

Reconciliation Projects

From Kinship to Justice

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Among the many possibilities presented by the decoding of the human genome has been the expansion of the types and availability of genetic analysis. These techniques are now ubiquitous. They are employed in biomedical settings—for instance, to examine an individual’s genetic predisposition to disease. They have driven developments in forensic investigation, such as the so-called “DNA fingerprinting” techniques.¹ These postgenomic transformations have also spurred the conception of a range of goods and services that make genetic technologies broadly available for public consumption. Indeed, these direct-to-consumer (DTC) genetic tests that claim to infer racial and ethnic identity, genealogical affiliation, and health potential are among the most visible manifestations of the genomics era. For example, the pervasiveness of DTC genetic ancestry testing, is evident in the media’s powerful depictions of the unearthing of personal pasts, ranging from journalist Amy Harmon’s Pulitzer Prize–winning articles for the *New York Times* to Harvard University professor Henry Louis Gates Jr.’s television franchise of celebrity-focused genealogy documentaries.

Information derived from genetic science is now widespread at a range of social sites. Through this circulation, the “logics” of DNA analysis—that is, the centrality of “the prism of heritability,”² the privileging of molecular scale, the use of statistical methods and probabilistic algorithms alongside bio-banks and genetic databases, and so forth—move across and beyond their characteristic domains of biomedicine and forensic science into practices of self-fashioning, kin-keeping, and family formation, among others. Tracking this broader social transmission of the logics and techniques of genetic science—the *social life of DNA*—we can apprehend how genetics is increasingly relied upon to answer fundamental questions, not only about human identity, but also about national and political community, social justice, and collective memory.³

In one particular and striking trend in recent years, genetic information is being applied in what I term *reconciliation projects*—endeavors aimed at ameliorating the

injurious repercussions of the past. Reconciliation projects are efforts to repair the damage caused by fractious social and political struggles—efforts that are being undertaken in many arenas, including courts of law, laboratories, social justice organizations, and museums. The concept, reconciliation projects, of course connotes the idea of reparative justice that underlies late twentieth-century truth and reconciliation commissions such as those that took place in post-apartheid South Africa, in post-civil-rights-era Greensboro, North Carolina, and, in post-junta Argentina of the early 1980s, following the fall of the military authoritarian state that had brutally “disappeared” its critics.⁴ For the purposes of this essay, and with the social life of DNA in mind, the phrase furthermore points to the constitutive role played by genetic analysis in endeavors to “mak[e] whole what has been smashed,” to paraphrase the title of sociologist John Torpey’s recent comparative study of “reparation politics.”⁵ Genetics has become a medium through which the “unsettled past” is reconciled, be it through commemoration of historical events or making expiation for past injury.

Extending Torpey’s reparation metaphor once more, DNA testing may also be relied upon to “make whole” both formerly opposed parties or formerly unified ones, rejoining broken ties within a community, nation-state, or diaspora. The information yielded from genetic genealogy testing, such as that conducted by African Ancestry and other companies, has been employed in attempts “reunite” individuals, for example, by offering the prospect of membership in both kin groups and national communities. A case in point is the Leon H. Sullivan Foundation, a nonprofit organization with roots in the U.S. civil rights movement. This organization endorses the use of genetic ancestry testing and DNA affiliation as a medium of African American involvement in entrepreneurship and philanthropy on the African continent.

Employing genetic information in another way, other subjects, citizens, or social groups increasingly engage in DNA testing, not to forge cross-national connections, but in the hope of repairing injury and rectifying injustices committed by states, institutions, or other entities. The Innocence Project, a U.S. initiative “dedicated to exonerating wrongfully convicted people through DNA testing and reforming the criminal justice system,” is one such example.⁶ In Argentina, DNA analysis has been used to examine the remains discovered in mass graves and determine the identities of persons suspected to have been abducted by agents of a repressive seven-year military dictatorship that began in 1976. More recently, now-adult children suspected to have been taken from their “disappeared” mothers and placed in adoptive families are now being compelled by the Argentinean government to undergo genetic testing, whether or not the adoptees desire this information.⁷ Genetics is in these ways being put to the use of mending what has been “smashed.”

