III, *Dr. Martin Luther King, Jr. as an International Human Rights Leader*, 52 VILL. L. REV. 471 (2007).

Randall Robinson (1941–)⁸

International human rights activist, lawyer, and writer. Founder of TransAfrica, the U.S. Foreign Policy lobby for Africa and the Caribbean. Leader of the Free South Africa Movement.

Stokely Carmichael (Kwame Ture) (1941–1998)⁹

Trinidad-born emigrant to the United States. Chairman and Field Organizer with the Southern Nonviolent Coordinating Committee (SNCC). Popularized the term “Black Power.” Prime minister of the Black Panther Party. Founder of All-African People’s Revolutionary Party. Husband of singer and South African political activist Miriam Makeba (“Mama Africa”).

Colin Luther Powell (1937–)¹⁰

First African-American Secretary of State. Born in New York, Powell is the son of immigrants from Jamaica.

Eric H. Holder, Jr. (1951–)¹¹

First African-American Attorney General of the United States. Former Associate Judge of the Superior Court of the District of Columbia. Born in New York, United States, his parents were immigrants from Barbados.

Shirley Pryce (n.d.)¹²

President of the Jamaica Household Workers Association.

8. RANDALL ROBINSON, *THE DEBT: WHAT AMERICA OWES TO BLACKS* (2000); RANDALL ROBINSON, *DEFENDING THE SPIRIT: A BLACK LIFE IN AMERICA* (1998).

9. STOKELY CARMICHAEL & MICHAEL THELWELL, *READY FOR REVOLUTION: THE LIFE AND STRUGGLES OF STOKELY CARMICHAEL* (2003); Roy Hurst, *Stokely Carmichael’s Mixed Civil Rights Legacy*, NPR (Feb. 22, 2005), <http://www.npr.org/templates/story/story.php?storyId=4508288>.

10. Colin Luther Powell, U.S. DEPT ST. OFF. HISTORIAN, <http://history.state.gov/departmenthistory/people/powell-colin-luther> (last visited Dec. 27, 2013).

11. *Meet the Attorney General*, U.S. DEPT JUST., <http://www.justice.gov/ag/meet-ag.html> (last visited Dec. 27, 2013).

12. SHIRLEY PRYCE, *SUPPORT ON INFORMATION DISSEMINATION, TRAINING AND PROMOTING DIALOGUE BETWEEN EMPLOYERS AND DOMESTIC WORKERS* (Sept. 2011), available at <http://www.gfmd.org/support-information-dissemination-training-and-promoting-dialogue-between-employers-and-domestic> (last visited Apr. 22, 2014).

Clarence Clyde Ferguson (1924–1983)¹³

Diplomat, Dean of Howard University Law School, First African-American Professor tenured at Harvard Law School. In February 1969, Ferguson joined the Department of State as Special Coordinator for Relief to the Civilian Victims of the Nigerian Civil War. In 1970, he became the United States Ambassador to Uganda. He was the Special Coordinator for Relief for the Civilian Victims of the Nigerian Civil war and a human rights advocate. He was the General Counsel, U.S. Civil Rights Commission, and the Permanent Representative to the United Nations (UN). He was the Deputy Assistant Secretary of State for African Affairs, the drafter of United Nations Educational, Scientific, and Cultural Organization (UNESCO) Statement on Race in 1967 and the Representative to the UN Economic and Social Council. He was the President of the American Society of International Law.

Gay J. McDougall (1947–)¹⁴

Anti-apartheid leader, Executive Director of the Southern Africa Project, Lawyers Committee for Human Rights. From 1997 to 2001, she served as an Independent Expert on the UN treaty body that oversees compliance with the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). She served as the first UN Independent Expert on Minority Issues from 2005 to 2011.

*Jamaican Prime Ministers***Michael Manley (1924–1997)¹⁵**

Fourth Prime Minister of Jamaica. Leader of the Third World and Non-Aligned Movements and of People's National Party.

13. Clarence Clyde Ferguson, Jr., *International Convention on Elimination of All Forms of Racial Discrimination in U.S. RATIFICATION OF THE HUMAN RIGHTS TREATIES WITH OR WITHOUT RESERVATIONS?* 41, 45 (Richard B. Lillich ed., 1981); *Clarence Clyde Ferguson, Jr. (1924–1983): Highlights of an Impressive Career*, 1 BLACKLETTER J. 17 (1984).

14. Gay J. McDougall, *Testimony of Gay McDougall*, 18 FED. SENT'G REP. 287 (2006); *Lecturer's Profile: Gay J. McDougall*, HOWARD U. L. SCH., <http://www.law.howard.edu/1625> (last visited Dec. 27, 2013).

15. DARRELL E. LEVI, *MICHAEL MANLEY: THE MAKING OF A LEADER* (1989); *Biographies of Jamaican Personalities: Michael Manley*, NAT'L LIBR. JAM., http://www.nlj.gov.jm/bios-i-m#mich_manley (last visited Dec. 27, 2013).

Edward Seaga (1930–)¹⁶

Fifth Prime Minister of Jamaica and leader of the Jamaica Labour Party since 1974.

P.J. Patterson (1935–)¹⁷

Sixth Prime Minister of Jamaica and leader of People's National Party.

Bruce Golding (1947–)¹⁸

Eighth Prime Minister of Jamaica and leader of the National Democratic Party.

Andrew Holness (1972–)¹⁹

Ninth Prime Minister of Jamaica.

Portia Simpson-Miller (1945–)²⁰

Seventh and Tenth Prime Minister (and first woman Prime Minister) of Jamaica. President of the People's National Party since 2006 and Member of Parliament since 1976.

