

# The Tyrannies of Silence of the Untenured Professors of Color<sup>1</sup>

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I have come to believe over and over again that what is most important to me must be spoken, made verbal and shared, even at the risk of having it bruised or misunderstood. That the speaking profits me . . .<sup>2</sup>

## INTRODUCTION

At one point during LatCrit IV, many subgroups sought sanctuary from the larger group. Latinas sought sanctuary from what they perceived as a gender-insensitive statement from one of the dinner speakers. White women sought space to air their own issues. Untenured professors of color sought sanctuary one eve-

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<sup>1</sup> The words "tyrannies of silence" are borrowed from Audre Lorde, *The Transformation of Silence into Language and Action*, in *SISTER OUTSIDER: ESSAYS & SPEECHES BY AUDRE LORDE* 40, 41 (1984).

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This Essay is part of a much larger project on my experiences as a new African American female professor at Boston College Law School ("BCLS"). See generally Pamela J. Smith, *Failing to Mentor Sapphire*, 10 *UCLA WOMEN'S L.J.* (forthcoming Winter 2000) [hereinafter Smith, *Failing to Mentor Sapphire*]; Pamela J. Smith, *Teaching the Retrenchment Generation: When Sapphire Meets Socrates at the Intersection of Race, Gender & Authority*, 6 *WM. & MARY J. GENDER & L.* 53 (1999) [hereinafter Smith, *Teaching the Retrenchment Generation*].

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<sup>2</sup> Lorde, *supra* note 1, at 40.

ning so that in the company of each other,<sup>3</sup> we could reveal our individual experiences. It is this last meeting at LatCrit IV that I will discuss in my essay because it was in this meeting of tenure vulnerable people of color that I found the most safety, but also the most fear.

But for an epiphany in 1998, I would not have been willing to risk telling my experience at LatCrit IV. I would have been too afraid to share.<sup>4</sup> I would have perhaps been afraid to be in the company of people talking about their not-so-good experiences. It appears that many people who were at the evening meeting of untenured people of color were also afraid, to varying degrees. But as the meeting took shape, we all realized individually and as a group that it was time to share, at least some of our experiences. So, we went around the circle, with each person speaking of his or her tales of woe. Each person had the opportunity to move beyond the surface language that fear demands. We had to move beyond the "It's okay," "I'm fine," "It's all good," and "I'm having no problems" language of fearful strangers on the tenure track.

It was at this meeting that we all discovered that we had several things in common despite the fact that we were of different ethnicities and ages, and worked at different schools and in different regions of the country. We learned that we all faced race- and gender-based biases, though perhaps in different ways. Negative evaluations seemed to be a common strand. Excessive new course preparations another. Pure race and gender hostility from students and colleagues proved to be another common denominator. Failure to credit critical race theory as viable scholarship another. Tense encounters with White colleagues and administrators was also another common theme. The failure of senior White colleagues and administrators to respond in a protective or affirming way in the face of student or colleague hostility was another. There were many other common experiences.

The most common experience, however, was that each of us had thought, at one point, that we were the only ones having negative encounters. We also thought that others were having a

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<sup>3</sup> One white woman also attended this evening meeting. She too faced trials, tribulations and fear regarding her path to tenure. The trials and tribulations of white women on the tenure track are beyond the scope of this Essay because some white women receive some protection due to the fact that they share the same race as those in power.

<sup>4</sup> See *infra* Part IV and V (reviewing discussion with Isabelle Gunning regarding legitimacy of anger and fear as well as need to share negative experiences through writing).

much better time because they were at better schools or because they had other colleagues of color at their schools. As we heard each others' trials and tribulations, we all kept saying things like, "but I thought you were doing well" or "I though you were at a good school and these types of things did not happen there."

Many, if not all, of us, are among the most talented young legal scholars in legal academia, but our home institutions disrespected, devalued and denigrated our contributions to legal academia. Unfortunately, racial hostility was occurring in these environments whether we spoke of it or not and whether we were afraid or not.

As we listened to one sad tale after another, several questions remained that many of us could not answer: Why hadn't we told anyone? Why did each of us feel that we were alone? Why were we so ashamed of our experiences? Why were we so afraid to speak? We did not find many answers to these questions that evening and I do not have definitive answers now. I do, however, argue in this Essay that we were silenced, feeling alone and feeling ashamed because of the tyrannies of silence,<sup>5</sup> which demand silence and fear in exchange for the tenuous promise of tenure at some point in the future. As a result of our fear of not getting tenure and of being seen as problematic among our peers of color, many of us succumbed to the tyrannies of silence. Individually we learned the heartaches that go along with fear, the isolation that is its companion. The attendant belief that it was you rather than your institution. The attendant demand that one has to remain emotionless and forgiving in the face of continuous racial aggressions. Together we learned that it was not us, that we were not alone and that the very institutions that were harming us were the same ones depending on our silence. Yet, beyond our group that evening, many of us remained silent, unable to articulate our fears to other junior or senior professors of color.

This Essay attempts to bridge this silence by analyzing the silence and the bargain that tenure requires of those that are tenure vulnerable. Part I of this Essay discusses the risks of speaking if one is tenure vulnerable and explores how other factors exacerbate tenure vulnerability. Part II discusses the price of silence, especially for professors of color on the tenure track. Part III dis-

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<sup>5</sup> See *supra* note 1.

cusses breaking one's silence by changing the audience from one's institution to external environments through scholarship. Part IV, and the conclusion of this Essay, discusses how senior colleagues of color can help junior colleagues of color break the tyrannies of silence.

I will not identify any of the participants at the evening LatCrit IV meeting because unless we each choose to speak and tell our own stories, no one else should force that decision upon us. Despite this, in this Essay on fear and silencing, I write to encourage people of color to write about the unique trials we continue to face in legal academia. We need to know that we are not alone.<sup>6</sup> As professors of color face trials and tribulations in academia, one of the most difficult challenges we face is telling others about it. This has most certainly been one of my most difficult challenges in trying to live with what happened to me at Boston College Law School ("BCLS") since I began teaching in 1995. I experienced serial racial hate-mail, a racial flyer, a racial meeting, institutional nonresponsiveness and a host of other behavior that has greatly affected my ability and desire to stay in legal academia. Yet, I remained silent. Unfortunately, my silence did not protect me. In fact, it may have had the opposite effect, making me more vulnerable. The risks of speaking in the face of race and gender vulnerability are discussed below.

### I. RISKING SPEAKING

Breaking the silence for me was analogous to breaking the silence in any abusive relationship. Before one can speak of one's experiences, one must first withstand the denial, the fear, the anger, the cover-ups, and the emotional black mail that is part and parcel of the express and implied warning "don't air our dirty laundry." Further, before one can speak, one must balance the risks, that is, the rewards one may obtain from one's institution if one remains silent versus the punishment that one may receive

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<sup>6</sup> I have revised the Bell/Delgado survey from the mid-1980s and have sent it to all professors of color listed as such in the AALS directory. See Derrick Bell & Richard Delgado, *Minority Law Professors' Lives: The Bell-Delgado Survey*, 24 HARV. C.R.-C.L. L. REV. 349 (1989). I hope to take the data that results to report in the experiences of professors of color since the mid-1980s.

from one's institution if one speaks.<sup>7</sup> This part of the essay discusses the risks of remaining silent versus the risks of speaking in the face of fear.

I have struggled over the last couple of years trying to figure out why I received so much negative student attention and hostility and so little institutional support. Not only was I at a "good" school, I had Black colleagues. I was not a pioneer Black woman. Black women had been at BCLS since the late 1970s.<sup>8</sup> Yet I experienced racial hostility beyond belief. For most of my four years in legal academia, I remained silent despite racially hostile treatment.

