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## Vampires Anonymous and Critical Race Practice

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# VAMPIRES ANONYMOUS AND CRITICAL RACE PRACTICE

*Robert A Williams, Jr.\**

## I.

I can only explain what Vampires Anonymous has done for me by telling my story. I know, stories, particularly autobiographical stories, are currently being dissed by some law professors. Raised in an overly obsessive, objectively neutralized cultural style, they are plain and simple Storyhaters. Their middle to upper class parents had money, a home in the burbs, and nice kids who were going to go on from their fancy grade schools and college preparatory gigs to Harvard/Stanford/Yale — all those types of pricey places where law professors usually come from. These kids were raised to be objective, neutral, neutered, fair, etc., right from the get-go. That's why they're Storyhaters, and that's why they became law professors. It's basically all they could ever hope to be.

A common problem with so many of these kids who grow up to be law professors is that all they ever get to know about stories is what they heard from the Bible, or what their parents read to them for bedtime. You know, the type of stuff you find in *Cat in the Hat* books; like "red fish, blue fish," "Sam I am," things like that.

No wonder these kids hate stories when they grow up to be law professors. After the bogus and silly stuff their parents fed them years ago, a diet of 400 footnotes in law review articles about things like the mailbox rule must seem deliciously stimulating. For them, it's like capturing the taste of a higher, objective truth and reality.

As for autobiography, they wouldn't know what it was if somebody told it to their faces. They are law professors, after all, so they don't listen to other people's stories. Other people's lives aren't nearly as interesting as their own. They don't practice autobiography as a writing style for themselves, because when you're raised like they are with everything and all that, you become so self-centered that you think it's immodest to write in the first person. It's not objective, neutral, neutered. And besides, how can you possibly be fair when you are talking about yourself, a law professor, so

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great, and all that? Much better to do really cool things in your life, like write a treatise on the mailbox rule in contracts, die, and then have other law professors write about how smart and great you were. That's what Heaven's all about for law professors anyway: getting other smart people to do things for you, posthumously. It's like having a real good free research assistant when you're dead.

You can probably tell that I don't get along too well with these Law Professor Storyhaters. The real problem I have with them is that they've rarely met a real storyteller in their lives. Like I said, they've either been read to or preached to from the Bible, or their parents have read to them from books. For their entire lives, it's either God or this unresolved Oedipal/Electra figure interposed between them and the texts that they confront. That's really why they hate stories. They've never been able to deal with a narrative they can't control.

Indian people love their storytellers. We are taught at an early age to love, respect, and surrender ourselves to them. Have you ever seen the storyteller dolls made by the Pueblo Indian potters? Grandmother has six or eight kids hanging on her from everywhere, and notice, she doesn't have a book in her arm. That's how Indians hear their stories, and that's where the love of stories comes from: from the love of a good storyteller. Straight from the mouth, unmediated by impenetrable page and opaque ink, straight from the heart. That's why every time I tell a story now, it's an act of love in honor of the memory and wisdom of my elders who first told me my favorite stories.

## II.

As a child I loved all the stories told to me by my Lumbee grandmother, mother, aunts and uncles, and all my many cousins to the *n*th degree of consanguinity. I have known some great storytellers in my life.

My favorite stories are *Pembroke* stories (as my family called them), stories about where all my Lumbee relatives are from — Pembroke, North Carolina. There was the time the house on my grandmother's farm burned down, and the family's daring escape with her two baby children under her arms. My mother would tell me stories about growing up on the family farm, stories about things that were foreign and exotic to me, like the smell of a tobacco barn or mules that would not be moved. She'd hold out her hands, showing me the calluses and scars and how the blood would run down her fingers after picking in the fields all day.

I've heard really horrible stories my family tells about being a Lumbee Indian in North Carolina, the tripartite system of racial apartheid we lived under for so many years as disenfranchised "persons of color"; the three separate school systems — one for whites, one for Lumbees, and one for "Negroes" — and things like that. That was nothing compared to the stories of racial terrorism I often heard told by my relatives. My grandmother once had to hide under her bed with her children one night when the "KluKluxers" rode their torches and big white horses outside around the house. My Uncle Boyd, my mother's oldest brother, unarmed, was shot to death by a Klansman. Every one of my aunts and uncles has a story about that tragic event in our family history. So too, the time in the late 1950s when the Lumbees made national news by riding the Klan out of Pembroke. I love every single one of those stories, and those who told them to me.

### III.

Here's my story about how I joined *Vampires Anonymous*.

I was raised in a traditional Indian home, which meant I was raised to think independently and to act for others. Too many of the Law Professor Storyhater types I've met seem to have been raised just the opposite, that is, to think for others and act independently. But that's another story. For me, my upbringing meant that I had to endure probing questions at the family dinner table, asked by my elders, like, "Boy, what have you done for your people today?"

Now, when you are asked that type of question by one of your Lumbee elders, there's a background context you are presumed to understand. Because acting for others is regarded as an individual responsibility in Lumbee culture, each individual is responsible for making sure that he or she acquires the necessary skills and abilities for assuming that responsibility. So, when you, as a young boy, are asked the question, "What have you done for your people, today?" what you are really being asked is, "Have you studied hard today?" "Have you learned something of use that will help your family, that will help other Lumbee people?" "We know you are just a youngster, but do you understand that you are expected to serve others through your hard work and achievements?"

For me, then, going into law teaching was a way of translating such childhood Lumbee lessons into practice. My "inner child" saw being a law professor who taught and researched in the field of Indian law as a nice, efficient way of being a good person in the eyes

of my family, my Indian community, and others. And the pay, considering the hours and flexibility, was damn good.

I was quickly abused and damaged, however, soon upon becoming a law professor. What I didn't know upon entering law teaching was that the law professors who ran the law school where I got my first job didn't give a damn about me saving Indians through Indian law. They cared about one thing and one thing only: themselves. You see, as I soon came to learn, I had been hired to make them and their law school look good.

I admit, I was slow on the uptake. After all, I was the beneficiary of affirmative action at their institution, and to their mind, that meant I *really* didn't belong there. As a senior faculty member told me soon after arriving at the law school, he had argued that I should be hired, despite the fact that my previous publication record was so "weak." Thank you Masked Man.