DNA techniques and genetic evidence are now sought to fill perceived voids (and settle disputes) in many social landscapes, as the essays by Jay Aronson, Jennifer Hamilton, and Michele Jacobs describe and analyze. Aronson, for example,

directs us to the “convergence of DNA and history in the context of post-apartheid South Africa.” He assays how “forensic DNA profiling” is used in order to attend to an issue that could not be fully addressed by the country’s Truth and Reconciliation Commission—the more than two thousand “missing and disappeared (primarily black)” anti-apartheid activists who were abducted and murdered by agents of the state. Forensic DNA analysis, as in the Argentinean example, is used to perform what we might understand as a social autopsy, with the aim of producing post-mortem information that can help reconcile South African society across the color line by restoring to families—and to the nation-state—the bodies of activists who gave of their lives in the fight for racial justice and equality.

As these and other examples in this volume illustrate, the courtroom has been one critically important realm in which the power of genetic information to validate ancestral claims has been deployed, tested, and challenged. Hamilton’s contribution, by contrast, examines how genetic analysis is being used to discover and codify unknown or unacknowledged genealogy with the hope of securing legal recognition and, in turn, rights and recompense. She illustrates this process with a close reading of two U.S. legal cases in which genetic ancestry tracing has been used as an evidentiary tool—a suit in which the plaintiffs seek reparations for slavery and a suit filed by the Freedman or “Black Indians” of Oklahoma, who seek to reaffirm their full tribal membership in Native communities. These suits suggest how the legal construction of what Hamilton describes as the “genetic ancestor” is strategically exercised by the plaintiffs “as a way to configure [themselves] as legitimate, legally cognizable subjects, who can make claims to rights and benefits under the law.”

Thus one tension that sits at the heart of the modern collision of DNA, race, and history is this: the employment of genetic ancestry testing or other forms of DNA analysis does not guarantee resolution of historical controversies or claims. For some members of oppressed groups, genetic science, moreover, may be deemed both an undesirable arbitrator and unreliable narrator of the past. As Jacob argues in her essay about the Kennewick Man controversy from a Native American perspective, “genetic-based” ideas about ancestry may place at risk the “land-based identities” of indigenous peoples. For these communities, DNA analysis does not offer the horizon of justice, but is rather a threat to their worldview, it is a medium through which both their “homeland and legal status” come under “assault.” A genetic framing of history, ethnicity, and the past in this case presents a barrier to mutual understanding; Jacob’s analysis asserts how one Native American group renders its history and limns how this same community must necessarily contend with different ways of knowing the past as a facet of socialization and cultural transmission.

The Selling of Direct-to-Consumer Reconciliation

In order to better understand the relationship of DNA and reconciliation projects, it is instructive to look closely at the role that the company African Ancestry has

played in such endeavors in the United States. Given the schismatic force of racial slavery, colonialism, and imperialism—and the enduring effects of this fracturing—it is unsurprising that efforts toward reunion and repair have also been longstanding in African-descended communities. Late nineteenth- and early twentieth-century ventures by Martin R. Delany and Marcus Garvey to return enslaved Africans to the African continent, Queen Mother Audley Moore’s slavery reparations activism, and Alex Haley’s popularization of root-seeking in the 1970s, among other endeavors, readily come to mind. The historical events that propelled the African diaspora, in ensuing decades, inspired varied social and cultural attempts at reconciliation—most notably, documentation of the slave trade and its impact, and the quest of some African Americans for justice and reparations through DNA testing.