It was difficult to decide to tell the story of the racial aggressions I experienced. After all, I had to overcome the institutional rhetoric that somehow I was at fault; that somehow I was really doing things to students to cause their hostility; that somehow I was to blame for negative evaluations, racial hate-mail and other

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<sup>7</sup> See, e.g., DERRICK BELL, *CONFRONTING AUTHORITY: REFLECTIONS OF AN ARDENT PROTESTOR* (1994) (discussing how Derrick Bell was fired from Harvard Law School after waging one-man war against Harvard Law School for not hiring women of color on law faculty). There are two types of silence that are relevant to this article. One is the silence that is self-imposed, which is based on fear and retribution, i.e., what will people do or say if I write this article? What will happen to my career? In addition to self-imposed silence, there is the silence surrounding professors of color because few colleagues talk directly to you. Whoever has a problem with you gossips about it, tainting the opinions of those around you. They never communicate directly with you. As a result, an individual instance of justified situational anger, annoyance and irritation by a professor of color becomes a reputation, i.e., one strike and you are out. Thus, no one talks to you, but many talk about you.

When there is this type of silence surrounding professors of color and given the stereotypes and the presumption of incompetence, professors of color, especially women of color, rarely have the opportunity to be mentored to explain, expound or clarify any misunderstandings or misperceptions. Intentions (good or bad) are not explored. Relationships are not built. Instead, stereotypes are solidified and perpetuated. Then, institutional reputations are created and used to justify the failure to provide the necessary support for the survival and retention of a woman of color.

These types of activities have generally been considered to be "other forms of chilly behaviors and practices" that make women feel uncomfortable in academia. See generally ASSOCIATION OF AMERICAN COLLEGES, *THE CAMPUS CLIMATE REVISITED: CHILLY FOR WOMEN FACULTY, ADMINISTRATORS, AND GRADUATE STUDENTS* 10 (1986). They are also considered some of the common barriers that Black women face to academic success and survival. See SHEILA T. GREGORY, *BLACK WOMEN IN THE ACADEMY: THE SECRETS TO SUCCESS AND ACHIEVEMENTS* 82-83 (1995).

<sup>8</sup> Unfortunately, though there are two Black women at BCLS, including myself, we remain tokens. As tokens we are powerless to affect our environments. This token status is also a cause of student hostility. See generally Linda S. Greene, *Tokens, Role Models, and Pedagogical Politics: Lamentations of an African American Female Law Professor*, 6 *BERKELEY WOMEN'S L. J.* 81 (1990-91).

negative encounters; and that I was too different and that my differences caused the student hostility. I had to overcome the fear of stigma — that others in legal academia outside of my institution would believe that I was incompetent due to extreme negative student evaluations.<sup>9</sup>

I had to overcome the belief that I could control the racism and sexism that was in peoples' hearts. I had to overcome the belief that if I could just change this or that, I would not face hostility, or at least not escalating hostility. Perhaps most importantly, I, like anyone on the tenure track, had to overcome the fear that by telling my tale I was risking any opportunity I had to obtain tenure at BCLS or anywhere else. But as I continued to experience hostility, I realized that each incident of hostility increased my tenure vulnerability.

Further, the longer I was silent about the experiences, the more vulnerable I became within my institution and within legal academia as a whole. And, given the fact that I am Black and female, I was tenure vulnerable when I started. I understand now, given my experience at BCLS that “[j]ust as one often must pay a penalty merely for being a Black woman, so too one may incur sanctions or penalties as an untenured professor.”<sup>10</sup> Thus, for women of color, the penalties for existing in legal academia are multifaceted. You are penalized because you are of color, because you are female, and because you are tenure vulnerable. Yet, as I learned at the LatCrit IV meeting of untenured professors of color, gender is rarely a true point of privilege for men of color. They too are vulnerable because of their gender, though in different ways.

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<sup>9</sup> Fear can be absolutely debilitating, preventing one from moving forward, sideways or backward. For an excellent, though dated discussion of fear, see generally Charles R. Lawrence, III, *A Dream: On Discovering the Significance of Fear*, 10 NOVA L.J. 627 (1986). In addition to fear, many African American women suffer from the consequences of repressing warranted anger at racism and sexism. See generally JULIA A. BOYD, *IN THE COMPANY OF MY SISTERS: BLACK WOMEN AND SELF-ESTEEM* (1993); BELL HOOKS, *SISTERS OF THE YAM: BLACK WOMEN AND SELF-RECOVERY* (1993) [hereinafter HOOKS, *SISTERS OF THE YAM*]. As result of this repression, some have opined that Black people in the middle class are enraged, despite all the outward indicia of having made it in the white world. See, e.g., ELLIS COSE, *RAGE OF A PRIVILEGED CLASS* (1995); see also WILLIAM H. GRIER & PRICE M. COBBS, *BLACK RAGE* (1968) (discussing effects of racism on Black adults and children); BELL HOOKS, *KILLING RAGE* (1995) [hereinafter HOOKS, *KILLING RAGE*].

<sup>10</sup> Joyce Hughes, *Different Strokes: The Challenges Facing Black Women Law Professors in Selecting Teaching Methods*, 16 NAT'L BLACK L.J. 27, 33 (1998).

My race and gender vulnerability will never change. As I contemplated whether to speak and write about my experience, I hoped that I could minimize or diminish my tenure vulnerability. Perhaps I could just wait and speak after attaining tenure. But, when my nonacademic friends asked me “what will happen if you write about this experience,” I realized that my race and gender caused and in fact increased my tenure vulnerability. Accordingly, I could not wholly diminish my tenure vulnerability unless I suddenly became another race and another gender. Further, all of my negative experiences individually and collectively made me that much more tenure vulnerable. Each negative action was in effect a no vote on my ability to obtain tenure at BCLS in the future. At least one of the negative incidents occurred within six months of my arrival at BCLS. Being called a “bitch” by a senior colleague and administrator does everything to exacerbate one’s tenure vulnerability.<sup>11</sup>

When I realized that I had been and would continue to be tenure vulnerable, I was able to articulate an answer to the question, “what will happen if you write about this experience?” I answered:

What can they do to me that is bad that has not already been done? Not protect me from a racist flyer and racist hate mail? Done.<sup>12</sup> Attempt to allow a White male visitor to compete with my core bread and butter Computer Law class in the *same* semester? Done. Not assign me to substantive committees, thereby keeping me isolated in the community, especially isolated from those senior white male colleagues who are going to

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<sup>11</sup> If I was not tenure vulnerable because of my race and gender when I began at BCLS, it would have been inconceivable that an administrator would have risked calling me a bitch (or referring to me as a “bitch” as the story is now told within the institution — as if there is a difference). When one is new, Black, female and tenure vulnerable, being cursed at and insulted in this way is part and parcel of the risks of existing.

<sup>12</sup> Boston College purports to have a “no tolerance” policy for hate mail. See Letter from David R. Burgess of Boston College, Oct. 5, 1995 (on file with author) (stating that: “Boston College will not tolerate the abuse of students, staff or faculty based on race, gender or sexual orientation.”). Yet, when I received racial hate-mail, the institution did not respond at all to identify or apprehend the perpetrator(s). I was told instead that it was not racial hate-mail and was probably a student venting. One administrator showed me letters he had received complaining of his poor teaching. My letters did not merely complain about poor teaching. They stated that as a Black woman I was not entitled to teach. I was called a Black mammy, among other race/gender names. See Smith, *supra* note 2, at Parts IV and V. Students who were supportive of me were referred to as “nigger lovers” and “Black mummies.” *Id.* at 136. This was racial hate-mail. That reality, however, was ignored.

cast the majority vote on my tenure? Done. Not provide me institutional support, despite numerous requests? Done. Keep me isolated from many, if not all, opportunities to interact with the main university? Done. Not provide me funding (or delay funding) for scholarship, conferences and research assistants? Done. Put me in the smallest, most inaccessible office in the building? Done. Ignore memoranda and e-mails sent on a whole host of topics, especially those on race and gender hypersensitivity and hypercriticality that are revealed in negative student evaluations? Done. Attempt to postpone my research leave after everyone else who was eligible? Done. Refuse to pay for summer research assistance? Done. Delay funding for presentations where I am speaking on works-in-progress or on my areas of teaching expertise? Done. It has all been done and negative things keep happening!