Anyway, it soon became apparent that I was hired because they needed at least one minority on the faculty besides their foreign-born African law specialist. He "didn't count," in the words of a manifesto proclaimed the year before I arrived at the law school by its small but vocal Minority Law Students Association. The faculty thought that by hiring me, a marginally qualified American Indian with a Harvard Law School degree, they would look good. They'd have looked better, as one of them told me, if I had been Black or Hispanic, or if I had "looked more Indian," but this was the early 1980s, and a lot of law professors had come to accept the idea that every law school had to have at least one affirmative action baby, and I was the best they could deliver at the time.

To really make them look good, however, they told me I had to get tenure. The way for me to do that, as I soon came to learn, was to publish three 100-page law review articles with 400 footnotes.

What a breeze.

These three articles, to be completed during the most productive, most vital years of my legal academic career, couldn't appear in just any old law review to count toward tenure. They had to be published in a select group of "Top Ten" law reviews.

Convincing my senior colleagues even further that I didn't belong at their law school, I asked several of them embarrassing questions like, "Could you please list for me the Top Ten law reviews?" As if anyone needed to actually ask to *see* the list. You found it in your head, stupid. It was like *natural law* — a universal, objective form of truth and knowledge that non-affirmatively actioned law professors unlike myself were just born with.

Persisting in exposing my deprived cultural background, and preparing for possible future litigation, I asked to see a copy of the list they kept in their heads anyway. On these, one found universal agreement on the Top Six or So law reviews in the Top Ten: Harvard, Yale, Stanford, Columbia, Chicago, Michigan. But when you got past that point, the list got kind of messed up and arbitrarily capricious-like. Cal, Northwestern, NYU, Penn; they rounded out several of the lists. But not everybody's. You'd get Georgetown thrown in by a senior colleague on one floor, but the guy in the office just below him could as easily and assuredly throw in William & Mary, or maybe Vanderbilt or Duke. Even guys who regularly ate lunch together could disagree vehemently on the last two or three law reviews that were really in the Top Ten. It all depended on where they had published when they were writing law review articles twenty years ago.

Like I said, I'm not stupid — just a beneficiary of affirmative action. I figured out that there was no consensus on the Top Ten law reviews, and that if you really wanted to play it safe, you better publish in the Top Six or So law reviews, and anything lower than Cal or Michigan could send your whole career, your whole life, down the toilet.

#### IV.

The crazy thing is, I bought into it. Don't ask me why. My first article was 99 pages long (close enough, I thought), with 409 footnotes. I felt it was really something. It had to be, because I learned from a senior colleague that the Three Rules of Acquisition followed by Articles Editors at the Top Six or So law reviews were:

Rule 1) Something by Someone.

Rule 2) Nothing by Someone.

Rule 3) Something by No One.

I was No One, as my senior colleagues liked to remind me at dean-prompted and I guess even paid-for "mentoring lunches" (they stopped picking up the bill after the first semester I was there). These lunches were held to discuss my future "scholarship." My opinions were not sought at these solemn affairs in bad eateries. As a No One, I was told I had to write "something important" that had not been adequately "digested" in the "literature" if I was going to get published in a Top Six or So law review.

Have you ever tried to say something really important on a topic that has not been adequately digested in the literature? What

you find out is that all the important topics have been written about and regurgitated a lot, and there's really not all that much left to say that would be *interesting* or *useful* or *original*, particularly *original*. How can you do any of that when you are required to write a 100 page, 400-footnote article about an important topic already covered by a lot of really smart law professors who once were editors, after all, on the Top Six or So law reviews back when they were law students?

You know what you end up doing: you choose a topic that no one has written on, at least within your lifetime. Then you spend two years of your life trying to make it interesting, useful, and maybe even original, if only in the sense that scholarly revisionism can be considered "original," instead of just counter-derivative regurgitation.

That's why I chose a ridiculously obscure topic for my first "major" law review article that no one had written on in Indian law for years: the origin of the Doctrine of Discovery. This was the well-established legal doctrine of European international law, which I traced back to the Crusades of the Middle Ages and the Pope in Rome, by which Columbus and all the other colonizers from Christian Europe who followed him claimed the New World, despite the fact that non-Christian Indians were there first. Get this, and I'm not making this up: because the Indians were "barbarians," they had inferior rights to their property once Europeans came along and "discovered" them.

The novelty of my article on the medieval legal background of the Doctrine of Discovery, so I thought, was that I had discovered the racist origins of modern Indian law. Wasn't that something?

Writing about the racist origins of Indian law, however, turned out to be a mistake, a Big Mistake, as I came to learn during this early, deformative part of my legal academic career. I've still not completely ever recovered from it, even now, years later. It's what made me turn into a Vampire.

## V.

When I arrived there in 1981-82, my new law school was home to two warring, petty factions on the faculty: a small cadre of critical legal studies scholars and a much larger faction of established professors who didn't know what critical legal studies was yet — the Old Farts, I called them. When I left there three years later, the Old Farts had figured out enough about CLS to know they didn't want any part of it at their law school, and all of us, Crits and Old

Farts alike, had turned the place into, as I called it one time in the student newspaper, “the Beirut of American Law Schools.”

It’s odd how you get your first job in law teaching when you’re a minority. When I first interviewed at Beirut-America Law School, one of the Crits on the hiring committee had asked me, in the privacy of his office, the loaded question, “What professors had I liked at Harvard?” I answered innocently and truthfully, “Derrick Bell and Morton Horowitz.” Showing off in a self-deprecating way (a strategy I had been counseled in by a book on how to succeed in your first job interview), I also said that I had sat in on Roberto Unger’s jurisprudence lectures, but was too intimidated to actually enroll in the class.

