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CROSSOVER

Richard Delgado* & Jean Stefancic**

Most of the contributors to this symposium—probably many of the readers, too—are either scholars of color or fellow travelers who write about indigenous or minority issues. Some are legal scholars who write about discrimination, sovereignty, treaty rights, and other issues affecting communities of color. Others are novelists or poets who write about the lives of Indians, Latinos, or African Americans.

Matthew Fletcher, for example, writes in both genres—classic law review articles about legal issues affecting Indians,¹ as well as novels and short stories about them and their lives.² Some of us combine both genres, as Derrick Bell did in his *Geneva Chronicles*,³ in which he pioneered legal storytelling in the pages of *Harvard Law Review*.⁴

We would like to address an issue that has been on our minds recently—the idea of *crossover*, a type of writing that addresses minority issues but that aims to reach a broad audience, including mainstream readers from the majority race. Earlier in our careers, we were very much caught up in crossover writing. We took pleasure when our books sold well to the general public or when something we wrote wound up in a syllabus at a major university.⁵ We

* University Professor of Law, Seattle University School of Law. J.D., UC-Berkeley, 1974.

** Research Professor of Law, Seattle University School of Law. M.A., University of San Francisco, 1989.

1. E.g., Matthew L.M. Fletcher, *The Supreme Court's Indian Problem*, 59 HASTINGS L.J. (forthcoming 2008); Matthew L.M. Fletcher, *Bringing Balance to Indian Gaming*, 44 HARV. J. ON LEGIS. 39 (2007).

2. E.g., MATTHEW L.M. FLETCHER, AMERICAN INDIAN EDUCATION: COUNTERNARRATIVES IN RACISM, STRUGGLE, AND THE LAW (2008); Matthew L.M. Fletcher, *Knuckle-Curve*, 14 NINE: J. BASEBALL HIST. & CULTURE 177 (2006), available at <http://muse.jhu.edu/journals/nine/v014/14.2fletcher.pdf>.

3. See, e.g., DERRICK BELL, *FACES AT THE BOTTOM OF THE WELL: THE PERMANENCE OF RACISM* (1992) (analyzing racial issues via conversations with fictional superlawyer Geneva Crenshaw).

4. See Derrick Bell, *Foreword: The Civil Rights Chronicles*, 99 HARV. L. REV. 4 (1985).

5. E.g., RICHARD DELGADO & JEAN STEFANCIC, *CRITICAL RACE THEORY: AN INTRODUCTION* (2001); *CRITICAL RACE THEORY: THE CUTTING EDGE* (2d ed. 2000); *THE LATINO/A CONDITION: A CRITICAL READER* (1998). All of these works are in use in many law and undergraduate programs.

were delighted when the *Wall Street Journal*⁶ or *The Nation*⁷ reviewed one of our books—even if the reviewer devoted more attention to a pet social theory than to describing our book. We started a filing system of folders containing reviews for each of our books and were disappointed when one of them turned out to be thin.

We told ourselves that good storytelling should engage any reader and that an article or book that educated influential policymakers was doing important work. We told ourselves that Euro-Americans hold most of the power in our society, so educating them on matters of race and sovereignty was a necessary first step toward a just society. We reasoned that writing for judges and legislators could alter the power balance in this country by paving the way for legal change.

We reasoned that every writer aims for the largest possible audience, so why shouldn't we? We flattered ourselves that we were becoming public intellectuals and were pleased when a writer in a national newspaper referred to one of us that way.⁸

We then ran across a body of writing that stopped us in our tracks.

Postcolonial Scholarship and the Dilemma of Insurrectionist Writing

Postcolonial scholarship is a body of writing by Asian, African, and Latin American writers addressing the colonial condition.⁹ These writers, who include Frantz Fanon¹⁰ and Antonio Gramsci¹¹ as forebears and more recently

6. See Marc M. Arkin, *A Crash Course in the Latest Legalese*, WALL ST. J., Sept. 1, 1995, at A5 (reviewing *The Rodrigo Chronicles*).

7. See Herbert J. Gans, *No Mercy: How Conservative Think Tanks and Foundations Changed America's Social Agenda*, THE NATION, Jan. 27, 1997, at 3 (book review).

