

Stomping on Thin Ice

~The Boston Years ~



Bernestine Singley

Volume 4 • BEFORE BARACK: My Life Among White Folks

Also from BERNESTINE SINGLEY

The Series...

BEFORE BARACK

My Life Among White Folks

Volume 1 • Assuming the Position

Volume 2 • Land of the White Folks

Volume 3 • One Thousand Southern White Men

Volume 4 • Stomping on Thin Ice

Volume 5 • Playing Chess with Monkeys

Volume 6 • Blood Work

Available only @ www.BeforeBarack.com

~ Dedicated to Derrick A. Bell, Jr. ~



Derrick & me at Black Images Book Bazaar, Dallas, TX 1997
(Photo by Emma S. Rodgers)

And as always, for Odessa Roberts Singley
for the fire in my blood

for Gary Isaiah Reaves
for enduring love, seamless support, & legendary patience

for Sara Mokuria & Annette Lawrence
for reading every word and always giving honest, critical, encouraging feedback

BEFORE BARACK: My Life Among White Folks

Vol. 4 Stomping on Thin Ice

~The Boston Years ~

Table of Contents

	<i>Introduction</i> • 3
1	Freedom Trail • 6
2	Elite, Effete, Entitled • 9
3	Birthing Bussing • 21
4	Mastering Laws • 30
5	Stomping on Thin Ice • 42
6	Cracked • 50
7	Working Nerves • 56
8	Crazy • 67
9	Help • 82
10	Railroaded • 84
11	Black Robed Justice • 93
12	Think Tank • 102
13	Dinner with Derrick • 115
14	Boston Housing • 118
15	Leaving Boston • 135
	<i>Endnotes</i> • 144

Introduction

When I left home for college, I was running away from the life I was supposed to want: Southern, black, and middle-class, full of acquisitions, debutante balls, alcohol, and debt. I didn't know enough yet to want to live all over the world, but I did know I wanted way more than what I had seen of the Negro version of the Good Life.

I couldn't get away far enough or fast enough from the high school ruling class, the network of "invitation only" social clubs already training the next generation of strivers how to wall off themselves—those who had "made it"—from the struggling undeserving. My thinking was simple: Instead of trying to paddle in my classmates' little colored puddle, college would teach me to swim in the white folks' big wide ocean. In fact, college gave me what I was looking for, but not without cost. I flailed and floundered through those four years, nearly drowning more than once in the Land of the White People. By the time I made it out, I left there on the run...again.

Finishing college also finished off my clairvoyance because after I fled Wisconsin farmland, no one ever heard me utter what had been my mantra up until then: "Thirty years from now it won't be like this." Deep inside the University of Florida's Gator nation, wrestling law school reptiles forced me to realize I was not capable of recalibrating the time and distance required to reach some racial Nirvana.

My focus in Florida paid off. Although the University of Michigan turned me down two days after my law school dean called the admissions office on my behalf, Harvard Law School gave me the nod. Winning admission to Harvard would have been noteworthy for *any* UF law grad, which made it especially so for me, one of the presumptively underachieving, standard-lowering, affirmative action *black* law grads.



Cresting the wave: UF law school graduation (March 1974)

My academic comeback was not all my own doing. Sure, I had worked hard, suffered, and prevailed. But I had also benefited from being in the right place at the right time and meeting two law professors—Walter O. Weyrauch at the University of Florida and Derrick A. Bell, Jr., at Harvard—whose influence and encouragement would shape me for the rest of my life. Merit and kismet had put me where I was and I would've been hard-pressed to say which had a bigger hand.

From my high school graduation in 1967 all the way through my admission to Harvard Law School in 1974, I rode the crest of universities' efforts nationwide to integrate their campuses. I toiled mightily *and* I was also whisked along by urban riots, antiwar protests, the public assassinations of Martin Luther King, Jr., and Robert Kennedy, and the federal policy produced by the turmoil.¹ During this same decade, massive social upheaval created opportunities that

black students seized in numbers so large our enrollment in the Ivy League jumped more than 150%, from 1.7% to 4.5%.²

My decision to head to Harvard, however, was also pragmatic: there was no reason to linger in Florida because my behavior throughout law school had decimated any chances I ever had of becoming a Florida lawyer.³