Among the most recent (and certainly the most technologically facilitated) of these reconciliation enterprises is the DTC (direct-to-consumer) genetic ancestry testing business and its burgeoning use by diasporic blacks intent on inferring African descent. The use of DTC genetics by blacks in the United States and elsewhere represents a small, but active, segment of the larger commercial genetic genealogy terrain. Established in the last decade, genetic ancestry testing continues to grow in popularity and is now a multimillion-dollar industry. These testing services have a particular attraction for those people of African descent for whom, for multiple reasons, it may be especially difficult to track their family history beyond one or two generations.

Since the introduction of widely available genetic ancestry testing about a decade ago, it has been increasingly called upon to repair the injury and injustice that some understand to be inherent in the African diaspora. These initiatives are apparent in identity politics and self-fashioning, in how the memory of racial slavery has been institutionalized, and in reparations politics. Genetic analysis has been adopted to cement affiliations among members of a transnational network of blacks; to redeem and restore the contemporary, stigmatized African American family by reuniting it with a past, idyllic “African” one; to inscribe the “official memory” of slavery; and to adjudicate historical wounding, among other issues.

The line between genetics’ role in public memory and its role as a business has become increasingly blurred in these DTC enterprises. The prominence of African-diaspora reconciliation projects becomes readily apparent if one tracks the phenomenal trajectory of the genetic ancestry tracing company AfricanAncestry.com and of its co-founder, geneticist Rick Kittles. African Ancestry, Inc., a Washington, D.C.-based company, purveys what is arguably the most popular brand of genetic genealogy testing among U.S. blacks.⁸ Founded in early 2003 by University of Illinois at Chicago human geneticist Kittles and his business partner Gina Paige, African Ancestry matches customers to nation-states and ethnic groups on the African continent. Kittles honed the skills and techniques that would facilitate the formation of his African Ancestry company as a doctoral student in genetics at George Washington University. At this time,

he was concurrently working as a junior researcher on the team of scientists tasked with investigating the remains of several hundred free and enslaved blacks found in lower Manhattan in the 1990s (this site is now the African Burial Ground Memorial of the U.S. National Parks Service). The researchers employed a then relatively novel process, in which DNA from the deceased individuals was compared to a database containing genetic samples from contemporary Africans, with the aim of inferring the ethnic origins of these colonial-era American blacks. Kittles left the team before the project was completed. His decision to convert these research techniques, with partner Paige, into a commercial enterprise caused a rift amongst the researchers and also created some public controversy among his fellow scientists. Consumers, however, clamored for the company's services. This commercialization of genetics—a theme taken up in the essays ahead—challenges us to think broadly about the nature, meaning, and circulation of genetic claims.

This is how African Ancestry (and most other DTC genetic genealogy testing) works: After a root-seeker has paid a fee (typically from \$99 to \$500, depending on the company used and the particular service purchased), the company mails test kits to customers that contain the implements necessary to secure a DNA sample. The customer returns the sample to the company by mail. It is amplified and sequenced, and then compared to African Ancestry's proprietary DNA bio-bank—the African Lineage Database (ALD), which is said to contain more than 25,000 DNA samples from over thirty countries and 200 ethnic groups on the African continent. After several weeks, a customer will receive a results package.⁹

Over the last several years, the services of Kittles and Paige's African Ancestry company have come to play a central role not only in the lives of individual consumers, but also in broader reconciliation projects. Present for some time in the criminal justice context, DNA is now moving more squarely into the courts and engaging genetics with other legal arguments and processes. Recently, genetic genealogy testing migrated to the domain of civil law when results of this kind of analysis was introduced as evidence in a well-known U.S. class-action suit for reparations for slavery, *Farmer-Paellmann v. FleetBoston Financial Corp. et al.*¹⁰ This case is discussed by Hamilton in this volume. Here I rehearse some of Hamilton's discussion and draw from my own research in order to locate it within the broader circulation of what I term "reconciliation projects" and, more particularly, to establish what can be revealed through tracing one genetic ancestry testing company's role in these socio-political endeavors.