8. See Frank Wu, *The Invisibility of Asian-American Scholars*, CHRON. HIGHER ED., June 14, 2002, at 12.

9. See THE POSTCOLONIAL STUDIES READER (Bill Ashcroft et al. eds., 1995) [hereinafter READER].

10. See, e.g., FRANTZ FANON, *THE WRETCHED OF THE EARTH* (Constance Farrington trans., 1968) [hereinafter FANON, *WRETCHED OF THE EARTH*]; Frantz Fanon, *BLACK SKIN, WHITE MASKS* (Richard Philcox trans., 1967) (1952) [hereinafter FANON, *BLACK SKIN*].

11. See ANTONIO GRAMSCI, *PRISON NOTEBOOKS* (Joseph A. Buttigieg ed., trans., 1992).

Chinua Achebe,¹² Ngũgĩ wa Thiong'o,¹³ Trinh Minh-ha,¹⁴ Gayatri Spivak,¹⁵ Bill Ashcroft,¹⁶ and Arundhati Roy,¹⁷ address a host of subjects related to colonialism and its consequences.

Some of these writers address the psychological or spiritual effects of colonialism.¹⁸ Others write about how the colonizing nation rationalizes that it is bringing the blessings of civilization to a backward people.¹⁹ Black Algerian psychiatrist Frantz Fanon writes about the mental health repercussions of colonial rule and proposes some chilling ways that a colonized person may salvage self-respect and personhood.²⁰ Still others write about resistance and the many ways an occupied people frustrate the will of the invaders.²¹ Conversely, some examine cooptation,²² in which the colonizers recruit educated natives to work in the colonial administration in return for a steady salary and a position of authority over their countrymen and women.

Writers such as Edward Saïd analyze the role of culture, both high and low, in greasing the wheels of neocolonial exploitation.²³ They write about how the

12. CHINUA ACHEBE, *THINGS FALL APART* (Doubleday 1994) (1959) [hereinafter *THINGS FALL APART*].

13. NGŨGĨ WA THIONG'O, *DECOLONISING THE MIND: THE POLITICS OF LANGUAGES IN AFRICAN LITERATURE* (1986) [hereinafter *THIONG'O, DECOLONISING*].

14. See TRINH T. MINH-HA, *WOMAN, NATIVE, OTHER: WRITING POSTCOLONIALITY AND FEMINISM* (1989) [hereinafter *MINH-HA, WOMAN, NATIVE*].

15. Gayatri Chakravorty Spivak, *Can the Subaltern Speak?*, in *MARXISM AND THE INTERPRETATION OF CULTURE* 271 (Cary Nelson & Lawrence Grossberg eds., 1988).

16. See *READER*, *supra* note 9.

17. ARUNDHATI ROY, *AN ORDINARY PERSON'S GUIDE TO EMPIRE* (2004).

18. E.g., FANON, *BLACK SKIN*, *supra* note 10.

19. E.g., DAVID GILMOUR, *THE LONG RECESSIONAL: THE IMPERIAL LIFE OF RUDYARD KIPLING* ix-xi (Farrar, Strauss & Giroux 2002) [hereinafter *GILMOUR, RECESSIONAL*]; EDWARD W. SAÏD & DAVID BARSAMIAN, *THE PEN AND THE SWORD* 66 (1994).

20. See FANON, *WRETCHED OF THE EARTH*, *supra* note 10, at 94 (suggesting that the colonial subjects in effect wash themselves in the blood of their colonial overlords).

21. See, e.g., ALBERT MEMMI, *THE COLONIZER AND THE COLONIZED* 120-52 (expanded ed., Howard Greenfeld trans., 1991) [hereinafter *MEMMI, COLONIZER*]; ALBERT MEMMI, *DOMINATED MAN: NOTES TOWARD A PORTRAIT* 3-26 (1968); ARUNDHATI ROY, *WAR TALK* 9-17 (2003).

22. E.g., ROBERT L. ALLEN, *BLACK AWAKENING IN CAPITALIST AMERICA* 10-11, 16 (Africa World Press 1990) (1969); Richard Byrne, *A Collision of Prose and Politics*, *CHRON. HIGHER EDUC.*, Oct. 13, 2006, at 12; MEMMI, *COLONIZER*, *supra* note 21, at 15-16.