When the Crit Cell on the faculty heard about my response, I figure they must have had a 60s party, with black lights, hookas, the Dead, all that kind of hippie-dippie stuff. They didn’t dare tell the Old Farts, because they didn’t want to have to explain the significance of my answer and what it indicated about my scholarly politics. To the Crits, I was a rare find in those days of barely credible affirmative action candidates like myself who were also hard left-leaning. I didn’t know it when I first got hired, but they had figured out that I was a Minority Crit, taught by Derrick Bell, the greatly-respected minority legal scholar on issues of racism in American law, and impregnated with the deconstructivist seeds of the teachings of two of the greatest minds of the fledgling critical legal studies movement, Horowitz and Unger. Having me on the faculty and publishing “fancy theory” law review articles would make them look good, and that’s why *they* wanted to hire me on their faculty.

Being a “Minority Crit” sounded pretty cool to me, given the choice of *sui generis* identities available to me as the first affirmative action professor at Beirut-America Law School. At least according to the relative scale of coolness that I had calibrated as being available to the law professors at my law school, the Crits were definitely cooler than the Old Farts. They were younger — some of them even listened to the Rolling Stones — and asked me why I wasn’t a member of the American Indian Movement. So I became one of them, with a fashionable twist. I was the “Minority Crit” on the faculty. So when they waxed whimsical about their radical college and law school days at Yale and such places, I acted in fascinated awe. They always liked to say things like, “We really shook that place up.” “Yeah, I can tell,” I would always answer back.



Like I said, it was a Big Mistake. The Crits were the ones who told me that the obscure topic I was researching was really groovy and capable of being deconstructed in a “big” law review article. However, I had to read a lot of “stuff” by Foucault, Derrida, and Nietzsche, figure out where the Frankfurt School was at, and then read about Blackstone’s Commentaries as explained by Duncan Kennedy before I could work on my own “stuff” some more.

So I got really busy “stuffing” myself with critical theory, which meant I was spending a lot of time in the dictionary and trying to figure out what all those untranslated German and French words meant — *gemeinschaft* and *bricoleur* and stuff like that.

All this “serious reading” meant that I had to stop wasting time “chatting” with the Old Farts at lunch. “Give up lunch,” was my motto, “for more serious reading time.” Like I said, they had stopped paying for lunch anyway; I guess the dean wasn’t springing for the bill anymore. And nothing was ever said at one of those lunches that wasn’t condescending or intimidating. I certainly wasn’t going to pay for that type of abuse. I wasn’t even willing to split the bill with those people. They just weren’t worth it.

That savings in valuable time and money came with a heavy, improperly internalized cost to my developing scholarly career. The problem was that I had cut off any kind of dialogue with my senior colleagues, even of the mostly one-sided kind. But because it wasn’t totally one-sided, I could have squeezed in a carefully crafted question now and then between their bites at lunch, something like: “What do you think about an article deconstructing the Doctrine of Discovery?” “What’s that?” the Old Fart says, with a piece of bologna hanging out of his mouth. I explain; he goes “GARghe!” and spits big pieces of processed lunchmeat out onto the floor. I now know officially from one of the Old Farts that maybe it’s not such a good idea.

I guess I shouldn’t have passed up on those valuable learning opportunities. I never got the chance to vet the topic of my article with the Old Farts. Pretty stupid on my part. I always knew that there’s no such thing as a free lunch. What I didn’t know is that Old Fart law professors who went to places like Harvard, Stanford, and Yale for law school want you to believe that any type of education worth having always requires you to put up with them as part of the bill.

## VI.

When I finished the draft manuscript for my “big article” on the Doctrine of Discovery, I simply sent it off to the Top Six or So law reviews, and waited, and waited. None of them wanted it. The law review editors apparently had a common law built up around their Three Rules of Acquisition that no one on the faculty had explained to me. The “Something” by “No One” (*see* Rule 3, *supra*) had to be something they could understand. They’d tolerate “Someone” sending them “Something” (*see* Rule 1, *supra*) they couldn’t understand. But even if you were Someone, if you sent them “Nothing,” they insisted that they at least understand what it was you were sending them (*see* Rule 2, *supra*). Basically, law review editors as a group are just really anal about footnotes, and you can’t footnote something you don’t really understand. So, they just don’t publish anything they don’t understand, no matter who it’s by, even Someone.

Feeling pretty depressed about it all — it was like only my career on the line and everything — I nonetheless sent my article off to the borderline law reviews next, the slightly less select group of journals that had been mentioned by the faculty as being at the bottom of the Top Ten, or definitely in the Top Fifteen or So. Maybe I could get my non-affirmatively-actioned colleagues to bend the rules if I managed to publish four or five 100-page, 400+ footnote law review articles in the Top Fifteen or So journals during the next seven years of my life, instead of only three big articles in the Top Six or So, and still get them to give me tenure. Maybe they could come up with some kind of affirmative action exception for me like they did when they hired me, like he’s working his way up to the Harvard Law Review and we’ll move him up from tenured associate to full professor when he finally reaches that plateau, or something like that. It wasn’t like they weren’t making it all up as they went along with this affirmative action thing anyway.

Unfortunately for me, I never even got to raise the issue of some kind of affirmative action to get me out from under the tyranny of their crazy tenure rules. When one of the Old Farts finally read my article, and then told all the other Old Farts about it, they were shocked, absolutely shocked.

First of all, my article had only been accepted at the *Southern California Law Review*. Second, it really didn’t meet the formal standards in terms of publication length — it was only 99 pages; even if it did have 409 footnotes. But, third — and I heard that this is what really pissed off all the Old Farts as they had leafed through

the manuscript at the meeting of my first-ever annual review as an untenured faculty member — they couldn't understand my footnotes. How could I have done all those footnotes and cite to less than ten cases total in the whole damn article? A "big article" should cite at least a hundred cases, maybe even two hundred, at least, to be considered tenure-worthy, they hrumphed-rumphed to each other. They told me what I had done wasn't "legal scholarship." It was revisionist "history," or something scurrilous like that. What business did I have doing "that type of thing" without a Ph.D. in the discipline? Here's a dime, go call the History Department across campus and see if they want you. That type of thing.