Thus, regardless of whether I speak or not, I am already tenure vulnerable due to all of these negative experiences and more. Indeed, throughout my four years at BCLS, I have already borne many of the risks associated with being Black, female, and tenure vulnerable.<sup>13</sup> The combination of my Blackness and femaleness allowed students and colleagues to engage in hostile activities.<sup>14</sup> These activities and my resulting silence increased rather than diminished my tenure vulnerability.

Yet, I remained silent. Clearly, my silence had not protected me from any of the above negative activities. It had not prevented any of the above negative actions from occurring or from reoccurring. My continuing silence did not cause the students or the institution to treat me as if I were a valuable member of the

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<sup>13</sup> Given the damage that has already occurred to my psyche, self-esteem and self-confidence based on these types of actions, tenure at some point in the future may not be enough to compensate for this damage or to counteract the damage. Further, the longer one remains vulnerable on the tenure track, fighting and being silent about racial macro and microaggressions, the more damaged one can become.

<sup>14</sup> The articulation of this race/gender intersection owes its genesis to seminal articles. See generally CRITICAL RACE FEMINISM: A READER (Adrienne K. Wing ed., 1997); Regina Austin, *Sapphire Bound!*, 1989 WIS. L. REV. 539; Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of the Anti-discrimination Doctrine, Feminist Theory and Anti-Racist Politics*, 1989 U. CHI. LEGAL F. 139; Judy Scales-Trent, *Black Women and the Constitution: Finding Our Place, Asserting Our Rights*, 24 HARV. C.R.-C.L. REV. 9 (1989); Peggy R. Smith, *Separate Identities Black Women, Work, And Title VII*, 14 HARV. WOMEN'S L.J. 21 (1991); Judith A. Winston, *Mirror, Mirror on the Wall: Title VII, Section 1981, and the Intersection of Race and Gender in the Civil Rights Act of 1990*, 79 CAL. L. REV. 775 (1991); Cathy Scarborough, Note, *Conceptualizing Black Women's Employment Experiences*, 98 YALE L.J. 1457 (1989)

community. It did not decrease my risks for future negative treatment. My silence did not make it likely that I would receive tenure.

Silence helped the perpetrators. It did not help me. Nor, do I imagine, has it helped any professor of color that has experienced racial denigration.

Despite the host of negative actions that have already occurred, there is, of course, that last negative action. That is, BCLS could ultimately deny me tenure.<sup>15</sup> Perhaps, in spite of all of the negative activities that have already occurred, there is a tenuous promise of tenure, which I may obtain if I just remain silent. At some point one has to bear public witness to the continuous racial micro-aggressions, despite of or because of the risks. Certainly, I want tenure, but not if the price is my continued fear and silence in the face of continuous racial aggressions and institutional disrespect. We each must make this choice: continued acquiescence to the tyrannies of silence *or* recognize the risks of speaking and speaking anyway. At least on this point and for now, I choose to speak.

While I do not desire the visibility that speaking requires, I accept that visibility is part and parcel of speaking truthfully about the past. I realize that:

In the cause of silence, each of us draws the face of her own fear — fear of contempt, of censure, or some judgment, or recognition, of challenge, or annihilation. But most of all, I think, we fear the visibility without which we cannot truly live. Within this country where racial difference creates a constant, if unspoken, distortion of vision, Black women have on one hand always been highly visible, and so, on the other hand, have been rendered invisible through the depersonalization of racism. Even within the women's movement, we have had to fight, and still do, for that very visibility which also renders us most vulnerable, our Blackness. For to survive in the mouth of this dragon we call America, we have had to learn this first and most vital lesson — that we were never meant to survive. Not as human beings. And neither were most of you . . . , Black or not. And that visibility which makes us most vulnerable is that which also is the

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<sup>15</sup> See generally Christine Haight Farley, *Confronting Expectations: Women in the Legal Academy*, 8 YALE J.L. & FEMINISM 333, 358 n.23 (1996) (noting that evaluations can be ignored, discounted, or used by faculty to award or deny tenure).

source of our greatest strength. Because the machine will try to grind you into dust anyway, whether or not we speak. We can sit in our corners mute forever, while our sisters and our selves are wasted, while our children are distorted and destroyed, while our earth is poisoned; we can sit in our safe corners mute as bottles, and we will still be no less afraid.<sup>16</sup>

This last statement is particularly true for me. Although I remained silent about the racial aggressions that occurred, I was still afraid. I hoped that somehow if I was silent enough or good enough bad behavior would stop. It never did. Further, by being silent I had lost sight of the one immutable truth in academia. Because I am a Black woman, I am tenure vulnerable. Silence made me more rather than less vulnerable. Because we are professors of color we are tenure vulnerable. Silence, fear, and invisibility do not change that fact. While breaking the silence about my negative experiences adds to my vulnerabilities, speaking does not create my vulnerabilities. My vulnerabilities exist whether I speak or not.

Perhaps it is true that “the first goal for Black women professors must be to achieve tenure.”<sup>17</sup> Many of us try to believe that on the other side of tenure there is freedom from silence and fear. I do not believe a safe harbor exists.

As I was seduced into continuing to exchange my silence for the tenuous hope of tenure, I realized that the bargain was a farce. Given the constant threats that implied that I would not get tenure if I did this or because I did or did not do that, successfully obtaining tenure was uncertain when I began teaching at BCLS.

This uncertainty increased the first time my tenure was expressly or impliedly threatened, and each of the above activities was an express or implied threat to my tenure. One simply cannot experience administrative refusals to pay for a research assistant or fund travel to present works-in-progress and not realize that the institution is not investing a great deal of time or resources toward one’s future tenure success. One cannot ignore the institution’s refusal to discount negative student evaluations

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<sup>16</sup> Lorde, *supra* note 1, at 42.

<sup>17</sup> Joyce Hughes, *Different Strokes: The Challenges Facing Black Women Law Professors in Selecting Teaching Methods*, 16 NAT’L BLACK L.J. 27, 33 (1998).

when they are preceded by a racial flyer, serial racial hate-mail, and a racial meeting, without realizing that the institution is not willing to provide institutional support or protection to ensure that tenure is possible. In light of these events, and many more, the tenuous promise of tenure may not be enough to remain silent in the face of constant and continuous institutional denigration. Thus, if tenure is the goal and professors of color remain silent because they believe in the tenuous promise of tenure, not only is legal academia losing much needed voices about the experiences of tenure track faculty of color, but we may ultimately lose these voices forever due to the damage done to them on the tenure track.

In essence, the promise of tenure may not be enough for some professors of color to stay in academia. Collectively, we must begin to ask: how many voices have we lost due to the uneven and silencing bargain that being on the tenure track requires? How many more voices are we willing to lose?

In order to value the voices being lost due to the silencing of those on the tenure track, the ability to speak must be protected and affirmed continuously despite the risks. We must begin to value speaking as much as we value tenure and the other advantages that are attendant upon being in academia. As we begin to value speaking, our resistance to the fear will increase. After all, we must resist the fear of speaking and the fear of visibility that speaking requires.