Acts of Reparation

From the "forty acres and a mule" promised to emancipated blacks after the Civil War to contemporary reparations social movements, U.S. history is punctuated with instances in which bondsmen and bondswomen and their descendents have endeavored to gain restitution for the forced, unpaid labor of slavery. Despite such efforts, prospects for such recompense have never been

promising. During Reconstruction, few emancipated blacks received either land or livestock. In the mid-twentieth century, black radical Queen Mother Audley E. Moore, the granddaughter of slaves, made several attempts to secure reparations for blacks. In 1959, she presented to the United Nations a petition that charged that genocide had been perpetrated against black Americans and demanded reparations in the form of land and economic resources. Moore made a similar request in a 1962 meeting with President John F. Kennedy. In this same year, she also founded the Committee for Reparations for Descendants of U.S. Slaves, an entity that works for social repair and economic restitution.¹¹ But neither Queen Mother Moore's lobbying nor grassroots organizing resulted in any significant movement toward reparations before her death in the 1990s. More recently, Representative John Conyers has introduced bill H.R. 40, the Commission to Study Reparation Proposals for African Americans Act, every year since 1989. In more than twenty attempts, the bill has never made it out of committee.

Attorney Deadria Farmer-Paellmann was well aware of these fits and starts toward the goal of slavery reparations when she decided to take another tack, moving from legislation and lobbying to litigation. In 2002, she became the lead plaintiff in *Farmer-Paellmann v. FleetBoston*, a class action suit coalesced from several individual cases, in which corporations were sued by the descendants of slaves for the return of lost wages and, consequently, lost wealth. In March 2002, Farmer-Paellmann's attorney Edward Fagan, who had successfully obtained a settlement of \$2 billion from Swiss banks on behalf of Holocaust victims, filed a complaint and demand for a jury trial in a New York federal Court on behalf of his client and "all other persons similarly situated," against FleetBoston Financial Corporation, Aetna, and CSX.¹² The plaintiffs sought a national apology to the descendants of slaves and financial reparations from these corporations in the form of large trust funds that would be used for social welfare programs to improve housing, education, and health care.

The case was heard in late 2003 by the United States District Court for the Northern District of Illinois. It was discharged in January 2004, when the court granted the corporate defendants' motion requesting a dismissal of the case. District Judge Charles R. Norgle's decision of dismissal was based on several grounds—though primarily he found the plaintiffs' case lacking in the area of the legal doctrine of "standing."¹³ In his ruling, the judge asserted that the plaintiff class did not have a precise, or even a proximate, connection to former slaves, and thus the plaintiffs could not sue for injury as their descendants. Norgle noted that "[the] Plaintiffs cannot establish a personal injury sufficient to confer standing by *merely alleging* some genealogical relationship to African-Americans held in slavery over one-hundred, two-hundred, or three hundred-years ago."¹⁴ With this line of reasoning, the court contested the plaintiff class's claim of "hereditary or genetic standing," to use the words of legal scholar Eric J. Miller.¹⁵ Put another way, the court rejected the assumption of a "familial relationship between the ancestor victim and the descendant plaintiff."¹⁶

The plaintiffs sought to persuade the court of their “hereditary injury”¹⁷ and to counter Judge Norgle’s assertion that they “merely alleged” a genealogical relationship to enslaved men and women with scientific evidence of genetic inheritance. In March of 2004, Farmer-Paellmann and the seven other plaintiffs filed a second, narrower reparations case against just three companies, FleetBoston, Lloyd’s of London, and R. J. Reynolds, that they claimed had “aid[ed] and abet[ed] the commission of genocide” by providing insurance and financing for slavers. In this suit, the plaintiffs responded to the court’s argument that they lacked standing to bring the slavery reparations case with genetic genealogy results—provided free of charge by African Ancestry—that linked each of them to an ethnic group and/or nation-state on the continent of Africa.¹⁸ Genetic ancestry test results that associated Farmer-Paellmann with the Mende people of Sierra Leone, another plaintiff in the group to Niger, and a third to the Gambia, among other contemporary locations on the African continent, were submitted as an evidential retort to the standing doctrine. The DNA data, the plaintiffs argued, confirmed their hereditary connection to enslaved Africans brought to the United States and thus was also evidence of their legal legitimacy as aggrieved parties.