I was told by the chair of the tenure and status committee that my article "wouldn't count" as part of my "tenure package" because the committee didn't like it very much, and besides it only got into the *Southern California Law Review*, and everyone conceded that even if it really was a Top Fifteen or So law review, it definitely wasn't a Top Ten or So law review, which all went to prove their point that if it had been any good, it would have gotten into a Top Six or So law review in the first place. So I had to go back and work harder and put more cases into my footnotes for my next "big piece," or else I'd be sorry, and they would be too of course, because then they would have to fire me, or I could always do the polite, law professor type of thing to do in such circumstances and resign, so as not to cause any further embarrassing pain "to everyone involved," as they liked to say.

## VII.

That's when it all started to fall apart for me, my commitments and stuff like that. All those childhood Lumbee lessons about serving the needs of others; hey, I had to get a life. I had to get tenure.

I learned to play this game of "getting" tenure, to the exclusion of everything else in my life. Other than girls, sports, and a really bad rock and roll band I formed in high school, I had never failed in anything, at least not when it came to school. I humbled myself and went to talk to some of the Old Farts to figure out where I went wrong.

"Your first article was a strategic blunder," one of the younger Old Farts told me. "But that's what you've got to expect when you pick those 'Crit' guys, or whatever they're calling themselves, as your mentors."

This guy, like I said, was one of the younger Old Farts on the faculty, the next generation up from the Crits. He wore a bow tie

and suspenders, and, I swear I am not making this up, there was a period there for awhile, more than a week at least, where he wore this white bandage-type tape on the bridge of his glasses. Forty-something, wearing a bow tie with suspenders, and tape on his glasses. I had never talked to anyone who seriously dressed like that, but he was a very serious person. "If you had asked me," he said, actually dropping his voice a half an octave, "I'd have told you not to write an Indian law article."

"Why?" I asked him.

"You're Indian, right? Who's going to take you seriously? You can't be objective. People know you care about the subject too much to be neutral."

That sounded pretty stupid, and I hate it when people talk to me stupid like that, so I got into my confrontational, Lumbee red-neck cultural-style mode, and asked the Old Fart in his bow tie and suspenders and broken glasses what he wrote about. He answered me Cheshire cat-style, with a real big self-satisfied grin rolling over his face. "Corporations."

It was like that one single word was all the validation of his self-importance that he needed in the world. I was not going to let that type of superior I'm-better-than-you attitude just breeze on by me. I'm a Lumbee, not just a beneficiary of affirmative action, you know.

"Isn't that white man's law?" I salvoed back at him in Tonto-like cadence, playing the race card right back at his face.

"What does that mean?" he answered indignantly. It looked like he was starting to dig in. What's this guy like in hand-to-hand combat I thought to myself? Half his neck began to slide underneath his bow tie, his suspenders started inching their way up to his ears, and the tape on his glasses started working its way higher up his forehead. He wasn't digging in though. That's what confused me at first. He was sinking into his chair, like it was his turtle shell or something. I watched in horror as he transmogrified into something hideous and weird before my eyes; it was like he was Turtle Man all of a sudden.

I was surprised by his reaction, but I still thought I had him, I thought for sure. Old Coyote knows how to get to the meat in that skinny old shell. Just keep bangin' away.

"Isn't corporations law white man's law?" I said to Turtle Man. "Only the white man seems to really care about that, so how come a white law professor can be considered objective about that topic?"

Turtle Man wasn't liking my "confrontational" cultural style one bit now, I could see that. He stuck his head up out of his shell, and I thought he was going to surrender and ask for mercy from Old Coyote. But then, like a bolt of lightning, he struck back with a mortal blow right between my eyes. He said to me in his hrumph-rumph Old Fart voice that he had to "prepare" for a two o'clock tenure and status committee meeting at which he'd discuss all this with the committee.

Not a bad tactical response to my strategy of blind and stupid attack. He had exposed to me in exquisite fashion my own bad timing, slim set of resources to fall back on, poor reconnaissance, and the senseless obsession I have with standing up and fighting for what I think is my dignity. So many weaknesses, so little time to learn their game. I had to learn to become like this guy to survive. What an existential, alienated existence, sliding back into my shell, plotting my revenge and always remembering that power, no matter how arbitrarily acquired or administered, ultimately rules. In the meantime, Old Coyote was getting his ass beat, real hard, no doubt about it.

### VIII.

Like I've said before, I'm not stupid. I'm not just a beneficiary of affirmative action. I'm Indian. I'm pragmatic. Survival's a big thing with tribal people, understand? I adjust to the environment, I adapt to the terrain, I go with the flow. I got with the program.

One of the Liberal Law Professor Old Farts cut me a break and confided to me that if I showed I was sorry and repentant and all that, it wouldn't matter all that much where I published, so long as I published a lot and made sure it was the type of "legal scholarship the faculty wanted to see." He explained that the faculty's unwritten tenure rule of writing three big articles in Top Ten journals had to be understood in its "common law" context. There was this one real smart guy on the faculty who had published three big articles in the Top Ten or So law reviews, and he got tenure, so anyone after him who did the same thing could also be assured of getting tenure.

"Oh," I said, "no one had ever explained THAT to me." "Well of course not," the Liberal Old Fart said to me, smiling while clenching his pipe in his teeth. "How else do you think we can keep you in line?"

Like I said, I got with the program. I wrote my next article on something that had nothing to do with Indians, a nice little piece on discriminatory zoning by New Jersey's suburban governments.

I followed that up with what I called a “cross-dressing” type piece on the federal tax status of Indian tribes. On that one, I was trying to show the Old Farts that when I wrote on Indian topics, I could go both ways at the same time. I could do “traditional,” i.e., really boring, scholarship that had lots of cases in the footnotes (I was citing tax court cases for God’s esoteric sakes) and still “advocate” for Indians by developing a strong, well-reasoned, objective, neutral, neutered, “policy-oriented” analysis.

I wanted to show them that I could be a Vampire, just like them.

## IX.

Ever see the movie *Interview with the Vampire*? If not, and if you’re a minority law professor, go and get it on video. Tom Cruise and Brad Pitt are these really pasty-faced looking vampire guys who go around turning a few carefully-picked innocent victims into other vampires for their own weird, twisted, personal-type reasons. It’s just like when you were hired for your first law school teaching job.