Legal Academics

Eleanor Marie Brown²¹

Associate Professor of Law at George Washington School of Law and a Jamaican national.

16. *Biographies of Jamaican Personalities: Edward Seaga*, NAT'L LIBR. JAM., <http://www.nlj.gov.jm/bios-n-z#seaga> (last visited Dec. 27, 2013).

17. *Biographies of Jamaican Personalities: Percival James Patterson*, NAT'L LIBR. JAM., http://www.nlj.gov.jm/bios-n-z#pj_patterson/ (last visited Dec. 27, 2013).

18. *Biographies of Jamaican Personalities: Orette Bruce Golding*, NAT'L LIBR. JAM., <https://nlj.gov.jm/?q=bios-a-h#Golding> (last visited Dec. 27, 2013).

19. *Biographies of Jamaican Personalities: Andrew Holness*, NAT'L LIBR. JAM., <https://nlj.gov.jm/?q=bios-a-h#Holness> (last visited Dec. 27, 2013); *Prime Ministers of Jamaica: Andrew Holness*, THE GLEANER, http://digjamaica.com/andrew_holness (last visited Dec. 27, 2013).

20. *Biographies of Jamaican Personalities: The Most Honourable Portia Simpson-Miller*, NAT'L LIBR. JAM., <http://www.nlj.gov.jm/bios-n-z#portia> (last visited Dec. 27, 2013); *Prime Ministers of Jamaica: Portia Simpson-Miller*, THE GLEANER, http://digjamaica.com/portia_simpson_miller (last visited Dec. 27, 2013).

21. *Faculty Profile: Eleanor Marie Brown*, GEO. WASH. L. SCH., <http://www.law.gwu.edu/Faculty/profile.aspx?id=16101> (last visited Dec. 27, 2013).

Lani Guinier (1950–)²²

Professor of Law at Harvard Law School. She was head of the Voting Rights Project for the NAACP Legal Defense Fund during the 1970s.

Anthony Paul Farley²³

Professor of Jurisprudence at Albany Law School. He was born in Jamaica to a Guyanese father and Jamaican mother.

Camille Nelson (1968–)²⁴

Dean and Professor of Law at Suffolk Law School. Jamaican-Canadian-American criminal law expert and administrator.

Hope Lewis²⁵

Faculty Director, Global Legal Studies and Professor of Law at Northeastern University School of Law. U.S.-born human rights scholar. Parents from Jamaica.

Devon Carbado²⁶

Professor of Law at UCLA Law School. Critical Race Theorist and U.S. Constitutional Law expert. Born and raised in Britain by Jamaican parents.

22. Her Jamaican-born father Ewart Guinier was appointed chairman of Afro-American Studies at Harvard in 1969. *Education Makers: Lani Guinier*, HIST. MAKERS, <http://www.thehistorymakers.com/biography/lani-guinier-40> (last visited Dec. 27, 2013).

23. Anthony Paul Farley, *All Flesh Shall See It Together*, 19 CHICANO-LATINO L. REV. 163, 167 (1998); *Faculty Profile: Anthony Paul Farley*, ALBANY L. SCH., <http://www.albanylaw.edu/faculty/pages/faculty-listing.aspx?ind=Farley%2C%20Anthony%20Paul> (last visited Dec. 27, 2013).

24. CAMILLE A. NELSON & CHARMAINE NELSON, *RACISM, EH?: A CRITICAL INTER-DISCIPLINARY ANTHOLOGY OF RACE AND RACISM IN CANADA* (2004).

25. *Northeastern University School of Law Faculty Directory: Hope Lewis*, NORTHEASTERN U. SCH. L., <http://www.northeastern.edu/law/faculty/directory/lewis.html> (last visited January 16, 2014).

26. Ajay Singh, *Unraveling the Legal Threads Entangling Race in America*, UCLA TODAY, Mar. 5, 2009, available at <http://newsroom.ucla.edu/stories/unraveling-the-legal-threads-entangling-84446>.

*Entertainers and Athletes***Harry Belafonte (1927–)**²⁷

Singer, songwriter, actor, and social activist. His parents were Caribbean immigrants. Belafonte was a fundraiser and promoter of the U.S. civil rights movement and, later, international human rights movements, including South Africa's anti-apartheid movement.

Sidney Poitier (1927–)²⁸

Political Activist, Academy Award-winning Actor, Director. Bahamian national. Like Belafonte, Poitier was also a political activist and worked to raise funds for and promote the U.S. civil rights movement.

Muhammad Ali (born “Cassius Clay”) (1942–)²⁹

Olympic heavy-weight boxing champion. Popular global figure and an anti-Vietnam War conscientious objector.

Robert (“Bob”) Nestor Marley (1945–1981)³⁰

World-renowned musician. Popularized reggae music as music of political struggle against oppression.

Usain Bolt (1986–)³¹

Olympic Gold Medal Sprinter.

27. HARRY BELAFONTE & MICHAEL SHNAYERSON, *MY SONG: A MEMOIR* (2011).

28. SIDNEY POITIER, *THE MEASURE OF A MAN: A SPIRITUAL AUTOBIOGRAPHY* (2007).

29. DAVID REMNICK, *KING OF THE WORLD: MUHAMMAD ALI AND THE RISE OF AN AMERICAN HERO* (1999).

30. TIMOTHY WHITE, *CATCH A FIRE: THE LIFE OF BOB MARLEY* (2006).

31. *Athlete Profile: Usain Bolt*, INT'L ASS'N ATHLETICS FED'NS, <http://www.iaaf.org/athletes/jamaica/usain-bolt-184599> (last visited Dec. 27, 2013).