Further, if one remains silent in the face of institutional racism and sexism, that is, statements, actions, and instances of nonresponsiveness or inaction by individual administrators, then one is impliedly acquiescing to private acts of racial and gendered violence. Perhaps in my institution people were emboldened to say and do racist and sexist things because of the disparities in power. Given their position of power as a dean, senior colleague, or White student, and my position as a very new, untenured, but tenure track Black woman, perhaps they were relatively confident and comfortable in the belief that, though I was constantly and readily threatened, I would remain silent so as not to place my tenure at risk.<sup>18</sup> Accordingly, acts of racism and sexism would re-

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<sup>18</sup> See generally Smith, *supra* note 2, at Part IV (discussing synergism of negativity that results from racial educational isolation, retrenchment, presumption of incompetence and

main a private secret between the me and the school rather than be public knowledge as it should. Silence could only exist if I participated in it. Two decisions had to be made regarding whether racist incidents would be kept private. One was made by the perpetrator. The other was made by me. By keeping private acts of racial hostility secret, people of color will continue to pay the price of silence, above and beyond tenure. This price is discussed below.

## II. RECOGNIZING THE PRICE OF SILENCE

Silence has several prices that those that are afraid must pay. One price is that it keeps those in need isolated from those that can provide solace and affirmation.

By keeping private acts of racial violence secret, my silence isolated me from the very people that could have understood my story, provided me with strategies to survive and succeed at BCLS, and lent me a sympathetic ear. But, based on past experiences, especially as an academically successful law student, I had learned that Black people can be as brutal, if not more so, to Blacks that do not fit in.<sup>19</sup> I am well aware of some of the isms that separate professors of color, for example, prestigisms,<sup>20</sup> ethnic bias, socio-economic class status preferences,<sup>21</sup> sexism, and homophobia, to name a few. I know how difficult it is to form true coalitions

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negative stereotypes, which causes reversal in expected power dynamic between Black female professors and white students).

<sup>19</sup> For a recitation of my experience as a Black woman in law school experiencing, intrarace sexism, racism, colorism, and successism, among other "isms," see generally Pamela J. Smith, *Leave your Identity at the Door: When Your Enemy Looks Like You*, Presentation at the Columbia University Law School Women of Color and the Law: Confronting the Myth of Neutrality and Seeking Visibility (March 29-30, 1996) (transcript on file with author) (discussing unique Black female burden where Black women have to be flag bearers for whites; never being good enough to be shielded from racism; never being Black enough to be shielded from intrarace hatred and burdens; and never being woman enough to be shielded from intrarace sexism). There are other accounts of Black women who attempt to straddle the Black world and the white world while having grown up in the projects and having attained success as an adult. See e.g., Jill Nelson, *Leanita McClain: Agonies Drawn in Black and White*, WASH. POST, Feb. 24, 1987, at C12 (discussing book entitled *A Foot in Each World*, which contains collection of essays by Leanita McClain); see also LOIS BENJAMIN, *THE BLACK ELITE: FACING THE COLOR LINE IN THE TWILIGHT OF THE TWENTIETH CENTURY* (1991) (detailing how 100 successful Black professionals feel isolation of being successful and Black). Prestigism as used here refers to a preference among professors of color based upon whether one attended an Ivy League undergraduate or law school.

<sup>21</sup> Socio-economic class preferences as used here refer to biases based upon whether one grew up middle or upper-middle class, as well as whether one operates within upper-middle class circles now.

when fear is a cementing tool. And since I was experiencing constant assaults within my institution, I responded in a self-protective way. I assumed I would not "fit in." After all, I was experiencing bad things at this "good school" with a critical mass of people of color and well-known rhetoric for community and equality. If the rhetoric of community and equality was believed, then surely *I* was the problem. Hence, when I began to experience blatant racist behavior, I felt I had no place to turn, no where to go, and no one to confide in. One of the prices of acquiescing to institutional silencing is isolation.

Perhaps if I had not expected positive treatment and equality at BCLS, I would not have internalized the hatred when bad incidents happened. Perhaps I would have felt safe enough to attend the 1996 Northeast People of Color Conference, held in Boston, which discussed the trials and tribulations of professors of color.<sup>22</sup> But at that time in 1996, I still did not believe that the ugly things were happening and still hoped that they would not continue. Most of the incidents were too fresh to discuss.<sup>23</sup> Further, I felt too unsafe to seek safety in the bosom of other professors of color. Unfortunately, silence breeds more fear, which breeds more silence. In essence, a vicious circle of fear and silence results. This conclusion is what we must communicate to novice professors of color. We must tell them to learn to speak vigorously throughout their entire academic careers. Silence is a seductive enemy.

As I look back at the consistent racial and gendered assaults that I experienced at BCLS, I continue to ask myself why I did not figure out sooner that my environment was a racialized one. I can only say that I wanted to believe and did believe the rhetoric that there was a community, that people at BCLS believed in and practiced equality, and that there would be and was a level playing field. I wanted to believe that in a racialized country, city and state, I had found a racial oasis. I found it difficult to believe that I had been so wrong. In the face of racial incidents, I did not question my initial decision, I questioned my conclusion. My si-

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<sup>22</sup> See generally Symposium, *The First Annual Northeastern People of Color Legal Scholarship Conference*, 19 W. NEW ENG. L. REV. 1 (1997).

<sup>23</sup> I received the racist flyer in early October or late September, 1996. Someone went into my office and stole personal things, for example my watch, on October 31, 1996. I received hate mail from October, 1996 until May, 1997.

lence prevented me from obtaining valuable information that could have affirmed the conclusion that the environment was racial and could have perhaps given me strategies to succeed and excel. The longer I remained silent, the easier it was to believe that my initial hope that BCLS was a safe environment was correct and that my new conclusions were inaccurate. Thus, one of the inevitable prices of silence is self-doubt. Speaking allows one to receive affirmation that racism is occurring and is not controlled by one's individual actions. Silence allows one to cling to unrealistic hopes that institutions are not racialistic at their core.

While my experience defied my initial and continued hopes and beliefs that BCLS was a safe environment, I clung to the hopes and beliefs nonetheless. Why did I believe this? I do not know. In fact, I have yet to develop a satisfactory answer for myself when I ponder why I allowed so many racial things to happen without quitting or walking away, why I continued to believe that this could not be happening at this good school, and that somehow if I just informed the right person in the right way all of the ugliness would go away. One author's answer resonates with me, however. He opined that:

As a defense we look at life through our rose-colored glasses, rationalizing and pretending that things are not so bad after all, but the day after day — tragedy after tragedy strikes and confuses us, our pretense fails to aid or dispel the nagging feeling that we cannot have security in an insecure society, particularly when one belongs to an insecure caste within this larger society.<sup>24</sup>

Silence affirms the myth of security and safety in racialized environments. Silence affirms the myth that if one is experiencing racialized hostility, it is you rather than the system. After all, if the problem of racial hostility is not systemic, then there are safe or safer places to work. If there are safer places to work, then surely the horrible things that are happening to you in what is perceived as a safer place are not happening, right? Wrong. The LatCrit IV evening meeting of untenured professors of color shattered that myth. Many of us were at schools that could be consid-

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<sup>24</sup> GEORGE JACKSON, *SOLEDAD BROTHER: THE PRISON LETTERS OF GEORGE JACKSON* 91 (1990).

ered safer places. We were at good schools, most of which are highly ranked. Yet we were experiencing racial hostility. As I listened to these wonderful untenured professors of color that are well-respected scholars and that are having problems at “good” schools (by rank or reputation as having collegial environments), I realized that many of us are fooling ourselves. We still had on those rose colored glasses that allowed us to believe, despite our experiences, the myth of security and safety in racialized environments. One of the prices of silence, therefore, is this continued belief and a requisite inability to critique the system.

