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A CALL FROM JEROME

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ON Monday, a week before this Conference, my cell phone rang. My caller-ID said that it was Jerome. My heart began racing. For a split second, I thought that his passing back in February was a bad dream from which I was about to awaken. For a split second, I thought I was being rewarded for not deleting Jerome's entries from my phone, which I had considered doing just days earlier. For that split second, relief and joy washed over me, only to be replaced by bitterness over what I could only imagine was a cruel joke being played on me. I pressed the talk button. I said "Hello." The voice that answered was not Jerome, but it had his cadences. It took me back in time.

I first saw Jerome in the halls of Duke Law School, where I was a student. Often as not, he would be in shorts and knee pads on his way to or from a pickup basketball game. I had heard about him, but did not get to take his courses because he was away on protest visits half of the time I was there.¹ I used to bug him about this, telling him that I could have really used his mentoring when I was a student. But even in his absence, he was always there. A Black law professor! On an otherwise all-White law school faculty. Showing me what was possible. Showing me what I could aspire to.

Even in his absence, his written word was there. When he declared in *Toward a Black Legal Scholarship*, an African-American Moment, the time when darker voices will remake legal doctrine,² he gave me the courage to

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1. This notion of a protest visit is taken from Derrick Bell, and may be understood as visiting another school in protest over policies and practices at one's home institution.

2. See Jerome M. Culp, Jr., *Toward a Black Legal Scholarship: Race and Original Understandings*, 1991 DUKE L.J. 39, 40 (1991) (discussing African-American Moment as remaking legal conceptions). The more complete quote is as follows:

For the legal academy, this is such a moment in history, an African-American Moment, when different and blacker voices will speak new words and remake old legal doctrines. Black scholars will demand justice with equality and nonblack scholars will understand. Such moments, whether mere seconds or whole decades, sweep away the unprepared and the recalcitrant with the necessity of the instant. Those in the legal academy who cannot speak the language of understanding will be relegated to the status of historical lepers alongside of Tory Americans and Old South Democrats.

Id.

announce a similar Asian American Moment.³ His work on race and autobiography, in which he struggled to find the “me” in the legal academy,⁴ allowed me to imagine a place for myself. His voice helped me to find mine.

Those who have heard him speak or read his words know that he had a calling, which compelled him to look racism in the face and call its name. This often got him in trouble, especially with his colleagues at Duke,⁵ which Jerome sometimes called “The Plantation.” Some of his colleagues, in hiring him, perhaps expected different from the field Negro that they had moved into the big house. But Jerome quickly let them know that he was no house Negro. He was not about to keep the Master’s secrets. In his *Water Buffalo* piece, he wrote about some of the hiring practices at his institution, about how pools were created and manipulated and excuses generated.⁶ But do not think for a moment that he made his way by just telling stories or airing dirty laundry, as some critics charged.⁷ His work during this middle period of his scholarship was a sustained critique of the use of neutrality to oppress certain groups.⁸ It was in this way that

3. See Robert S. Chang, *Toward an Asian American Legal Scholarship: Critical Race Theory, Post-Structuralism and Narrative Space*, 81 CAL. L. REV. 1241, 1245-46 (1993), 1 ASIAN L.J. 1, 5-6 (1994) (proclaiming Asian American Moment, where Asian Americans “remake old legal doctrines”).

4. See generally Jerome M. Culp, Jr., *Autobiography and Legal Scholarship and Teaching: Finding the Me in the Legal Academy*, 77 VA. L. REV. 539 (1991) (assessing his identity and its journey through legal realm).

5. See, e.g., Paul D. Carrington, *Buffaloes and a Straw Man*, 26 CONN. L. REV. 295, 295 (1993-94) (disagreeing with Culp’s “selective recitation of facts regarding events antecedent to the admission of black law students to [Duke Law School]”); Jerome M. Culp, Jr., *Reply: “Real” Men and History*, 26 CONN. L. REV. 297, 300 (1993-94) (claiming Carrington has two faces, one of which “just doesn’t get it”).

6. See Jerome M. Culp, Jr., *Water Buffalo and Diversity: Naming Names and Reclaiming the Racial Discourse*, 26 CONN. L. REV. 209, 248 (1993-94) (asserting that hiring practices at Duke Law School facilitated oppression of African-Americans).