In March 2005, in a lengthy decision, Judge Norgle dismissed the plaintiffs’ second case—once again primarily on the basis of standing. The judge maintained that the genetic genealogy tests did not sufficiently establish a relationship between deceased slaves and the signatories to the class action suit. He wrote that “there may well be no perfect method of determining exactly who is a descendent of a slave and thus a member of the group entitled to receive reparations.” Continuing this line of argument, the judge noted the strengths and weaknesses of genetic genealogy as hereditary evidence, compared to other indices of “race,” ethnicity, kinship, and nationality:

Genealogical research “often fails to provide significant information about a person’s ancestry.” “The blood, or ‘one drop,’ test (whereby anyone with any trace of African ancestry is deemed part of the group entitled to receive reparations) “fails to differentiate between descendants of US slaves and those of other nationalities with African heritage . . .” Genetic mapping, or *DNA testing*, is more promising than the above two methods, but “alone is insufficient to provide a decisive link to a homeland.”¹⁹

Invoking both the problem of the incomplete archive and the pernicious logic of hypodescent, Norgle concluded, in keeping with legal doctrine, that the only suitable means to establish “a decisive link to a homeland” was DNA evidence that could show an uninterrupted, definitive line of ancestry from an exploited former slave to an aggrieved present-day descendent or descendants *and simultaneously*, a direct line of capital gained (and lost) from accused corporation to expropriated laborers and their offspring. Genetic genealogy test results, the court surmised, neither supplied the plaintiffs with genetic standing nor substantiated their hereditary injury.

From Genetic Kinship to Social Justice?

With reconciliation projects, the insights of genetic science are applied to the discovery or confirmation of ancestry in the hopes of securing social inclusion, including rights and reparation. But to what extent can DNA identification be efficacious for African diasporic and/or racial reconciliation? What might be the consequences of the genetic mediation of African diasporic cultural politics that have historically involved social movement tactics and civil rights organizations?

To be sure, the reconciliation projects described in this volume suggest that it may not be possible to settle political controversies and correct historical misdeeds on strictly technical grounds. As Aronson demonstrates, the reconciliation sought by the activists' families may remain elusive despite the turn to genetics because while "biological recognition" may be accomplished, the "social recognition" and "historical recognition" that are sought and are at stake may remain unattainable.

In the case of the reparations suit, there is the problem of "genetic standing" manifested as a gap between how the court and the plaintiffs respectively interpret relatedness. Tort law requires the succession of capital, matrilineage, and patrilineage to constitute what Hamilton calls "legal cognizance." The reparations plaintiffs, on the other hand, introduced genetic genealogy tests into the litigation not only to demonstrate "hereditary injury" but also to highlight the "social death" that was inherent to the chattel slavery system.²⁰ "The injury that we're focusing on," Farmer-Paellmann proclaimed in an interview,

is the loss of our, the destruction of our ethnic and national groups. African-Americans today do not know who we are. That is a human right, to know who you are. . . . There are now DNA tests available where we can determine the precise ethnic and national groups we come from in Africa, so we're able to trace ourselves back to the slave trade and determine who underwrote those slave trading expeditions, which nations, which companies supplied whatever resources necessary to brutally enslave my ancestors.²¹

Farmer-Paellmann and the other plaintiffs believe that they have found in genetic genealogy testing a vehicle of racial repair both within and beyond the courtroom. Yet, as with Aronson's analysis, legal cognizance is not fully achieved, because of the incommensurability between how the civil court, on the one hand, and the plaintiffs, on the other, differently perceive ancestry. This fundamental political and epistemological incommensurability leads one strongly toward the conclusion that social repair may not be attainable by means of genetic analysis.