23. See EDWARD SAÏD, *CULTURE AND IMPERIALISM* xii-xiii, 6-9 (1993); DAVID BARSAMIAN & ARUNDHATI ROY, *THE CHECKBOOK AND THE CRUISE MISSILE: CONVERSATIONS WITH ARUNDHATI ROY* 54 (2004) [hereinafter *ROY, CHECKBOOK*].

dominant culture paints the colonial society as intelligent, efficient, scientific, rational, and enlightened, while the native emerges as dark, superstitious, and childlike.²⁴ Rudyard Kipling, for example, wrote about the white man's burden.²⁵ Even progressive movies like *Mississippi Burning*²⁶ feature white heroes who rescue trembling, helpless blacks. These texts ease Europeans' consciences while communicating to the indigenous person that he or she should feel lucky to be governed by such enlightened rulers.

Chicano historian Rodolfo Acuña expressly likened the condition of Mexican Americans in the Southwest to that of an internal colony,²⁷ while recently a few critical race theorists such as Robert Williams have used postcolonial theory and writings to analyze and understand Native American history.²⁸

Implications for Today's Writers

The part of this body of writing that grabbed our attention was that in which postcolonial scholars addressed their own roles as writers and intellectuals. Although a few U.S. scholars, such as Mari Matsuda, argue for a unique minority voice,²⁹ the notion is controversial. Randall Kennedy, for example, argued that it made no difference who wrote civil rights scholarship so long as it was good and suggested that whites might write in a voice of color, too.³⁰

So, what do the postcolonial writers have to say about language, voice, and audience? And what might it mean for writers today? Chinua Achebe, Ngugi wa Thiong'o, both Africans, Haunani-Kay Trask, a Hawaiian, and Trinh Minh-ha, originally from Vietnam, reflect on how the colonial intellectual forced to

24. See Abdul R. Jan Mohammed, *The Economy of Manichean Economy*, in READER, *supra* note 9, at 18; ROY, CHECKBOOK, *supra* note 23, at xii-xiii, 100; EDWARD SAÏD, *ORIENTALISM* 26 (1979).

25. See GILMOUR, RECESSIONAL, *supra* note 19.

26. *MISSISSIPPI BURNING* (Orion Pictures 1988).

27. RODOLFO ACUÑA, *OCCUPIED AMERICA: A HISTORY OF CHICANOS* xi-xvi (4th ed. 2000); Mario Barrera, *The Barrio as an Internal Colony*, 6 URB. AFF. ANN. REV. 465 (Harlan Hahn ed., 1972).

28. Robert A. Williams, Jr., *Documents of Barbarism: The Contemporary Legacy of European Racism and Colonialism in the Narrative Traditions of Federal Indian Law*, 31 ARIZ. L. REV. 237, 261-78 (1989).

29. See Mari J. Matsuda, *Looking to the Bottom: Critical Legal Studies and Reparations*, 22 HARV. C.R.-C.L. L. REV. 323 (1987).

30. See Randall L. Kennedy, *Racial Critiques of Legal Academia*, 102 HARV. L. REV. 1745 (1989).

speak English or French loses touch with his or her own people.³¹ Trask discusses the impact of forcing native Hawaiians to speak English and asserts that the adoption of English as the official language of the islands in 1896 negatively redefined Hawaiian culture and society.³² Only recently have some Hawaiian children—about one percent—received the opportunity to attend Hawaiian-language immersion schools.³³ Those students not only keep native culture alive, but they have done so while exceeding their peers in standardized English test scores.³⁴

A prominent Kenyan postcolonial, Ngũgĩ wa Thiong'o, recalls instances of children receiving punishment if school authorities caught them speaking their African languages:

We were often caned or made to carry plaques inscribed with the words I am stupid or I am an ass. In some cases, our mouths were stuffed with pieces of paper picked from the wastepaper basket, which were then passed from mouth to mouth to that of the latest offender. Humiliation in relation to our languages was the key.³⁵

This happened, of course, with some American Indian, Alaskan Native, and Australian aboriginal children sent to English-speaking boarding schools.³⁶

From Childhood to Adulthood

But something similar can happen to the adult writer. Ngũgĩ wa Thiong'o tells us that if he writes in English or French, he ends up directing his thoughts to an audience consisting of the occupying forces and their relatives back in the home country. As a writer distances himself from his own culture, he begins to depend more heavily on the patronage or readership of the colonial culture.³⁷ He tailors his writing to appeal to—or at least not offend—those