Silence also takes a very personal toll. Certainly, I am understandably angry and bitter at the racialistic treatment I have suffered at the hands of students and colleagues at BCLS. My years of fear and silence impacted my ability to write and speak in general. The racism I experienced silenced my scholarly voice for several years. Until I decided to speak about my experiences, I found it difficult to speak in scholarship at all. In fact, the fear caused me to edit every word in every article, thereby taking me much longer to complete scholarship that would help my tenure bid. I still find it difficult to finish scholarship, because I worry whether it will be harshly critiqued and criticized. It took me years to learn how to speak freely when I was growing up as a young woman. I am now relearning that skill. It took me less time to remember that I had a right to better treatment, that I deserved and was worthy of equal treatment, and that I was worthy and deserving of publications and tenure.

The fear, silence, and negative treatment have taken a psychic, emotional and physical toll on my overall health. Perhaps, then, bitter is not strong enough a word to describe how I feel about the negative treatment. The intensity of the following excerpt resonates with me on the days I am most angry, especially as I revisit instances of racist and sexist micro-aggression I repressed.

Bitter am I? . . . That is mild. This affair has cemented my . . . acquired cynicism, robbing me of most of my innate black hope for true integration . . . . It has banished me to nightmarish bouts of sullenness. It has made me weld on a mask, censor every word, rethink every thought. It has put a face on the evil that no one wants to acknowledge is within them. It has made

me mistrust people, white and black. This battle has made me hate. . . .<sup>25</sup>

I know, however, that bitterness and hate destroys you and does nothing to provide the strength needed to survive and succeed as people of color that live and work in a racialistic and disaffirming world. I have learned that lesson slowly as I healed. Through continuous healing, I have developed the courage to set forth my experience as a 1L Property Professor, who is African American and female.<sup>26</sup>

I have found some of that courage in the writings of other Black women academics.<sup>27</sup> My courage was solidified as I talked over strategies to survive and excel with other women of color at the University of Iowa's Critical Race Feminism conference in November 1998.<sup>28</sup> In unburdening my experience when initially talking to these women, I felt stronger and less afraid. It was also the first time since I began teaching in 1995 that someone told

<sup>25</sup> Lisa Frazier, *Stilled Voice, Vibrant Echo*, NEW ORLEANS TIMES-PICAYUNE, May 29, 1995, at B1 (quoting deceased Black female journalist Leanita McClain, who committed suicide in 1984).

<sup>26</sup> Other professors of color have discussed their difficulties in teaching Property Law. See, e.g., Jenny Rivera, *The Diversity Among Us*, 19 W. NEW ENG. L. REV. 31 (1997) (discussing how it is difficult to make students comfortable with fact that Latina is teaching them Property); Reginald Leamon Robinson, *Teaching from the Margins: Race as a Pedagogical Sub-Text: A Critical Essay*, 19 W. NEW ENG. L. REV. 151 (1997) [hereinafter Robinson, *Teaching from the Margins*] (describing in detail his experience as new Black male law professor, teaching Property law from Black intellectual point of view); see also Reginald Leamon Robinson, *Split Personalities: Teaching and Scholarship in Nonstereotypical Areas of the Law*, 19 W. NEW ENG. L. REV. 73 (1997) [hereinafter ROBINSON, *Split Personalities*] (same).

<sup>27</sup> See, e.g., Cheryl I. Harris, *Law Professors of Color and the Academy: Of Poets and Kings*, 68 CHI-KENT L. REV. 331 (1992); Vernellia R. Randall & Vencene Verdune, *Two Black Women Talking About the Promotion, Retention, and Tenure Process in Law Schools*, in BLACK WOMEN IN THE ACADEMY: PROMISES AND PERILS 213-26 (Lois Benjamin ed., 1997); Jennifer M. Russel, *On Being a Gorilla in Your Midst or, the Life of One Black Woman in the Legal Academy*, 28 HARV. C.R.-C.L. L. REV. 259 (1993); Symposium, *Black Women Law Professors; Building a Community at the Intersection of Race and Gender*, 6 BERKELEY WOMEN'S L.J. 1 (1990-1991) (containing 12-15 essays by Black women discussing their experiences as law professors); see also SHEILA T. GREGORY, BLACK ACADEMIC WOMEN: PROGRESS BUT NO PARTY (1998) [hereinafter GREGORY, BLACK WOMEN IN THE ACADEMY]; SHEILA T. GREGORY, BLACK WOMEN IN THE ACADEMY: THE SECRETS TO SUCCESS AND ACHIEVEMENTS (1995) [hereinafter, GREGORY, BLACK WOMEN IN THE ACADEMY]; Okianer Christain Dark, *Just My 'Magination*, 10 HARV. BLACKLETTER L.J. 21 (1993); Lisa R. Jackson, "We're Fighting Two Different Battles Here": *An Exploration of African-American Women's Definitions of Self at Predominantly White Schools*, 5 J. ADULT DEV. 171 (1998); Angela Mae Kupnda, *Making Traditional Courses More Inclusive: Confessions of an African American Female Who Attempted to Crash All the Barriers at Once*, 31 U.S.F. L. REV. 975 (1997).

<sup>28</sup> As bell hooks espouses, "[I]t is important that black people talk to one another, that we talk with friends and allies, for the telling of our stories enables us to name our pain, our suffering, and to seek healing." HOOKS, SISTERS OF THE YAM, *supra* note 9, at 16-17.

me that my emotional and mental stress was rational and normal given the intensity, consistency, and ugliness of my experiences as a new law professor. And I heard them. My desire to reach out to others was solidified when I met with other tenure vulnerable professors of color at LatCrit IV. It was at this conference that I realized that the increasing hostility that is pushing many talented professors of color out of legal academia was not just attacking me, a Black woman. It was attacking Black men, Asian men, White women, Hispanic women, and many others all over the country. It was also silencing all of us.

I also learned that the fear of negative “tenure consequences” was silencing most, if not all, of the untenured professors of color who gathered at that evening meeting at LatCrit IV. Even when we gathered together as tenure vulnerable professors of color, we were still afraid. We spoke in hushed tones, gathered closely together at a conference where we were supposed to be safe. I am sure I was not the only one who tried not to look over her shoulder to see who else was listening in on our conversation. I am sure many of us wondered whether we could trust each other and whether it was safe to speak of our pain in public. Some of us spoke hesitatingly of institutions changing standards for tenure; administrators constantly forcing us to do new course preparations and; racial hostility from students; being afraid that we would be denied tenure. We spoke of the lack of mentoring we were receiving within our institutions, often despite the fact that there were other professors of color within our institutions.<sup>29</sup> We spoke of consistent refusals to acknowledge our efforts in many regards and how our efforts were either ignored or criticized. We spoke of our silence. This silence and silencing was the one true thing that we shared, despite different ethnicities, different institutions, different regions of the country, different marital statuses, different genders, different linguistic abilities, different sexualities, different areas of scholarship, and different circles of academic friends.

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<sup>29</sup> Mentoring is a very personal and time-consuming activity. See Smith, *Failing to Mentor Sapphire*, *supra* note \*. Ideally it will take place naturally between senior professors of color and junior professors of color. But mentoring junior professors of color must be an institutional activity. The entire burden cannot and should not fall on senior professors of color that may be experiencing the same or worse obstacles, despite tenure.

Regardless of our ethnic difference, people of color have a history of being silent in the face of rabid racism. This apparently has not changed today despite the fact that many of us have the accoutrements of success that were denied our ancestors. I understand this fear personally. My reticence and fear of telling my story is perhaps similar to historical silence surrounding Black women and the painful trials and tribulations Black women face. As one commentator stated of Anita Hill, who was forced to tell her story of sexual harassment at the hands of now Justice Clarence Thomas?