Remember your first set of interviews with faculty hiring committees, and you were “the affirmative action candidate?” Wasn’t it like meeting these different Vampire Clubs? Each one had its own Cruise-type figure, the chair in most cases, selected by the Vampire Dean for the lead recruitment role because he’s got energy and this weird type of “good guy”-“stout fellow” charisma that you haven’t quite fully figured out. Each Law School Vampire Club also has its Brad Pitt type character who tells you during his interview with you about how perverse it all is, this law school hiring process. But nonetheless, he’s a Vampire too, and he tells you how he really hopes all the other Vampires in the Club like you because the law school “really needs” a Minority Vampire. And of course all the Clubs you interview with have an abundance of Old Farts. You know they are all sizing you up, seeing if you are worthy of a chance to join their Vampire Club. They all want to suck the lifeblood out of you.

Once you’re on a faculty as an untenured minority law professor, a Vampire-trainee as it were, you see how the process really works, and it’s just like in the movie. The Vampires on the recruitment committee all cull over the small group of “qualified minorities” who’ve worked their way to the top of the resume pile. These victims are like the ones in the movie who actually deep down in their psyche want to become vampires, and go to the AALS meat market and stuff like that. Their blood types and pedigrees are all

arranged by their resume consultants carefully on the page. They always make sure to list their memberships in various law school minority association activities, and put in BOLD type their participation on a law review, even a “specialty,” second-tier-type journal.

“I’d like to get ahold of this one,” says one of the Old Farts on the committee.

“What a catch this one would be, if only we could sink our fangs into her before another club of vampires gets to her,” says the Cruise character.

“It’s a shame to have to offer this nice young Hispanic woman a job here. She’ll get chewed to pieces by this place,” moans Brad Pitt.

You know, on second thought, if you’re a minority law professor, don’t bother renting the movie. You’ve seen it before. It’s your life since deciding to enter law teaching. It’s the present reality of affirmative action hiring that goes on in American law schools all the time. It’s *Interview with the Vampire Law Professors*. Watch them select their victims. Cringe as they scout them out in law firms and judicial clerkship chambers. Scream as they call references. Squirm in your seat as they go round the table and discuss which minority candidate is most capable of being “socialized” into the “culture” of the Vampire Club. Die a thousand deaths as they offer immortality and eternal bliss to that one, most exquisite, “most highly qualified” minority victim vampire — a tenure-track position in their Vampire Club. Cry as the carefully selected minority victim becomes a Vampire-initiate and abandons all prior allegiance to the party of humanity, the minority community, and a selfless sense of service to the legal needs of others. Feel the heart-break as the Minority Vampire-to-Be must write three big law review articles for the Top Ten or So journals for the next seven years of untenured, undead, Vampire life. Feel the sense of frustration of the now tenured Minority Vampire, who realizes the intense alienation of Vampire Law Professor life, or rather “unlife.” A Vampire’s life’s work only appears in journals that only other Vampires read. And there’s only a small group of other Vampires who write in the field who will care about these articles at all (to see if they are appropriately cited for their “important” contributions to this lifeless form of Vampire Truth and Knowledge).

You know what’s really sick about this movie? It’s hard to feel really sorry for the minority law professors who are recruited into these Vampire Clubs. It’s tough seeing their lifeblood sucked out of them, but it’s their choice. No one made them choose to spend

seven years of their lives writing law review articles that only other Vampires will read. No, what's really sick and sad is the suffering of the innocent victims of the Vampire Law Professors' hiring and tenure process. It deprives the party of humanity and the minority community of the best and the brightest minority individuals, people with tremendous energy, talent, and potential, people who have a chance to make a real impact on the world and to make it a better place for people of all races, colors, and creeds. It takes these well-trained, eager, young minority people and turns them into Vampires. As untenured Minority Vampires, they are cloistered away in offices, libraries, before a word processing screen. They only come out of their law schools to make presentations at brown-bag faculty lunches and other Vampire Clubs. During what should be the best and most productive years of their professional lives, these untenured Minority Vampire Law Professors are turned into something much worse than simply being useless to their community. They eventually become tenured Old Farts themselves.

## X.

That is, unless they become critical race theory scholars. That's what minority law professors like me who get tenure become. We know that we really can't let ourselves become Old Farts, so we convince ourselves that we're not total sellouts by writing law review articles that drive the Old Farts crazy. If you're an Old Fart, for example, I bet you're saying to yourself this very instant that you can't believe that this article of mine you're reading right now got into the *Michigan Law Review*. After all, this is a real, undisputable Top Ten law review, actually really, a Top Six or So. And here's this Indian guy who wasn't even a Supreme Court clerk telling these ridiculous made-up stories about Vampires and such nonsense with no footnotes. Just a lot of smart-ass, marginal comments. It must be because he's a minority.

But I swear, I'm not making any of this up. You can find lots of minority law professors who will tell you it's the story of their lives. Let me try and put this in terms you'll understand. Here's a hypothetical for you to consider:

A potential minority faculty hire comes into your office on the day of his or her interview. The potential affirmative action hiree is all fired up. The hiree tells you, "Instead of writing boring, 100 page law review articles for the next seven years of my life, I want to direct this practice-oriented seminar class I'm designing on Indian Law. The students will team with me in drafting three differ-



ent legal codes tailored to the needs of three different Indian tribal court systems. I've talked to at least ten chief judges from tribal courts here in the state, and they all tell me it's a great idea that will fill a huge need in Indian Country."

"I can structure this seminar so that it's a really worthwhile academic-real world experience for my students. They'll get intensive instruction on Indian law issues, the substantive area of law that the tribal court needs code work on, we'll work on the subtleties of drafting a legal code, they'll do interviews out on the res, observe the tribal court in action, and when it's all done, produce a code that will improve the administration of justice in Indian Country."

"If I take this on," the minority candidate tells you, "there's no way I can manage to write 100-page bullshit law review articles." You nod your head in agreement, then try not to act stupefied when the poor lost waif next says, "I'm thinking of asking the hiring committee if that's okay. How do you think they will react?"