31. See THINGS FALL APART, *supra* note 12; Ngũgĩ wa Thiong'o, *Moving the Centre*, in THE WORLD OF NGŪGĨ WA THIONG'O 219-20 (Charles Cantalupo ed., 1993) [hereinafter Thiong'o, *Moving the Centre*]; HAUNANI-KAY TRASK, FROM A NATIVE DAUGHTER: COLONIALISM AND SOVEREIGNTY IN HAWAII 13, 21 (Common Courage Press 1993) [hereinafter TRASK, NATIVE DAUGHTER]; MINH-HA, WOMAN, NATIVE, *supra* note 14, at 47-76.

32. TRASK, NATIVE DAUGHTER, *supra* note 31.

33. Linda Jacobson, *Charters with Native Hawaiian Focus Get Aid Infusion*, ED. WK., Oct. 26, 2005, at 26.

34. *Id.*

35. Thiong'o, *Moving the Centre*, *supra* note 31, at 220.

36. See Allison M. Dussias, *Let No Native American Child Be Left Behind: Re-envisioning Native American Education for the Twenty-First Century*, 43 ARIZ. L. REV. 819 (2001).

37. See THIONG'O, DECOLONISING, *supra* note 13, at 23, 27-29; *The Language of African*

readers. He chooses terms and issues that resonate with the colonials, which they can easily grasp in light of their experience. He softens his punches and makes an effort to reach common ground with them.³⁸

For the postcolonial writer, this can be a big mistake. It may make sense to address a portion of one's writing to European progressives, if only to speed the day when they will leave. But it is a serious error to write with them solely in mind. The reason is that the colonial language stealthily incorporates the worldview of the conquering nation. Terms like "merit," "villager," "hut," "responsible government," "folk medicine," and "tribe" bear shades of meaning that render the colonial subject one-down.³⁹ One cannot easily make an argument for liberation in that language. All the terms carry meanings that other people have put upon them, so if you try, you sound ridiculous, or, at best, quaint. Standing between cultures can even introduce a kind of ambivalence about resistance itself.

American civil rights scholar Derrick Bell makes a similar point when he notes that litigation under American law leads public interest lawyers to sacrifice their clients' interests time after time.⁴⁰ Alan Freeman showed how the very structure of Anglo-American antidiscrimination law rendered minorities worse off even when they won.⁴¹ Perhaps that is one reason why some critical race theorists forsake traditional legal argumentation in favor of storytelling and counter-storytelling.⁴² Dominant narratives such as color blindness or direct-line causation shape antidiscrimination law so deeply that one must begin by making a new start.⁴³

On the other hand, some terms in one's own language do not easily survive translation. Notice how Chinua Achebe, a Nigerian writer, included a glossary in *Things Fall Apart* in order to explain Ibo words in his English text whose meanings were not clear from their context.⁴⁴

Literature, in READER, *supra* note 9, at 285, 287 [hereinafter *African Literature*].

38. See THIONG'O, *DECOLONISING*, *supra* note 13, at 23, 27-29; *African Literature*, *supra* note 37, at 285, 287.

39. See THIONG'O, *DECOLONIZING*, *supra* note 13, at 23, 27-28; *African Literature*, *supra* note 37, at 285-87.

40. See Derrick A. Bell, Jr., *Serving Two Masters: Integration Ideals and Client Interests in School Desegregation Litigation*, 85 YALE L.J. 470 (1976).

41. Alan David Freeman, *Legitimizing Racial Discrimination Through Antidiscrimination Law: A Critical Review of Supreme Court Doctrine*, 62 MINN. L. REV. 1049 (1978).

42. See Richard Delgado, *Storytelling for Oppositionists and Others: A Plea for Narrative*, 87 MICH. L. REV. 2411 (1989).