Upon entering law school in Florida, we had been required to register with the Florida Bar and submit to being fingerprinted as though we were criminals. After being so ignominiously tagged, we were schooled in the dangers of the Bar's ultimate weapon, the ominously titled "morals clause." It was an ambiguous, catch-all phrase, a Damoclean sword useful for peeling off gay and lesbian applicants, student activists, black folks, and anyone else the Florida Bar was determined to reject, but could find no otherwise valid ground to support their decision. It was arbitrary, unreasonable, and therefore a perfect tool of control. Initially, I was like everyone else and tried hard to behave. But life among one thousand southern white men kept forcing me to step out of line. Consequently, even before the debacle where I was elected Vice President of the University of Florida Student Government Association (SGA) and then immediately railroaded out of office, I knew my chances were dicey for admission to the Florida bar. And for sure after UF law dean Richard Julin orchestrated an administrative coup to oust me from SGA, it was clear my future in Florida had gone down in flames. Three years of mud-tussling with my Gator pursuers made Harvard Law School sound like a genteel, sophisticated, urban change of pace. Then, too, there was a deeper, historical significance to my trail up the east coast.

In the 1950s, black aspiring graduate students whose race barred them from Southern citadels of segregation often made a bee-line for the northeast and Boston specifically. Boston,

the crucible where Charles Hamilton Houston came of age; Boston, home to the dynasty of wealthy liberals who produced Democrats John and Robert Kennedy; Boston, capital of the state that turned Republican Edward W. Brooke into the nation's first and, for decades, its only black U. S. Senator; Boston, neighbor to the throne for the nation's crown jewels of universities. Boston, the city of mythically warm embraces for the South's big-brained black rejects, like Virgil Darnell Hawkins. That Boston beckoned me.

And so, half a century after Charles Houston entered Harvard Law School and twenty years after Florida forced Virgil Hawkins to leave home and make his way to Boston to study law, I took the path cut for me by both men, headed for the same destination. Hunched over a public pay phone that fall day in Harvard Square, I called Abby, who started law school when I left, to report on my unnerving first walk across campus. Even though I had just arrived, I was already eager to leave.



Chilly reception. (Winter 1974)

The Freedom Trail

“Girl, I just spoke to twenty-seven niggas in a row walking across campus. *Twen. Tee. SEVEN!* And not one of those fuckas spoke back. Hell, I couldn’t even get a brotha to make eye contact and you know I am not used to that! What kind of messed up place is this where niggas won’t even acknowledge each other? Write this down and remind me in case I lose my

mind and forget: As soon as I finish my last class, I’m getting the hell up outta here. You definitely need to pray for my ass.”

Technically, my count was off. I had lumped closed-mouth white women with the unresponsive black folks because I had expected better from both. A Southerner who instinctively flinched at Southern twangs, like many people born and raised outside the South, I also associated Southern accents with reptilian ignorance and racism, making me essentially prejudiced against myself.

On the other hand, I associated Northern accents and higher education with racially progressive, open minds and higher order thinking. I had also trained myself to seek affinity among white women wherever they and I were significantly outnumbered by white men. My first trek from the law school through Harvard yard and into Harvard Square had snatched the thread that rapidly unraveled all those notions.

The first four or five non-responsive folks, I had chalked up to deafness. Shortly afterwards, I pinned their tight lips to poor home training. By the time I had passed ten mute Negroes, though, I was answering myself in a monologue beneath my breath.

“How ya doin?”

“Fine, thank you, and you?”

“Great!”

When my tally reached twenty, I no longer greeted myself graciously.

“What it is, my sista?”

“Fuck you.”

“Well awrighty then. And, ah, fuck you, too!”

Now bent over a pay phone on Massachusetts Avenue, I yelled so Abby could hear me above the traffic. She had just moved to Gainesville to begin her first year at the law school I had just left. And having relied on her advice as a psychology major to help get myself through college, I was counting on her to come through again. I needed a reality check and a nine-month exit strategy and I needed it fast. A native Chicagoan, she set me straight. So what if I had run across a species of chronically eye-averting Harvard girls and boys, she asked. Why should they matter to me? In nine months, I'd have my master's degree and after that I would be able to write my own ticket. Her advice: Just finish and leave.

Meanwhile, I kept slamming into old realities painted with new faces speaking in strange tongues.

Elite, Effete, Entitled

Harvard Law School (HLS), like many other colleges and universities, gave lip service to the notion that a diverse student body was essential to enrich professors' instruction and students' learning. The gap was huge, however, between that script and reality. Homogeneous white male hordes dominated the hallowed HLS halls and portrait walls, providing ample fodder for smug southerners who gleefully exposed the self-righteous Yankees and the unhappy truth about racism thriving above the Mason-Dixon line.