Following this line of reasoning, one could conclude that genetic genealogy testing is of little value as a true medium of reconciliation. However, even if the plaintiffs ultimately lose the reparations litigation, they may gain ground in other ways. Legal scholar James Davey explains, for instance, that the reparations case could be considered a form of legal "sparring" used by counsel in *Farmer-Paellmann*

v. FleetBoston “in order to gain access to the Supreme Court, where the novel nature of the issue might force a change in judicial attitudes to the doctrine of standing.”²² Davey also offers that the lawsuit “is a form of ‘quasi-public’ litigation.”²³ With such an understanding, he continues, although “the nature of the litigation remains adversarial. . . . The role of the litigant is therefore, in part, to raise awareness of the issues beyond the confines of the courtroom, in wider social, legal and political fora.”²⁴ In this task, Farmer Paellmann and her allies will likely succeed. And, more to Davey’s point, this litigation in the court of popular opinion will be occurring in the context of the increased ubiquity of DNA, with the legal gatekeepers and the public alike being more exposed to the influence of genetics in numerous aspects of their lives.

In 1998, before genetic testing became widely available to the public, this analysis was used to test the hypothesis that President Thomas Jefferson fathered children with an enslaved woman owned by him, Sally Hemings.²⁵ Historian Annette Gordon-Reed exhaustively researched the controversy over the paternity of bondswoman Hemings’s children and the nature of her relationship with the founding father and slave-owner Jefferson.²⁶ Gordon-Reed demonstrates that archival evidence that might typically be used to by historians to resolve this issue was ignored or selectively interpreted. What lies at the heart of Gordon-Reed’s claim is the problem of fact and evidence, and more specifically, the capacity of certain forms of evidence to prove histories that have been disavowed and denied, in particular, the ultimately unknowable (but, certainly provable) details of the peculiar institution. Genetic analysis was deemed capable of resolving centuries-old and deeply entrenched disputes and debates about racial slavery in the United States. But as Mia Bay and others have shown, the results of the genetic testing that established Jefferson’s possible paternity of one of Hemings’s children has not accomplished reconciliation among his descendents and those of Hemings.²⁷

Clearly, the issues, controversies, and questions we pose to science about race and the unsettled past can never find resolution in the science itself. A troubling reality for these reconciliation projects is the fact that the purposes to which DNA is put are, in the words of Alvin Weinberg, “trans-scientific.”²⁸ For Weinberg, some questions posed to science—typically metaphysical questions or moral ones—cannot be answered or resolved by science. The illegibility of genetic testing as proof of ancestry in civil suits and historiography—despite its use in other courts and for other operations of state power, such as the reunification of immigrant families (as described in work in progress by sociologist Catherine Lee), suggests the trans-scientific.

As the essays in this volume demonstrate, the stakes of genetic genealogy testing and of the broader issues of race and history in genetics are largely trans-scientific. The issues, controversies, and mysteries we pose to science about race and the unsettled past may never find resolution. Those instances in which genetic science fails to fully resolve concerns suggests that what is sought is not biogenetic facts as proof of injury or vectors of repair, but rather reconciliation in

its fullest sense. The repair that is sought cannot necessarily be found in genetic science solely. Aronson's work reveals that "complexity and ambiguity" remained, even after DNA technologies helped to identify deceased activists, because social recognition was not fully accomplished even as biological recognition was. The families of deceased anti-apartheid activists also seek recognition of the sacrifice that their loved ones made for a better South Africa. In this sense, DNA can offer an avenue toward recognition, but cannot stand in for reconciliation: voice, acknowledgment, mourning, forgiveness, and healing. These reconciliation efforts also raise interesting and fraught contradictions: they threaten to reify race in the pursuit of repair for injury; they suggest how justice pursuits can be uneasily intertwined with commercial enterprises; they may substitute genetic data for the just outcomes that are sought, and, indeed, they demonstrate well that facts may not, in and of themselves, secure justice.