The magnitude of her courage to tell her story is revealed most effectively when viewed against the historical reluctance of Black women to draw attention to their inner lives. Because of the interplay of racial animosity, class tensions, gender role differentiation, and regional economic variations, Black women as a rule developed a politics of silence and adhered to a cult of secrecy. They cultivated a culture of dissemblance to protect the sanctity of the inner aspects of their lives. The dynamics of dissemblance involved creating the appearance of disclosure, or openness about themselves and their feelings, while actually remaining enigmatic. Only with secrecy, thus achieving a self-imposed invisibility, could ordinary Black women acquire the psychic space and gather the resources needed to hold their own in their often one-sided and mismatched struggle to resist oppression.<sup>30</sup>

Like Professor Anita Hill, many professors of color must overcome this learned silence because "there is no healing in silence."<sup>31</sup> The silence professors of color are experiencing is also impinging on our psychic space, using up valuable energy and resources we need to create scholarship and to advocate for ourselves and for others. In fact, by remaining silent, people of color can never expect to be whole. Indeed, "you're never really a whole person if you remain silent, because there is always one little piece inside you that wants to be spoken out."<sup>32</sup>

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<sup>30</sup> Janet Sims Wood, *The Black Female: Mammy, Jemima, Sapphire and the Other Images*, in *IMAGES OF BLACKS IN AMERICAN CULTURE* 265 (Jessie Carney Smith ed., 1988).

<sup>31</sup> HOOKS, *SISTER OF THE YAM*, *supra* note 9, at 25.

<sup>32</sup> Lorde, *supra* note 1, at 42.

Silence also does not benefit the victims of racial micro-aggressions. It only benefits the perpetrators. Colleagues and administrators that participate in the private acts of racial wounding or that allow the racial wounding to occur need to be internally and externally held responsible for their actions and inaction.<sup>33</sup> The institution of legal academia needs to be held responsible for failing to provide a safer environment for people of color. It is the hostile environments in many law schools that is causing legal academia to be a revolving door for professors of color.

Without affirmatively exposing private acts of racial wounding, the force of express and implied race/sex discrimination is borne by the silent victims of the behavior, alone. By informing others

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<sup>33</sup> The lack of continuous diversity at Boston College is perhaps indicative of institutions' failure to retain the African Americans that they hire. For recent counts on the number of law professors, see ABA COMM'N ON WOMEN IN THE PROFESSION, UNFINISHED BUSINESS: OVERCOMING THE SISYPHUS FACTOR: REPORT ON THE STATUS OF WOMEN IN THE LEGAL PROFESSION 6-7 (1995); Richard A. White, *The Gender and Minority Composition of Law School Faculty*, NEWSLETTER, February 1995, at 7; Association of American Law Schools, *All Faculty in 1998-99 Directory of Law Teachers by ethnic group & gender* (1999) (visited Apr. 9, 2000) <<http://aals.org/statistics/T1B.htm>> (on file with author); American Bar Association, *Miles to Go: Progress of Minorities in the Legal Profession, A Report from the ABA*, at 12 tbl.13 (1998) (visited Apr. 9, 2000) <<http://www.abanet.org/minorities/milestogo.pdf>> (on file with author). As a result of this failure, Black faculty who are at Boston College, despite being at different department or schools, remain concerned about retention and have communicated this to key administrators. See Leon F. Williams, Ph.D., Talking Points for a Meeting [of the Boston College Black Faculty] with the AVP, Dec. 10, 1998 (on file with author) (noting as first priority of group as being "Retention of Black or African American faculty who are successfully recruited to arrest the revolving door syndrome"); Boston College Council of Black Faculty, *To Build a City on a Hill*, July 1997 (on file with author) (concluding that at Boston College, Black faculty complain of "disparate work loads; overt, covert, and subtle racism; the politics of omission, hostility, presumptions of racial/professional incompetence; tainted evaluations by some majority students and colleagues; undervaluations of the research focus and interests of black professors; isolation and marginalization, culminating in attrition").

At the Boston College Law School, when a white female was denied promotion from Associate Professor with Tenure to Full Professor with Tenure, students also expressed strident concerns about the equality of the law school's promotion and tenure of white women and professor of Color. As a result of the students' effort, BCLS held a forum that specifically addressed equality in promotion and tenure. While the posters, flyers, questions, and other formal material the students' prepared are on file with the author, several documents summarize the students' concerns and issues at that time. See Coalition for Community Diversity Letter to the 1996-97 Promotion and Tenure Committee, Apr. 14, 1997 (on file with author) (stating that: "We hope that you will continue to take these concerns seriously and work with us on improving the tenure and promotion process to ensure that the qualified people of color and women at BCLS are promoted to both Associate and Full professor rank."); Robert Kim, *Students, Faculty and Alumni Meet to Discuss Goldfarb, Diversity*, ALLEDGER, May 2, 1997, at 4, 8, 10; *Students Looking for Tenure Answers: Tenure Committee on the Spot*, ALLEDGER, May 2, 1997, at 2, 9.

about the incidents that I experienced and that others may experience, information not previously known is shared. Further, my experience stands to affirm the experiences of others.

Furthermore, if professors of color do not affirmatively expose private acts of racial wounding, these private acts of racial disrespect eventually become public in numerous insidious and indirect ways. People of color must realize that the effects of private acts of racist and sexist micro-aggressions become public as the professor of color experiences more and more disrespect that is noticeable by others within the environment. Students soon realize who is vulnerable and who they can attack through negative student evaluations, racial meetings, hate mail, racial flyers, and other hostile encounters inside and outside of the classroom. Colleagues and administrators take notice of who is not being invited to sit on important committees, who is not being invited to give colloquia, and whose accomplishments are lauded and whose are ignored. As a result, fewer positive benefits flow to the person others perceive as institutionally vulnerable.

As my experience shows, the negative treatment only escalates. Funding for research assistant assistance and travel is delayed or denied. One is asked to teach a new course that is not within one's prior preparation of scholarship. Memoranda asking for institutional support and other resources are simply ignored. Administrators began to expressly justify negative student evaluations by saying that one is too different or that negative teaching evaluations are a sign of poor teaching made worse by race and gender. Visitors are allowed to compete for a small number of students for core seminars like Computer Law. Other important resources that scholars need to write and give presentations are denied, delayed or funneled elsewhere. In essence, the disrespect that is shown to a professor of color that gave rise to the private acts of racial wounding spills over into the entire institution, without the professor of color having any control over what may then be escalating disrespect, devaluation and denigration. Private acts of racial wounding ultimately, therefore, become public acts of racial wounding.

By deciding to be the one to affirmatively disclose these private acts of racial wounding, a professor of color may accomplish necessary institutional reform, not only in his or her school, but in legal academia as a whole. Perhaps with this new information,

untenured professors of color can bring internal and external pressure on colleagues and administrators, such that private acts of racial wounding are stopped, uninformed hunches of incompetence are informed, biases revealed, and negative evaluations discounted or eliminated. In writing and publishing this Essay, therefore, I heed the advice of Derrick Bell, who said long ago that we “must learn that silent suffering does not beget reform, and the minorities who complain of unfair treatment are sounding an alarm for all.”<sup>34</sup> By telling of our lived experiences with racial wounding, we do a public service by warning other professors of color that in many respects, legal academia remains hostile to the successes of some professors of color.