Now remember the rule that controls this type of case: "It's the footnotes, stupid." Applying the rule, you know that the faculty will react like the minority candidate was wearing a thousand cloves of garlic around his or her neck during the interview; you know that your colleagues as a group would rather impale themselves through their bloodless hearts with a wooden crucifix sharpened at the business end before hiring such a candidate; you know that this particular minority candidate has not figured out that an untenured Vampire's sole purpose in life is to service the needs of the tenured Vampires who are getting too old to produce fresh blood, er, law review articles, in Top Ten law reviews that make their Vampire Club the envy of all the other Vampire Clubs.

Having applied the rule, it is now easy to predict the result of the case. This unqualified affirmative action innocent will not be hired by *your* law school.

## XI.

I don't know exactly what made me join Vampires Anonymous. It was really more of a gradual, awakening-from-the-dead type of deal.

Soon after I got my tenure (at a different law school than Beirut-America), I came to realize that the model of the law professor that I had bought into during the early, cursed, deformative years of my academic career was, much like the socratic teaching method I used to terrorize my students in the classroom, a nine-

teenth-century relic. I didn't need Vampires Anonymous to help me see that the model was constructed out of a Victorian-era law professor's wet dream. Everything really important in the world is controlled by well-educated, well-bred, and well-heeled law professors. Man, life was really cool if you were a law professor back then. Your wife took care of the children, your "negro" maid took care of the housecleaning, the "orientals" down at the laundry starched your shirts just right, there were plenty of good seats to be had in fine restaurants without having to compete with the lower classes, your children would one day ride in the front end of all the amazing new modes of public transportation that were then coming on line, "wetbacks" picked your vegetables at wages so ridiculously low that a good watercress salad could be assembled for pennies, and the "Redskins" and "Braves" weren't racially offensive sports team names, they were a savage race of peoples being rounded up off the plains and put in stockades and prison camps, *er, er, reservations*, by the United States Army.

Your assigned responsibilities in life were rigorous, demanding, and well-understood. Before you could reward yourself with a good meal, fine cigar, shoulder rub from the Mrs., and glass of port wine at the end of a day, you had to fine-tune the workings of capitalism and the Social-Darwinist state by doing doctrinal scholarship about the things which the enlightened, high-minded fellows like yourself who all ran your nineteenth century Victorian world cared about intensely, like the efficiency of the mailbox rule.

Like I said, I knew all this, I didn't need Vampires Anonymous to figure out that the model was warped and twisted and ill-suited to the demands of a postmodern multicultural world where being a Vampire Law Professor is just one of the more antiquated of the many warped and twisted forms of parasitic deviancy plaguing a sick, decaying, and self-absorbed society in general. No, what made me realize that I needed Vampires Anonymous was my inability to do anything about it. I had so totally bought into the model of the Vampire Law Professor that all I could really do well was write critical race theory articles. I wasn't an Old Fart, but slowly, over the years, I had become a full-fledged Vampire anyway, one who had gotten real comfortable with the idea of tenured Vampire life, meaning that all you really had to do was sit on your ass and deconstruct the world with your word processor.

"Look at me," I said one day to myself in the mirror, except of course, that since I was a Vampire, there was no *me* to look at. Since I hadn't really done anything for anybody else, I was basically

invisible. I was a résumé with a two-page list of fancy critical race theory law review articles, books, and “Other Publications,” but not much else. “So that’s why affirmative action is just about dead in this country,” I said to myself. “Self,” I said, “you’re one of its most privileged beneficiaries, and all you’ve done for the past decade is consume yourself in marginal intellectual diversions and antic, ineffectual posturings at law school faculty meetings. You actually believe that somewhere Dr. King or Gandhi or someone like that once wrote that all God’s children, red, yellow, black, and white, had the right to publish articles in the *Harvard Law Review* and make \$100K a year with three months off during the summer, and that your responsibility in life was to raise the ‘color’ issue now and then at faculty meetings.”

## XII.

It was after I moved to Arizona that I became really serious about joining Vampires Anonymous. That was where I figured out that I couldn’t be a Vampire Law Professor and do Critical Race Practice at the same time.

Being a law professor at a place like Arizona where Indians are calling you up all the time and asking for help was a new experience for me. At first, I was really into the idea of putting in a whole new section on my academic resume to highlight my service to Indian people. But then, it really started getting out of hand, all these requests for help started “interfering with my writing,” not to mention my serious reading time. I had to make excuses, like “Gee, I’d like to help you out by taking your tribe’s land claim to the International Court of Justice at the Hague, but I’ve *got* to finish this law review article applying Frantz Fanon to Indian law that maybe a dozen or so people who also write on Indian law will read.” I mean, I’d be getting calls all the time, sometimes even at home, from some Indian tribal leader somewhere out there in the middle of Arizona Indian Country who would tell me how her tribe was getting screwed over by the B.I.A., and all I could think about was that I needed to bone up on Martha Minow and Carol Gilligan for that symposium piece on Indian law and feminist legal theory that was about a month overdue. I always hated telling them stuff like “Gosh, I’d like to save your reservation, but right now is a real bad time. Maybe next semester,” but what else could I do? I was a Vampire and needed more law review articles for my resume. Didn’t these people know that I was a critical race scholar? What

more did they want from me? Blood or something? Like I had any of *that* to give to anybody.

What these Arizona Indians really wanted me to do was to get off my critical race theory ass and do some serious Critical Race Practice. They didn't give a damn about the relationship between hegemony and false consciousness. They wanted help for their problems, and I was a resource. That's why they were so tough on me. See, to be a leader in an Indian community means going off the res to bring in resources to help the community. That meant that all these people asking me for help were assuming the responsibility of being Indian leaders which meant they could get right in my face and tell me to "act like an Indian" and give something back, rather than take, take, take. They were really cultural about it too, because they were Indians, and they knew how to test me, knew how to get under my skin. I didn't mind it when some law professor I'd just met at a hiring interview or conference would tell me that I didn't "look very Indian," whatever that meant. I mean, I used to be bothered by it, sure, but I had developed several successful strategies over the years to cope with the psychic wounds of not looking Indian enough to some people. I would walk around with a feather in my pocket and hold it up at the back of my head and say something like, "how about now, does that work for you, Kimiosabe?" Or, if I really disliked someone, like because he was a law professor or something else horrible like that, I'd say something like, "yeah, and you don't look like an asshole either, but you sure act like one."