Reconciliation projects are becoming commonplace. It is by tracking genetic analysis from its conditions of possibility into some of its unexpected applications that the profound and expansive manner in which DNA now shapes social arenas and engenders social norms comes into relief. Even if they lack formal, legal efficacy, the very phenomenon of reconciliation projects tells us something about the proliferation and social utility of genetics beyond the hospital, the science bench and the criminal court room, and sheds light upon *the social life of DNA*.

NOTES

1. Mildred Cho and Pamela Sankar, "Forensic Genetics and Ethical, Legal, and Social Implications Beyond the Clinic," *Nature Genetics* 36 (2004): S8–S12.
2. Troy Duster, *Backdoor to Eugenics*, 2nd ed. (New York: Routledge, 2003), 21–38.
3. Alondra Nelson, "The Social Life of DNA," *Chronicle of Higher Education* (August 29, 2010), chronicle.com/article/The-Social-Life-of-DNA/124138/ [Accessed August 29, 2010].
4. The Greensboro Truth and Reconciliation Commission, www.greensborotr.org/. On the National Commission on the Disappearance of Persons in Argentina, see Emilio Fermin Mignone, Cynthia L. Estlund, and Samuel Issacharoff, "Dictatorship on Trial: Prosecution of Human Rights Violations in Argentina," *Yale Journal of International Law* 10 (1984): 118–150.
5. John Torpey, *Making Whole What Has Been Smashed: On Reparations Politics* (Cambridge, MA: Harvard University Press, 2006).
6. Innocence Project website, www.innocenceproject.org/ [accessed February 10, 2010]. See also, Edward F. Connors, ed., *Convicted by Juries, Exonerated by Science: Case Studies in the Use of DNA Evidence to Establish Innocence after Trial* (New York: National Institute of Justice, Institute for Law and Justice, 1996).
7. Rory Carroll, "Argentina's Authorities Order DNA Tests in Search of Stolen Babies of Dirty War," *The Guardian* (UK), (December 30, 2009). www.guardian.co.uk/world/2009/dec/30/argentina-dna-tests-babies-disappeared; Associated Press, "Argentina Forces DNA Tests in 'Dirty War' Cases," (November 20, 2009), www.msnbc.msn.com/id/34071255/ns/world_news-americas/.
8. This popularity stems in large part because africanancestry.com supplies its customers with "matches" to ethnic groups and nation-states on the African continent, rather than simply haplotype groups or percentages of racial ancestry that are less easily imported