43. *Id.*

44. THINGS FALL APART, *supra* note 12, at Glossary.

Resistance and the Power to Destroy

If, as Edward Saïd put it, the power to narrate is the power to destroy,⁴⁵ what follows? It would seem that resistance figures must tell and retell their own stories, even at some risk. Ngugi wa Thiong'o, for example, explained that when he criticized the racism of the colonial system, he won praises and prizes, and his novels were in all the syllabi. But when he started writing in a language understood by the peasants—Gikuyu—and questioning the very foundations of colonial society, he soon found himself in a maximum security prison.⁴⁶ For him, literature was a form of combat. Perhaps that is one reason he wrote children's stories, too—to prepare the young for the cultural struggles they would have to wage later to avoid taking on the mindset of the oppressor.⁴⁷

Ngugi had plenty of company. Another postcolonial writer, Braj B. Kachru, for example, writes: "The English language is a tool of power, domination, and elitist identity, and of communication across continents,"⁴⁸ which he did not mean in a flattering sense. Trinh Minh-ha, a third writer, observed that "[l]anguage is one of the most complex forms of subjugation, being at the same time the locus of power and unconscious servility."⁴⁹ And Raja Rao writes that the colonial subject who adopts the language of the conqueror "has to convey in a language that is not one's own the spirit that is one's own. One has to convey the various shades and omissions of a certain thought-movement that looks maltreated in an alien language."⁵⁰ As another postcolonial, Simon During, put it: "For the postcolonial to speak or write in the imperial tongues is to call forth a problem of identity, to be thrown into mimicry and ambivalence."⁵¹

45. See SAÏD, *CULTURE AND IMPERIALISM*, *supra* note 23, at xii.

46. Neil Lazarus, *(Re)turn to the People: Ngũgĩ wa Thiong'o and the Crisis of Postcolonial Intellectualism*, in *THE WORLD OF NGŪGĨ WA THIONG'O*, *supra* note 31, at 23; Thiong'o, *Moving the Centre*, in *THE WORLD OF NGŪGĨ WA THIONG'O*, *supra* note 31, at 216.

47. Kathleen Greenfield, *Murdering the Sleep of Dictators*, in *THE WORLD OF NGŪGĨ WA THIONG'O*, *supra* note 31, at 27; Kimani Wa Njogu, *Decolonizing the Child*, in *THE WORLD OF NGŪGĨ WA THIONG'O*, *supra* note 31, at 130-37.

48. *The Alchemy of English*, in *READER*, *supra* note 9, at 291.

49. MINH-HA, *WOMAN, NATIVE*, *supra* note 14, at 52.

50. *Language and Spirit*, in *READER*, *supra* note 9, at 296.

51. *Postmodernism or Postcolonialism Today*, in *READER*, *supra* note 9, at 125.

Implacable Dependence

Jean Paul Sartre, in his introduction to Albert Memmi's *The Colonizer and the Colonized*, wrote that the colonized and the colonizer are locked in an "implacable dependence [that] mold[s] their respective characters and dictate[s] their conduct," yet every colonial situation bears the seeds of its own destruction.⁵² Not only does the political situation inevitably explode, but the psychological journey of the partly assimilated native also takes its toll. Writing about R.K. Narayan, one of the first novelists in India to write in English, a reviewer wrote: "[His characters], wounded and exiled by the modern world, map out an emotional and intellectual journey that many middle-class people in formerly colonial societies have made: the faint consciousness of individuality and nationality through colonial education; confused anticolonial assertion; postcolonial sense of inadequacy and failure; unfulfilled private lives; distrust of modernity and individual assertion; and finally, in middle or old age, the search for cultural authenticity and renewal in the neglected, once-great past."⁵³

Trinh Minh-ha writes that stories not only pass on history, but they also remind cultures of their past and of who they are. "Every griotte who dies is a whole library that burns down,"⁵⁴ she writes. Chinua Achebe observes that only the story can continue beyond the war and the warrior "[to save] our progeny from blundering like blind beggars into the spikes of the cactus fence."⁵⁵

Fanon, Sartre, and Leela Gandhi urge that the colonial subject decline recognition or flattery from the French or English oppressors, remembering that knowledge is domination and medicine torture.⁵⁶ (What, then, is tenure?) Saïd and David Barsamian say that one should not care about the colonizer's praise or validation.⁵⁷

52. MEMMI, *COLONIZER*, *supra* note 21, at ix, xvii.

53. Pankaj Mishra, *The Great Narayan*, N.Y. REV. BOOKS, Feb. 22, 2001, *available at* <http://www.nybooks.com/articles/14016>.