Yeah, like I said, I used to get bothered, but then I came to realize that that was just some stupid person talking who didn't know that I'm a member of what the Census Bureau calls a tri-racial isolate group, and that only an asshole would try to racialize my ethnicity by looking at my face.

What really made me understand my need for an organization like Vampires Anonymous was when some Arizona Indian I had just said "no" to would say, right to my face or over the phone, "You know, you don't act Indian." That hurt. It brought back memories of my Lumbee elders looking at me over the dinner table and asking me what had I done for my people today. It brought back images of what I had once thought I was going to do as an Indian law professor — think independently, act for others. It made me go get help, because I realized that as long as I was a Vampire Law Professor, I'd never be able to translate my critical

race theory into Critical Race Practice and serve the needs of others.

Kicking a Vampire habit of sitting in an office all your life and writing law review articles is not easy. For me, Vampires Anonymous meant that I had to stop writing law review articles for a while and serve the needs of others in my community.

I started out small, with kids, telling inspirational stories and other neat kinds of stuff to third and fourth graders on occasions like Martin Luther King Day and Columbus Day and things like that. I'd just leave my office, turn off my computer terminal, and go tell stories about Dr. King, or the Iroquois Confederacy and the Great Tree of Peace; positive things, stories of solidarity, struggle, and of rights won, denied, and defended. You know, the type of transcommunal stories that need to be shared with others, particularly children of all races, colors, and creeds, in a disconnected multicultural society like ours.

I got more adventuresome. I called up the director of the American Indian Studies master's degree program at the University of Arizona to see if they might be able to use my help. I got to teach some really great American Indian Studies students in my Indian law course which I cross-listed with the AIS program. I got into this incredible groove, moving my critical race theory beyond the confines of the law reviews and law school classroom. I was doing Critical Race Practice, and I wasn't even having to give up my parking space on campus.

I found all sorts of neat ways to make commitments to others I never dreamed possible when I was a Vampire Law Professor. For example, I started coaching my daughter's little league teams. It gave me the chance to work with kids from a different culture than mine and achieve something positive, which is kind of what Critical Race Practice is all about in its most rudimentary sense.

One word of advice: for a law professor, coaching a little league soccer or t-ball team, or running any sort of youth-centered activity, is particularly tough, because all you really know about getting a group of unruly human beings to work together comes from watching law school faculty meetings over the years. Basically, you know nothing, and how are you going to be a positive role model for kids, whatever their race, color, or creed, by acting like your law school dean leading a faculty meeting? You need practice and patience. Luckily, unless you act like a total jerk, kids will usually give you both. It's a nice type of tolerance that you are not used to getting from your law school colleagues.

Like I said, your life really starts changing for the better when you join Vampires Anonymous. Surrendering the last of my “writing days” to serving others’ needs, I got involved in various community organizations. I offered my help to former law students who had called me up to talk about a good Indian law case they were working on; by assigning work-study students to them, offering my own relevant expertise, inviting them to recruit law student volunteers to their cause by letting them speak to my class.

I started doing all sorts of crazy things with my time. I stopped giving final exams in one of the non-Indian law-related classes I taught — Natural Resources — where I get a more diverse range of students than in my Indian law class, where all of us are basically bleeding hearts for the cause. I had to give up the well-ordered comfort of blocking out that first week following final exams to get through all those bluebooks, and then getting back to what was really important in my life: my article. It meant more written assignments handed in during the year that had to be graded and commented upon or else the students would scream. I’d always try to incorporate some critical race theory aspect into those student assignments; for example, I’d develop a conflict mediation problem around the topic of environmental racism, or I would ask them to do a research paper on what critical race scholars have to say about John Locke on property or law and economics. Teaching is a vital part of translating critical race theory into practice. It’s the students, stupid. They’re future practitioners who won’t have a whole lot of time to read law review articles on critical race theory when they get out into the real world. Better give it to them now, in meaningful doses.

Some of the steps I took were insane, really, for a law professor who regarded himself as a serious scholar of fancy theory articles. I wrote an article for a bar journal review, and produced other, information-type pieces for Indian Country newsletters, encyclopedia-type publications, things that real serious Vampire Law Professor-types would never bother reading or regard as “serious scholarship” come peer review time. So what, I was reaching more people — different types of people — with the message, and that’s what doing Critical Race Practice is all about in my mind. I became semi-computer literate and started using the Internet to support other members of Vampires Anonymous. I became a co-editor of an Indian law casebook, and incorporated critical race, critical legal studies, feminist, and indigenist materials in a new edition. I wrote a teacher’s manual and accompanying syllabi that explained how the

book could be used in a graduate or undergraduate ethnic studies course on Indian law and policy. I taught myself how to write grants and raise funds for various projects that needed to be done by the various organizations I was involved in, or to get funding for tribal judge training conferences and community workshops.

It was at some point in the middle of all this Critical Race Practice I was doing that I took the biggest step of my life. I developed a Critical Race Practice clinic focused on Indian law at the University of Arizona.

I had probably been doing Critical Race Practice in a semi-serious vein for about two or three years when I decided in 1990 to go really big time and begin offering a clinical seminar on what I called "Tribal Law"; or what became known as the Tribal Law Clinic. It was first offered as a two credit course to second and third year law students, and placed them under my supervision doing clinical placements in tribal courts and directed research requested by Arizona Indian tribes and other Indian tribes and indigenous peoples' organizations outside the state. Presently, the Tribal Law Clinic is offered as a year-round, seven credit hour clinical experience to law students and Indian Studies graduate students in a variety of settings and roles. The clinic has sent law students to Nicaragua to assist in a legal needs assessment for the Indian communities of the Atlantic Coast, to Geneva to assist indigenous non-governmental human rights organizations at the U.N. Human Rights Commission, and to work as judicial clerks on the Navajo, Hopi, Apache, O'dham, and Yaqui Reservations. In fact, since its creation in 1990, the Tribal Law Clinic has evolved into a Program (which means I scrounged up a budget from various sources) that has assisted Indian tribes throughout Arizona and the southwest, as well as indigenous peoples in Central America, Mexico, Canada, and Australia. The basic mission of the program is to provide pro bono legal research and advocacy assistance, law and graduate student internship and clinical placements, and community-based workshops and other forms of training to strengthen tribal self-governance, institution building efforts, and respect for indigenous peoples' human rights. Basically, in other words, we help Indians in as many ways as we can.