Personally, while my Essay setting forth my experience at BCLS attempts to sound an alarm for others, and purports to inform external and internal colleagues, it is also an opportunity for me to heal and to overcome the embarrassment and silence that resulted because I faced escalating institutional hostility. It is important for me to speak because I benefit. “I have come to believe over and over again that what is most important to me must be spoken, made verbal and shared, even at the risk of having it bruised or misunderstood. That the speaking profits me. . . .”<sup>35</sup> I am, therefore, the primary beneficiary of my renewed voice.

Writing about my experience is also an opportunity for me to encourage other people of color to speak about their experiences. Speaking is a powerful weapon against institutional racism and sexism, as well as intentional acts of institutional silencing. Speaking also empowers us as individuals and as a group. We must learn to speak in spite of and perhaps because of our fear.

We can learn to work and speak when we are afraid in the same way we have learned to work and speak when we are tired. For we have been socialized to respect fear more than our own needs for language and definition, and while we wait in silence for that final luxury of fearlessness, the weight of that silence will choke us.<sup>36</sup>

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<sup>34</sup> Bell & Delgado, *supra* note 6, at 349.

<sup>35</sup> Lorde, *supra* note 1, at 44.

<sup>36</sup> *See id.* at 44.

While silence benefits the perpetrators of racial micro-aggressions, speaking profits us. Speaking allows us to aggressively resist the fear that the tyrannies of silence demand.

Moreover, breaking the silence allows those that are silenced or are being silenced to choose who their audience will be, based on how receptive the audience will be and how transformative they expect the message will be. After all, speaking to an audience that is not willing to hear your message is just as silencing as not speaking at all.

### III. CHANGING YOUR AUDIENCE TO BREAK THE SILENCE

The longer I was silent, especially among my own people, that is, professors of color around the country, the more embarrassed I became at what had happened to me; the more I began to believe that perhaps I could change myself and the hostility would go away; the more I began to believe that somehow I had caused this racist and sexist treatment; the more I continued to speak solely to hostile and nonresponsive institutional actors. Thus, the more I became oppressed, the more I continued to speak solely to the institution. A host of e-mails and memoranda are a testament to the fact that over a four-year time period, I continued to communicate exclusively with the BCLS administration and deans. They rarely, if ever, responded to my requests for institutional support, for substantive committees, and for recognition that I was facing hostility from students because I am a Black woman, among many other things. If the BCLS administration responded to my requests, they denied that race and gender were relevant to the hostility I was experiencing. They argued that there had to be some nonracial and nongendered explanation for the hostility.

Yet, to speak only to people that require an unsanitized, nonracial, and nongendered explanation for negative evaluations and student hostility is debilitating. Not only does it leave you exposed to further denigration, but eventually your voice, that is, your very ability to speak, is co-opted by those that do not want to listen and do not want to hear that race and gender infect how students, colleagues, and administrators perceive, evaluate, treat, and promote people of color. Thus, your only audience becomes those that are perpetuating the harm from which you seek redress. I did not realize at the time that

Appropriation of the marginal voice threatens the very core of self-determination and free self-expression for exploited and oppressed peoples. If the identified audience, those spoken to, is determined solely by ruling groups who control production and distribution, then it is easy for the marginal voice striving for a hearing to allow what is said to be over determined by the needs [and comforts] of that of that majority group who appears to be listening, to be tuned in. It becomes easy to speak about what that group wants to hear, to describe and define experience in a language compatible with existing images and ways of knowing, constructed within social frameworks that reinforce domination.<sup>37</sup>

The very fact that I continued to speak exclusively to institutional actors was part of my oppression, fear, and silencing.

Slowly, I realized that for my message to be heard, I had to change the audience. To not change the audience would require me to be increasingly silenced because those that were doing or allowing the harm did not appear to be open to the facts of my institutional life. They did not seem to want to hear about the hostile encounters with students (the hate mail, the racial flyer, or the racial meetings). If I had a hostile racial encounter with an administrator, others did not want to hear about that. Other administrators and colleagues did not want to hear that BCLS administrators denied and delayed my funding, that my committees were inactive, that I was denied valuable research assistant assistance, that a visitor was allowed to compete with my core seminar, and that my correspondence was met with silence. Consequently, within my institution, my experience of being aggressively tenure-and-success blocked was ignored. Administrators and colleagues were not interested in the racial realities of my everyday academic life.

I was silenced not because I was not speaking, but because administrators were not willing to listen.

Certainly, self-imposed silence is an enemy. It is as debilitating as being silenced. But, as I learned, limiting your speech to an audience that is not willing or inclined to hear is much more powerful than silence because you are vulnerable to continued and escalating denigration. Indeed, the institutional nonrespon-

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<sup>37</sup> BELL HOOKS, *TALKING BACK: THINKING FEMINIST THINKING BLACK* 14-15 (1989).

siveness to my numerous memoranda and e-mails tells a tale of institutional indifference and hostility to the message and the messenger. The administration ignored most of my internal cries and requests for help. Yet, my individual attempts to help myself, especially to rebut negative evaluations, were criticized and rejected. Given the nonresponsiveness of my institutional audience, I remained a silent and silenced outsider. So, one strategy for those that are being negatively perceived and negatively treated is to change your audience. Perhaps, then, the message and the messenger will receive respect, responsiveness, and action.

To speak effectively, those of us that are silenced must move beyond the confines of our internal law school audience. We must also create a record of our trials, tribulations, and successes. Indeed, since "the story of black women law professors in legal academy has yet to be told, [our scholarly articles will help in] creating a record of our experiences as teachers, scholars, administrators, and participants in the law school culture."<sup>38</sup> Black women law professors need to tell more stories for no other reason than that we need to hear each other's voices in an environment that is hostile to our credentials, our appearance, our existence, our accents, our beliefs, our values, and our exercise of professorial and evaluative authority. Latinas and Latinos also need to add their rich voices to the growing body of scholarship that tells the story of the discriminatory treatment that many of us are facing in academia. The Latina/o voices must be joined by Asian men and women, Native American men and women, non-native professors of color, more African American voices, and many, many others. Together, we can create a symphony of voices that show that negative experiences are occurring, and that we object that these racialistic things are occurring to us as individuals and to us as a group.

But to break the silence and the fear of silence, we must speak and affirm the value of resisting the tyrannies of silence. We must ask ourselves: "What are the words [we] do not yet have? What do [we] need to say? What are the tyrannies [we] swallow day by day and attempt to make [our] own, until [we] will sicken and die of them, still in silence?"<sup>39</sup> Many of us are dying inside because of

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<sup>38</sup> Emma Coleman Jordan, *Images of Black women in the Legal Academy: An Introduction*, 6 BERKELEY WOMEN'S L.J. 1, 1 (1990-91).

<sup>39</sup> Lorde, *supra* note 1, at 41.

the silence. Each day, we swallow racial and gendered micro-aggressions but are afraid to speak out because of our tenure vulnerability. Sometimes we are so afraid and have been so silenced that we need the help of others to remember that we are entitled to speak. Some times we need a little help from our friends in legal academia to overcome the fear. Part IV below discusses how senior colleagues of color can assist junior colleagues of color shatter the tyrannies of silence.

#### IV. NEEDING A LITTLE HELP FROM OUR FRIENDS

It is unfortunate that many other untenured professors of color did not join us at this meeting of untenured professors of color at LatCrit IV. I found it helpful and affirming. Perhaps in the future we will be able to carve out space at each LatCrit conference, Critical Race Feminism conference, regional conference of the professors of color and Critical Race conference to speak about the volumes of silence among the untenured. Certainly, professors of color have many agendas and many things we must speak and write about. The rich program offered at LatCrit IV is a testament to the areas outside of legal academia where there is oppression. Yet in critiquing society, we cannot forget that legal academia, the place where many of us spend our formative years, is fraught with racial and gendered hostility. And, it will not change unless we continue to turn a critical and vocal eye to legal academia whenever we can.