54. MINH-HA, *WOMAN, NATIVE*, *supra* note 14, at 148-49.

55. CHINUA ACHEBE, *ANTHILLS OF THE SAVANNAH* 114 (Doubleday 1988) (1987).

56. LEELA GANDHI, *POSTCOLONIAL THEORY: A CRITICAL INTRODUCTION* 21 (1988).

57. SAÏD & BARSAMIAN, *supra* note 19, at 151.

Hearing One Thing and Saying Another

What does this mean for the participants in this symposium? It suggests that one might need to pay attention to matters of audience and voice. Even when one speaks hard truths to an audience of Euro-American readers, they may easily hear one thing when we think we said another.⁵⁸ We inhabit different worlds; as Stanley Fish might put it, we occupy different communities of meaning.⁵⁹

We grant that the situation of a writer of color in North America is not precisely parallel to that of a native intellectual in a postcolonial society. For one thing, we all know that Native American storytelling did not begin when the white man set foot on the North American continent; a rich oral tradition predated all of the postcolonial scholars.⁶⁰ Moreover, in Africa and Asia, the colonial occupiers have decamped or might soon with a little encouragement. But a Chicano or Native writer is likely to lead his entire life in a society in which whites are the dominant force and believe that everyone else should assimilate. Whites will also be the largest potential market for his or her books. As Derrick Bell and others have pointed out, social change in the United States must include whites.⁶¹

This means that one does not have the option of ignoring white readers entirely. But what of internalized colonization—the unconscious softening of one’s punches and the slight changing of one’s language, emphasis, and tone that can easily set in as one sits down in front of one’s computer visualizing a primarily white audience? The drama that we saw play out in Africa, Asia, and Latin America during postcolonial times—and the struggle that native intellectuals in those regions waged to remain true to their histories and tradition—can easily play out, if only unconsciously, in our own minds. This is so because the pressures we face here have much in common with theirs. All good writers want to change the world around them. For the writer of color, part of that challenge is to avoid letting the world change you simply

58. The scholar, for example, writes of black poverty, despair, and incarceration rates; the reader, who is white, thinks: Just as I thought—such a happy-go-lucky culture, they need to learn to value hard work and get a job.

59. See STANLEY FISH, *IS THERE A TEXT IN THIS CLASS? THE AUTHORITY OF INTERPRETIVE COMMUNITIES* (1980) [hereinafter FISH, *COMMUNITY*].

60. Frances Washburn, *Storytelling: The Heart of American Indian Scholarship*, 31 *ETHNIC NEWS* 109 (2007).

61. Derrick Bell, *Wanted: A White Leader Able to Free Whites of Racism*, 33 *U.C. DAVIS L. REV.* 527 (2000).

because you want to sell as many books as possible and your editor (probably a middle-aged Anglo woman at a major publishing house with a Ph.D. in English) wants you to stick close to a familiar canon with writing that is a bit sentimental, tragic, gripping, and above all, not too accusatory.

If you are writing for courts you have little choice. You must use the King's English, cite cases and statutes, and adopt the mock-serious prose of the law reviews. You will by necessity enter that other community of meaning,⁶² and we hope you remember the way out. Similarly, if you are writing cultural criticism in the form of an essay for *The Nation* or *Harpers*, you will inevitably pull your punches in a way that you need not if you were writing for an Indian Country newsletter or the *American Indian Law Review*. There, the writing can be bold, brash, and direct. One need not write circumspectly, gently inviting outsiders into one's world, trying all the while not to scare them off too soon.

When we write for students (in the form of a casebook, for example), we can sometimes adopt a voice that is a combination of both.⁶³ Students are a somewhat more forgiving audience than fifty-year-old law professors who read law review articles and third-year articles editors, old beyond their years, who select them. Like Robert Williams, we have come to value writing for students and find that the problems of voice and audience do not rise up as seriously as they do when we are writing books for mainstream adults.⁶⁴

We have lost our enthusiasm for writing traditional law review articles full of cases and policies and linear reasoning, setting up two models for approaching a problem and then pretending, dispassionately, to select the one we always favored.⁶⁵ We do still enjoy writing for legal audiences, but we expect those audiences to meet us on our terms. And we incorporate reminders that this is our purpose early on, letting majoritarian readers know that we will be making few concessions to their sensibilities. As Thomas King put it: "I want literature to nettle, to pester, to tickle, mortify, confuse, irk, provoke, delight, badger, distress, chirp, torment, snort, startle, amuse, sadden. Let it offend. Let it heal. Let it not be comfortable."⁶⁶

62. See FISH, COMMUNITY, *supra* note 59.

63. See, e.g., RICHARD DELGADO, JUAN PEREA & JEAN STEFANCIC, *LATINOS AND THE LAW* (2008).

64. Address by Robert Williams, Professor of Law at the University of Colorado, Boulder (March 1998) (advocating this form of scholarship).