All of the clinical work of the program involves students in projects consciously organized around the important themes of critical race theory. For example, projects are selected and carried out by looking "from the bottom up," that is, students are taught and trained to *listen seriously* to the concerns, priorities, and exper-

iences expressed by the indigenous communities we work with. We make a point of sending them into these communities, even if that means getting them down to Nicaragua or up to the Navajo Reservation.

All of our projects are approached as efforts aimed at decolonizing United States law and international law relating to indigenous peoples' rights. Students are encouraged to try to understand how the legacy of European colonialism and racism are perpetuated in contemporary legal doctrine, to expose that legacy at work in the project they are working on, and to develop strategies which delegitimize it, literally clearing the ground for the testing and development of new legal theories.

All of the clinic's projects unashamedly endorse the discourse of rights, particularly the emerging discourse of indigenous human rights, as an organizing and empowering strategy for indigenous peoples.

Finally, we globalize wherever possible to make linkages with indigenous communities around the world. Transcommunitality — whether it's just using the program's Internet homepage to update developments on clinic projects, or to take requests for research or information gathering assistance from an indigenous organization in Australia or Canada — is a big part of what we do.

Let me just list some of the specific projects we've been involved with during the past six years as a way of illustrating how we apply critical race theory in a Critical Race Practice seminar.

One of the most important projects we do, in terms of the student resources devoted to staffing it and the opportunities it provides for immersing students in critical race theory and practice, is the Tribal Court Guardian Ad Litem Program. Student advocates are trained and then work in the Tohono O'odham Tribal Court representing neglected and abused Indian children and Indian juveniles in trouble with the law. The students work alongside tribal social workers, juvenile probation officers, and other tribal court personnel and family members to try to determine the best interests of the child and convince the court as the child's advocate of the proper disposition. Before they ever step into a courtroom, however, they understand that their participation in this program is part of an immersion experience in the most important aspects of critical race theory. First, in the classroom seminar component of the program, we globalize and historicize the dimensions of the problem of tribal control over tribal children. They have to understand the nature and the meaning of the historic struggle of indige-



nous peoples to exercise their cultural sovereignty for the benefit of their children. They learn how tribal courts in the United States function as the front line institutions in articulating a tribal vision of the law as it should be applied to tribal children. They come to understand that when they finally step into that tribal courtroom, they are responsible to the tribal community as an invited participant in an important human rights struggle to reverse the history of ethnocide and genocide that has resulted in tearing away generations of Indian children from Indian homes and culture.

After this classroom component, we train students next to listen seriously to the stories that Indian people tell about this issue. We do what you might call “cultural sensitivity” training, bringing in tribal elders and tribal social workers to talk to them about tribal family values and culture and traditional beliefs and practices about child rearing and what it means from the tribe’s perspective to say something is in the best interest of the child. We’ve even had them sit down and listen to tribal legends and stories that inculcate these values through storytelling.

Only then do we send them out to the reservation to begin investigating the case. Their first job is to go and collect all the relevant stories from everybody connected with the case: the child’s story, the parents’, social workers’, probation officers’, relatives’, neighbors’, victims’, whatever. They become story hearing fools. Then they come back to class and tell the rest of us what they’ve learned and to help figure out the appropriate disposition that reflects what was learned from looking from the bottom up.

I believe that this whole process teaches them how to be effective advocates for indigenous peoples — and other disempowered groups, for that matter — in a multicultural world. They come to understand that their job as Critical Race Practitioners (whether they are yellow, black, red, or white) is to figure out how indigenous peoples’ stories matter, and to find ways to make them matter through community institution building.

All of our projects are organized like that, and if a project can’t be organized in that way, we don’t take it on. For example, we draft a lot of legislative codes for tribal governments, and before we do a probate code, or an appellate procedure code, or a cultural resources protection code, students first learn about the tribe and its relevant traditions and culture and history, spend time on the tribe’s reservation talking to the people who are going to have to work with and live with the code, and then come back and figure out what they’ve got to do as Critical Race Practitioners to draft

legislation for that tribal community. Our litigation support activities are organized around the same principles, as are our internship and externship placements and the workshops we put on for tribal communities on issues like environmental justice and child advocacy.

Our students learn many valuable lessons in the Tribal Law Clinic, but first and foremost, they come to understand that Critical Race Practice is mostly about learning to listen to other people's stories and then finding ways to make those stories matter in the legal system. And no one can say that that's not really something!

### XIII.

That's my story about Critical Race Practice and what Vampires Anonymous has done for me. We all create our own private mythologies, I guess. I'm now recovering as a tri-racial isolate Lumbee legal storyteller putting my critical race theory to good use with the best resources that I believe postmodern multicultural legal education has to offer. You know what they are: the reliable group of bright, energetic, multicultural law students who still come to legal education with these wild and crazy ideas about law serving justice and all that; clinical courses that can motivate and teach these students by awarding academic credit for reaching out to serve the legal needs of others; the human, information, and technical resources available within the modern law school.

This type of Critical Race Practice clinical course isn't really that hard to do at all, if you yourself are really motivated. You know the drill. Your elders taught it to you. Get off your butt, go out and make a difference in the world. Or, think independently, act for others. Whatever, you were taught your responsibilities, you know what it is you have to do.

Like I said, that's my story. I think it's great, but I would, of course. After all, I'm still a law professor, just not a Vampire one. That's why I know that some of my law professor colleagues won't like me telling this story very much; you know, the Storyhaters, Old Farts, Turtle Men. They're still Vampires after all, so other people and their stories don't matter very much to them. If only they would join Vampires Anonymous. They would come to learn that understanding other people and their stories really does matter in our efforts to achieve justice in our postmodern multicultural world.