A decade after Brown v. Board of Education, the Civil Rights Movement was at its height, and the Civil Rights Act of 1964 was... signed into law by President Johnson... American law schools (especially elite schools) were still almost completely segregated. In fact, when Erwin Griswold, the dean at Harvard Law School and soon to be the U.S. Solicitor General, testified before a Senate Committee that national registration and voting statistics proved discrimination and the need for the voting rights bill, he was embarrassed by a southern segregationist Senator who wanted Griswold to concede that application of the same logic compelled the conclusion that Harvard must be discriminating against African Americans, since the Law School's enrollment numbers were substantially below the national average.⁴

The Southern segregationist Senator made a good point because in the early 1960s, Harvard and other elite law schools routinely enrolled zero African Americans.⁵ In the fall of 1965, four top law schools—Berkeley, Michigan, NYU, and UCLA—had a *combined* total of *four* African Americans.⁶ That total was one *fewer* than the five black students enrolled that same year at the University of Mississippi, which had begrudgingly admitted them to avoid losing a big Ford Foundation grant.⁷ It was also the same year Harvard Law School itself graduated one black law student out of a class of 500.⁸

Despite its dismal track record, Harvard Law School was still king of the elitist heap based on the number of black students it admitted: 3 in 1963, 12 in 1964, 15 in 1965, 21 in 1966, 22 in 1967, and a whopping 33 in 1968.⁹ So when I joined Harvard's other black law students in

1974, we were proof that ten years of massive social upheaval and the resulting demands for equal opportunity had made a difference even if only negligible.

The U. S. Supreme Court was still four years away from its 1978 decision in *Baake* which beefed up *Brown* and thickened the narrative that the best campuses were the ones that genuinely reflected the full range of America's ethnic *mélange*. *Baake* would also be the culmination of the Charles Hamilton Houston strategy that had spanned seven decades to give universities and professional schools legal authority to use race-conscious admissions policies to dismantle the lily-white flagship institutions they had erected and maintained with race-conscious exclusion policies.

So, there I was, in pre-*Baake* Cambridge, a native-born American, enrolled at a major American university, in a major American metropolitan area where, even though we all spoke English, I did not speak their language. But the truth was, on the surface, the black ones looked pretty much like me.

~ ~ ~

“Damn! Is being high-yellow an admission requirement for this place?! Yall got somebody weeding out applications using the paper bag test?”¹⁰

My new acquaintance eyed me warily as we watched the light-skinned woman on the other side of the door fumbling with the lock. She had heard our banging and had come to let us in. “Well, actually, that really *is* my sister,” my freckle-faced friend sheepishly confessed.

I had never been around so many bourgeois-looking and behaving black folks gathered in one place. While the black guys seemed to be drawn from a larger pool of color, class and looks, the black women looked like they were scooped from a very small pond: They seemed to be disproportionately light-skinned with long straight or short curly (not to be confused with kinky)

hair and hailed from public and private college prep schools that had channeled them into Ivy League pedigrees. They reminded me of the bourgeois chicks from high school—only multiplied times one thousand. *Bougie on steroids*.

I shouldn't have been surprised. Of course, there would be a preponderance of Them at Harvard. Light-skinned Blacks had always been better off than dark-skinned blacks when it came to their chances for succeeding in politics and business, achieving a higher education and income, and gaining social status.¹¹ This skin color privilege traced all the way back to the mulatto offspring of slave owners, back when color literally meant the difference between freedom and bondage or even life and death.¹² Research and writing in sociology and Black Studies literature still lagged behind what any five- or six-year old Black kid could tell you, but we all knew what we knew: It was no accident that upper class Blacks and “first” Blacks in most elitist environments all had light skin in common.¹³ I was simply staring at the Harvard Law School crop.

As the psychologist authors of *THE COLOR COMPLEX: The Politics of Skin Color Among African Americans* have noted, “The impact of color on the realization of the American Dream seems obvious, yet many African Americans continue to deny its existence.”¹⁴ When I tagged the yellow chick opening the door for us, I wasn't in denial as much as I was just simply refusing to admit my I was a part of her crew.

More than once in Florida, some of my darker-skinned law classmates had accused me of benefiting precisely in that way and I had angrily denied it. When the black guys driving down the street in Tallahassee called me “red bone,” it had taken me a moment to realize they were talking to me. Not long after I entered Harvard Law School, though, I knew.