65. See Richard Delgado, *How to Write a Law Review Article*, 20 U.S.F. L. REV. 445 (1986) (on the various types of law review articles).

66. Trent University: Studies in Indigenous Fiction, <http://www.trentu.ca/academic/english/documents/ENGL3481hCourseoutline.pdf> (last visited Nov. 20, 2008). See generally THOMAS

Why not take risks? Our people do every day, whether they choose to or not. You probably won't go to jail, as Ngugi did, or get fired, as Ward Churchill did.⁶⁷ The establishment wants you exactly where you are because it believes it can control you by holding out the usual awards of tenure, advancement, writing prizes, sabbaticals, and the like. But what would happen to you if you forfeited these? Very little. Except for damage to your ego, you would live to clack away on your computer another day. The more you write in the vernacular, in a language and with a range of topics that appeal to ordinary Indian or Latino people, the greater your influence will be with those who really matter to you.

Derrick Bell, Mari Matsuda, and Robert Williams say what is on their minds, even if a few majority-race readers with delicate sensibilities go away offended. Of those three only one lost his job, and he landed on his feet.

In an early article, one of us described how majority-race "imperial scholars" dominated the inner circles of civil rights scholarship, citing and taking polite issue with each other and rarely, if ever, citing the work of an emerging generation of minority scholars.⁶⁸ He showed how this imperial scholarship gave rise to bluntings and skewings in antidiscrimination law and produced a great deal of bland, second-rate work.

Today we urge introspection to ensure that we, too, do not marginalize ourselves by writing, consciously or unconsciously, for white audiences and thereby become collaborators in our own oppression. We don't exempt ourselves from our own critique and believe we have, at times, been guilty of writing excessively with a white audience in mind.

In a modern classic, Indian law scholar Robert Williams writes about legal scholars as vampires. In a *Michigan Law Review* symposium on legal storytelling, he discusses law school appointments committees as blood-sucking, well-dressed bats that assess minority teaching candidates to see which ones to recruit, socialize, and later sink their fangs into to suck the candidate-victim's blood dry.⁶⁹ If the victims are not turned into bloodless zombies immediately, the Tenure Club and its initiation process will

KING, THE NATIVE IN LITERATURE (1987); THE TRUTH ABOUT STORIES (2003).

67. See Richard Delgado, *Shooting the Messenger*, 30 AM. INDIAN L. REV. 477 (2006) (reviewing WARD CHURCHILL, ON THE JUSTICE OF ROOSTING CHICKENS: CONSEQUENCES OF U.S. IMPERIAL ARROGANCE AND CRIMINALITY (2003)).

68. See Richard Delgado, *The Imperial Scholar: Reflections on a Review of Civil Rights Literature*, 132 U. PA. L. REV. 561 (1984).

69. See Robert A. Williams, Jr., *Vampires Anonymous and Critical Race Practice*, 95 MICH. L. REV. 741 (1997).

undoubtedly render them so within six years. Vampires have lost all allegiance to the party of humanity, the minority community, and any idea of service. They feed off footnotes and articles that are dry as dust. If they grow up to be Big Vampires, they may receive an invitation to join the vampire club and participate in the initiation, hiring, and socializing of new minority members.⁷⁰

Williams writes about how he gave up writing law review articles with 250 footnotes, had a long talk with himself, and became a founding member of Vampires Anonymous.⁷¹ Today he runs an Indian law clinic, argues cases before international tribunals, and continues to write. But now he writes for a different audience of students and Indians. And he says he does not feel so much like a vampire any more.

We are not saying that you need follow his course or ours. We will say, however, that like Williams, since doing so we have begun feeling a lot better about ourselves. And we have not missed a pay raise yet.

70. *Id.*

71. *Id.*