7. In one interesting misreading of his work, Daniel Farber and Suzanna Sherry claim that Culp makes a defense of storytelling that “implies that ordinary scholarly standards impose a ‘herculean task’ on black legal scholars.” Daniel A. Farber & Suzanna Sherry, *Telling Stories Out of School: An Essay on Legal Narratives*, 45 STAN. L. REV. 807, 841 (1993) (positing that Culp’s argument assumes “that the work of women and minority scholars is different—so different that it cannot be judged by conventional standards of merit”). Farber and Sherry’s criticism is typical of their failure to engage with the scholarship of those they critique. Jerome makes this point and many others. See Jerome M. Culp, Jr., *To the Bone: Race and White Privilege*, 83 MINN. L. REV. 1637, 1640 (1999) (arguing that Sherry and Farber aim to “distort and destroy, not engage”).

8. See, e.g., Jerome M. Culp, Jr., *Neutrality, the Race Question, and the 1991 Civil Rights Act; The “Impossibility” of Permanent Reform*, 45 RUTGERS L. REV. 965 (1993) (discussing “neutrality assumption”); Jerome M. Culp, Jr., *Posner on Duncan Kennedy and Racial Difference: White Authority in the Legal Academy*, 41 DUKE L.J. 1095, 1113-14 (1992) (asserting Posner’s white supremacy masqueraded as neutrality); Jerome M. Culp, Jr., *Colorblind Remedies and the Intersectionality of Oppression: Policy Arguments Masquerading as Moral Claims*, 69 N.Y.U. L. REV. 162 (1994) (examining implications of race-neutral society).

he was raising his Black voice to remake legal doctrine and transform institutional practices.

His involvement with LatCrit marks what I would describe as his later scholarship, where one emphasis was on the hard work of building coalitions. At LatCrit I, in 1996, Jerome emphasized the need for groups working together in solidarity to make sacrifices.⁹ As an African-American speaking at an ostensibly Latina/o-oriented conference, he recognized that his taking up space on the conference program meant one less slot for a Latina/o voice. He recognized and honored that sacrifice, and emphasized that a working coalition of different groups with different histories must include a willingness of the different groups to incur costs or forgo benefits that will then accrue to other groups in the coalition. It is like giving up your seat so that someone else can sit for awhile, as all of you work together toward expanding the number of seats. It is this willingness to make this kind of sacrifice that ultimately fosters the kind of trust necessary to sustain a coalition.

Jerome also asked, "How do we come to participate in the struggles of those who are not us?"¹⁰ For Jerome, the answer lay in part in learning the histories of those who are not us. He saw it as a responsibility for someone doing coalition work to read the histories of other groups—to gain a sense of their struggles and aspirations—in order to find some common ground.¹¹

Jerome was a voracious consumer of books. I think a number of people in this room have had the experience of being out of town at a conference and going to a bookstore with Jerome. I was fortunate to have shared many such trips. I would walk out of a bookstore with one bag of books. Jerome would walk out with three bags. I used to wonder about how he got them home, how heavy his luggage must be. But Jerome never felt the weight of books. Books, and the knowledge they contained, lifted him up.

In reading the histories of those who are not us, at least two things become evident. First, you learn that the other is no longer a stranger. Second, that the oppression of one group is not an isolated phenomenon that can be addressed separately, but is part of a larger system of group stratification that requires a broader, deeper, multifaceted response.

I think that Jerome's words at LatCrit I, emphasizing sacrifice and developing and deepening our knowledge of those who are not us, along

9. See Jerome M. Culp, Jr., *Latinos, Blacks, Others, and the New Legal Narrative*, 2 HARV. LATINO L. REV. 479, 481-82 (1997) (addressing benefits of group participation).

10. See *id.* at 481 (stressing importance of working together). The quote, as I remember it from the conference, is as stated above. In published form, it appears as: "[H]ow do we deal with each other? How do we as African-Americans, we as White-Americans, we as Asian-Americans, we as Latino/Latina Americans participate together in struggles that involve people who are not ourselves?" *Id.*

11. See *id.* (maintaining that group work can facilitate reduced racial oppression).

with his continued involvement in LatCrit, helped shape the rotating centers concept that animates much of the LatCrit endeavor.¹²

His more recent work in LatCrit urged us to take a hard look inward. I think that this shift in emphasis stemmed from the way that his body had begun betraying him. He began thinking about how we sometimes work against ourselves despite our best intentions. His article, *The Seventh Aspect of Self-Hatred*,¹³ is an unfinished meditation on this idea. In his author's footnote, he blames Angela Harris and me for making him publish it.¹⁴ I have been puzzling over this article for a while now. Brilliant as he was, his work sometimes requires a bit of puzzling in order to tease out the layers of meanings.