- into self-fashioning. See Nelson, "Bio Science: Genetic Ancestry Tracing and the Pursuit of African Ancestry," *Social Studies of Science* 38 (2008): 759–783.
9. African Ancestry reports that approximately 25 to 30 percent of male root-seekers using its PatriClan (Y-chromosome) test will not match any of the paternal lines in the African Lineage Database (ALD). In such instances, the customer may be advised to have his sample matched against a "European database." See Greg Langley, "Genealogy and Genomes: DNA Technology Helping People Learn More About Who They Are and Where They Come From," *Baton Rouge Advocate* (July 20, 2003). A page about the PatriClan (Y-chromosome) test on African Ancestry's website states: "We find African ancestry for approximately 65% of the paternal lineages we test. The remaining 35% of the lineages we test typically indicate European ancestry. If our tests indicate that you are not of African descent, we will identify your continent of origin." "Discover the Paternal Roots of Your Family Tree," africanancestry.com/patriclan.html [accessed July 1, 2010]. Because the ALD (African Lineage Database) is extensive, but not exhaustive, there is some chance that matching "African" genetic markers are not yet included.
 10. "Judge Drops Suit Seeking Reparations, Slave Descendants Vow to Appeal," *Chicago Tribune*, (January 27, 2004).
 11. queenmothermore.org/reparations.htm [accessed April 13, 2009].
 12. "Judge Drops Suit Seeking Reparations, Slave Descendants Vow to Appeal," *Chicago Tribune* (January 27, 2004).
 13. On standing in reparations suits, see Eric J. Miller, "Representing the Race: Standing to Sue in Reparations Lawsuits," *Harvard BlackLetter Law Journal* 20 (2004): 91–114.
 14. "Judge Rejects Slavery Reparations Lawsuit," *Chicago Sun-Times* (January 27, 2004) (emphasis added).
 15. Miller, "Representing the Race," 93.
 16. *Ibid.*
 17. *Ibid.*, 94.
 18. Farmer-Paellmann's fervor for genetic genealogy testing led her several years ago to establish the Organization of Tribal Unity, a "not-for-profit organization established to create a network of those who have restored their African ethnic and national identities through DNA testing." In 2006, the OTU initiated an online petition to nominate geneticist Rick Kittles (co-founder of the African Ancestry company genetic genealogy tests, which had been submitted in the Farmer-Paellmann reparations suit) for the Nobel Prize. The petition read: "We, the undersigned, propose that Dr. Rick Kittles be nominated for the Nobel Prize for his profound contribution to the field of genetic research. Dr. Kittles, a 40-year-old geneticist descended from enslaved Africans, has earned this honor and recognition for his original DNA research and analysis that is repairing the effects of 450 years of slavery[-]related ethnic cleansing committed against people of African descent. His unique method compares genetic sequences to restore ethnic and national identity—two of the most fundamental human attributes. Prior to Dr. Kittles' groundbreaking work, this information was inaccessible to millions of descendants of enslaved Africans. For using science to 'unlock the door of no return,' Dr. Kittles deserves the greatest honors and recognition the world has to offer. We propose and support his nomination for the Nobel Prize."
 19. Justice Charles R. Norgle, "Opinion and Order," In re African-American Slave Descendants Litigation, United States District Court, N.D. Illinois, Eastern Division, July 6, 2005, 20. (emphasis added)
 20. Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge, MA: Harvard University Press, 1985).

21. DF-P interview with the Australian Broadcasting Corporation, "The World Today," March 30, 2004.
22. James Davey, "From 'Jim Crow' to 'John Doe': Reparations, Corporate Liability, and the Limits of Private Law," in *Ethics, Law, and Society* (Vol. 3), ed. Jennifer Gunning and Soren Holm (Burlington, VT: Ashgate, 2007), 199.
23. *Ibid.* Here Davey is drawing on the work of Paige A. Fogarty, "Speculating a Strategy: Suing Insurance Companies to Obtain Legislative Reparations for Slavery," 9 *Connecticut Insurance Law Journal* 9.211 (2003): 224–241.
24. *Ibid.*
25. Eugene A. Foster, Mark A. Jobling, P. G. Taylor et al., "Jefferson Fathered Slave's Last Child," *Nature* 396 (5 November 1998): 27–28.
26. Annette Gordon-Reed, *Thomas Jefferson and Sally Hemings: An American Controversy* (Charlottesville: University of Virginia Press, 1997).
27. Mia Bay, "In Search of Sally Hemings in the Post-DNA Era," *Reviews in American History* 34 (December 2006): 407–426.
28. A "father" of the nuclear age, Weinberg deployed the idea of "trans-science" to forestall criticism of potentially dangerous research and to draw a line between politics and "pure science" (as he put it). As a scholar working in the social studies of science and contra Weinberg, I take it as a given that science and its applications are inherently social (and thus also political) phenomena. But I nevertheless find Weinberg's insight to be of use in a new era in which genetic science is being asked to resolve myriad issues.