At the end of our LatCrit IV meeting, we who are untenured tried to find a way we could communicate our needs, desires, and fears to senior professors of color. How could we move beyond prestigism, colorism, and other "isms" that separate professors of color to ask for aggressive assistance from our senior colleagues of color? To that we did not have a definitive answer. But I would like to suggest a strategy. Each senior professor of color must aggressively reach out. You may not know that a junior professor of color is in fear or has been silenced by fear. You may not know that person at all, but each senior professor of color must be willing to reach out in order for all of us to build a lasting legacy within legal academia. We must, at a minimum, be willing to ensure that as we age we replace ourselves with two or three junior professors of color, who can survive and withstand the rigorous hostilities of legal academia.

I have been fortunate in that regard. When I met Isabelle Gunning (Southwestern University School of Law) at the Critical Race Feminism Conference held by the University of Iowa's Journal of Gender, Race & Justice in November, 1998, she was not aware that I was in fear and had been silenced.<sup>40</sup> In fact, she did not know me at all. She did not know that I had experienced consistent hostility within my institution almost from the moment I arrived. But she took time to listen and hear me. As we all sat around the evening after the conference, several novice professors turned to Professor Gunning and asked her "how do you, a senior Black woman, survive." She was taken aback. Perhaps it was not until that moment that she realized that she was indeed senior and that she had lessons of survival that she could communicate to us.

I do not remember what she said about survival. I do remember that she took the time to connect with me. And she listened. It was the first time in three years in legal academia that I risked telling anyone how horrible my experience had been. The horrors of my experience just spilled out of my mouth. I could not stop the flow once I began. My anger, fear and denial spilled forth, perhaps in incoherent words. I guess I was tired of carrying around the burdens of the secrets of my negative experience. I was able to speak of the hate mail, the racial flyer, the racial meeting, and the institutional nonresponsiveness without fearing that somehow it was my fault and that I deserved this negative treatment. She was also the first person who told me that it was okay to be afraid, to be stressed and to be angry. She encouraged me to write about the experience. She also encouraged me to meditate and develop other stress management techniques.

Perhaps Professor Gunning did enough by simply being there for a novice professor in fear and pain. She did more. When she returned home, she sent me a wonderful CD from *Sweet Honey in the Rock* and a note wishing me well, telling me that she was thinking about me and my experiences, and imploring me to stay in touch. The music had helped her heal as she had faced her ten-

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<sup>40</sup> At the Critical Race Feminism Conference, I met and became reacquainted with many fantastic women and men of color. Since then, as I have talked and written about my experience, I have met and become acquainted with many other professors who have affirmed my experience. I am grateful to each of them.

ure trials and tribulations at another law school. She once again encouraged me to write.

Writing about the experience was difficult to do. I did not want to remember or revisit the ugly incidents. I had repressed many of them in order to survive and do my job. I simply would have been unable to teach my students while also worrying that one of them was sending me hate mail every month, that some of them were responsible for the racial flyer, and that some had called a meeting to question my competence and existence in academia (while failing to expressly invite or inform the Black students in this same class). I would not have been able to overcome the fear that perhaps one of my students had gotten into my office, thrown personal things around and stolen valuables. In order to do my job, I had to repress these incidents and the fear and anger that resulted.

Nonetheless, over that Christmas holiday in 1998, I decided to write about my experiences. I wrote the primary *Sapphire* article about my experiences at BCLS<sup>41</sup> by going to a safe place, a friend's home, where who I am and who I want to be is recognized, respected and affirmed. Being in a safe place, I could review the racial hate-mail,<sup>42</sup> the hateful flyer, and the notes I took as I went through my first years of teaching. I could remember and review the quotes of White colleagues who called me "arrogant," a "bitch," and the like. I could revisit statements that I deserved poor evaluations because I was too different or because I was a poor teacher made worse by race and gender. I could review the slow or nonexistent instances of institutional support and the failure to protect me in the face of racial hate-mail and a racial meeting. I could review the slow and nonexistent responses

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<sup>41</sup> See generally Smith, *Teaching the Retrenchment Generation*, *supra* note \* (discussing student hostility and sociological phenomena that allow it to exist); Smith, *Failing to Mentor Sapphire*, *supra* note \* (discussing institutions' failure to mentor Black women and opining that this failure is actionable under Title VII).

<sup>42</sup> A student sending racial hate-mail is not unique to the law school. In 1998, minority students received an e-mail message that stated "Hey Monkeys and Apes . . . BC is for white men, not chinks, spicks, niggers or fags." *Race Relations on Campus*, J. BLACKS HIGHER EDUC., Winter 1998/1999, at 142 [hereinafter *Race Relations on Campus*]; see also Lauren Adams DeLeon, *Stamp of Ignorance*, EMERGE, February 1999, at 18 (reporting on same incident at Boston College). Nor is racist hate mail unique to Boston or Boston College. See generally RACE RELATIONS REP. (fairly new journal that has chronicled over 300 incidents of racial harassment in primary schools, high schools, and institutes of higher learning); *Race Relations on Campus*, *supra*, at 142-43 (reporting on racial incidents around country on college campus).

to requests for substantive committees, for funding, and for research assistance. I could remember each of these individual acts of hostility that I had repressed in order to survive and continue to do my job. Indeed, by going to a safe place, I could begin to recover from my self-imposed amnesia without succumbing to my righteous anger and hate.<sup>43</sup>

When I finished writing what has been and will be one of the most personal articles of my entire career, I sent it to several people I could trust. One of them was Isabelle Gunning. I sent all 300 pages to her and asked her for comments. In an e-mail she told me that it took great courage to remember these events and to write about them.

Shortly thereafter, I saw her at LatCrit IV. Before dinner the first evening, she indicated that she wanted to talk with me about the article. Through the course of the evening, I forgot about her request as I talked and mingled with people at the conference. But she followed through, catching me before I slipped away for the evening. Instead of going to bed early, we spent most of that first evening talking not only about the article, but also about fear and the silencing that fear causes. I know I will forever owe a great debt to Isabelle Gunning for just listening. Her effort to hear me, to validate my experiences, and to affirm my pain is a model for other senior professors of color to mirror. Reach out to someone you don't know. You may be just what that person needs to defeat the tyrannies of silence that keeps us all in fear.<sup>44</sup>

### CONCLUSION

Individual effort alone cannot shatter the tyrannies of silence that the untenured suffer. It will take the collective efforts of all of us to make legal academia a place where people can speak freely, especially those who are race vulnerable, gender vulnerable, and tenure vulnerable. Until then, each individual must weigh the risks of speaking with the risks of remaining silent.

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<sup>43</sup> For a discussion of this type of memory repression, see generally, Emma C. Jordan, *Nepenthe*, 6 BERKELEY WOMEN'S L.J. 113, 113 (1990-9191) (opining that "submerging . . . hostile encounters in the murky waters of pseudoforgetfulness must be a common reaction to working in a complex racial environment").

<sup>44</sup> When I was engulfed in fear again, I was fortunate to have Derrick Bell reach out to me — and affirm my right to speak and my right to be treated fairly.

This article affirms what many professors of color already know in our hearts. Silence will not be enough to remove the tenure vulnerability those of us that are on the tenure track experience. Speaking about our experiences, however, may decrease this vulnerability and should strengthen us individually and as a group as we face the harsh truth about what it means to be a professor of color on the tenure track in legal academia. Granted, tenure vulnerability appears to demand complete acquiescence to the tyrannies of silence. We can and must resist the tyrannies of silence and our acquiescence to it, individually and as a group. Resistance is not futile.