The "Seventh Aspect of Self-Hatred" is the name Jerome gave to a pernicious phenomenon that he saw at work in individuals and groups, whereby the dominant society has taught us to hate ourselves in non-obvious ways. We end up working against ourselves without being aware of it. Here, he was not talking about what he had seen in Black communities, such as the unfortunate misguided strategies used to attain good hair. This is probably captured in one of the other aspects of self-hatred. By the way, if you are wondering about the other six, you will not find them in his article. Apparently, they were self-evident in ways that did not merit discussion beyond one cryptic footnote.¹⁵ The broader lesson of this piece is the importance of taking a hard look inward, something the Jerome increasingly did as his body failed him.

Jerome did me the honor of being his co-author on a number of pieces.¹⁶ When he passed away, we were working on two articles examining the legacy of *Brown v. Board of Education*.¹⁷ It has been very difficult to work on them. I miss him terribly.

With the one article that I have managed mostly to complete,¹⁸ I have been struggling with the ending. How would he have wanted us to end?

12. See, e.g., Symposium, *Rotating Centers, Expanding Frontiers: LatCrit Theory and Marginal Intersections*, 33 U.C. DAVIS L. REV. 751 (2000) (emphasizing embracing "other" groups to facilitate non-subordination theory).

13. See Jerome M. Culp, Jr., *The Seventh Aspect of Self-Hatred: Race, LatCrit, and Fighting the Status Quo*, 55 FLA. L. REV. 425 (2003) (discussing components and roles of identities).

14. See *id.* at 425, n.*.

15. See *id.* at 427 n.3 (stating "The first six aspects of self-hatred remain offstage.").

16. See Robert S. Chang & Jerome M. Culp, Jr., *Nothing and Everything: Race, Romer, and (Gay/Lesbian/Bisexual) Rights*, 6 WM. & MARY BILL RTS. J. 229, 229 (1997) (arguing *Romer* does not provide protection to gays, lesbians and bisexuals "because of their sexuality, but, rather despite it"); Robert S. Chang & Jerome M. Culp, Jr., *After Intersectionality*, 71 U.M.K.C. L. REV. 485, 485 (2002) (examining multiple intersections of law, race and antisubordination practices; along with a few unfinished projects).

17. 347 U.S. 483 (1954).

18. See generally Robert S. Chang & Jerome M. Culp, Jr., *Promises to Keep?: Brown v. Board and Equal Educational Opportunity: Business as Usual? Brown and the*

Jerome had trouble with endings. A typical article of his might have a false ending or two followed by an epilogue that often as not started the article in a new direction. For our *Brown* article, he might have wanted to talk about his nieces and nephews and Angela's daughter. He might have wanted me to talk about my son. He cared so much about the next generations. He might have wanted us to end on a message of hope for them. Or, he might have wanted us to end on a note of anger on their behalf. One thing, though, that he would have wanted us to avoid is bitterness.

I can imagine him reading about the shenanigans going on around the San Francisco gay marriage controversy and wanting us to announce a Queer Moment, a time when legal doctrines and society will be transformed and the rights of sexual minorities will be recognized, advancing the social justice vision of *Brown*. I can imagine him laughing as he bangs out those words on his keyboard. I can imagine the gleam in his eye as he prepares for the next struggle.

At Jerome's memorial service, Walter Dellinger ended his brief remarks by saying, "Oh, how he fought." Let us learn from Jerome and put aside the bitterness that can wither the heart. Let us fight. With hope. With anger. With laughter, and humility.

We may no longer hear Jerome's voice on our phones, but we can still answer Jerome's call.

Continuing Conundrum of Race in America, 2004 U. ILL. L. REV. 1181 (discussing lack of real strides with conquering racial disparity since *Brown v. Board of Education*).