I had begun my cosmetic metamorphosis during my last year in Florida and by the time I arrived in Cambridge, my transformation was complete. Gone were the thick, fluffy Afro and wire rims, replaced by my chemically straightened hair and contacts. Consequently, taking issue with how black women law students looked was really me taking issue with myself. If I acknowledged that I had changed my looks to fit their skin, what did that say about me? If I confessed that it felt good to have finally floated to the top where my looks in a certain environment triggered a presumption about my class status, didn't that mean I had finally become what I had long despised, the one thing I was determined to never be—a *bougie bitch*? I set about drawing hard lines between Them and me.



Determinedly hugging the margins. (Fall 1974)

It was easy because I had felt no connection to them from the beginning. There was no energy, no actual or desired familiarity. The vibe that emanated from them was one I read as not hostile, but clear: “Just because *you* think we have something in common, don't assume *I* agree. I do not *know* you.” The few I spent time around came off as prissy, uptight, overly concerned about decorum and getting ahead. So in their presence, I became more profane, louder, more

outrageous, basically anything to mark myself as Not One of Them. One incident reveals they dynamic.

Our meal was over and we were having desert at Orson Wells Restaurant in Central Square. Two of Them and I shared the table with the white guy one of Them was dating. Suddenly, a piece of cream cheese topping began circumnavigating my desert plate. The transport vehicle was a cockroach. I signaled our waiter who reported back to the kitchen staff who came out to look and laugh. When I asked for the restaurant manager and discussed the range of remedies for a ruined meal, one of my yellow girl tablemates cringed. The other one kept her eyes averted.

Then, just as the manager approached, the cringer pleaded, “Oh, please, Bernestine, *please* don’t make a scene. Let’s just pay the bill and leave.” Instantly, I thought, “I knew it. Fucking prissy little wimps!”

Despite my determination to remain aloof and leave as soon as I came, I made a few friends. And yet my exit plan did not change: I would research and write my thesis, get my Harvard Law School credential, but not buy into the Harvard bullshit. Then I would sell myself to the highest bidding law firm, make bank until I was fifty, and retire into a cushy law teaching job at a prestigious university, where I would write myself into notoriety.

~ ~ ~

The ease with which I expected to navigate Cambridge and Boston, the allegedly racially progressive north, was not something I just pulled from thin air. Northerners have spent centuries creating and maintaining the myth of how Southern they ain’t. Until Boston slapped some sense into me, I was part of the bamboozled masses.

When I was growing up in NC, “up the road” was what Southerners called points north and by that we meant places as far south, geographically and politically, as Baltimore, Maryland and

Washington, DC, and as far north as the Canadian border. Anywhere beyond the Confederacy was Freedom Land to us.

Shut out of universities built by our ancestors' slave and subsistence labor, sometimes on land stolen from us, and subsidized by taxes we paid in our home state of North Carolina, three-quarters of my high school teachers in my black segregated high school had been forced "up the road" to earn graduate degrees. Like Virgil Hawkins, they had made the trek in the late 1940s and 1950s to study at universities in Massachusetts, Rhode Island, Pennsylvania, New York, Washington, DC, and Michigan.

My expectations of landing in race Nirvana had been subsequently and recently reinforced by three years of law study during which one Constitutional Law case after another starred a Negro who had gotten a ticket to ride herself or himself north along with their misguided notions of entitlement. I had no reason to question the unbridled opportunity these tales painted. I believed what they had left seeking also awaited me in the same places.

Then, too, the Boston/Cambridge metropolitan area boasted 106 colleges and universities and touted their collection of the best and the brightest students. I had heard—and it turned out to be true—that college degrees were so ubiquitous in the cities separated by the Charles River that it was not unusual for office secretaries to have graduate degrees. But whatever link I assumed existed between higher education and basic civility had evaporated on my first foray from the law school through Harvard yard. Not only didn't they speak *to* me, they didn't speak *like* me. It wasn't simply their weird intonations, but also words I had never heard. While "please," "excuse me," and "thank you" seemed nowhere to be found in the Cambridge/Boston lexicon, my second day in Cambridge, I found out about a "frappe." (Rhymes with crap.)

The vibe was bad when I walked through the door of the drugstore a half block from Wyeth Hall. The man working the counter and his three customers had suddenly lapsed into silence when I appeared. But ever ready to blame myself for being needlessly wary, I shook it off and sat down at the counter.

“May I have a strawberry milkshake, please?”

“*Waaat?*”

“A strawberry milkshake.”

“Ya wanna frappe?”

“Uh, no. Just a strawberry milkshake, please.”

“A strawberry milkshake,” he muttered loud enough for the others at the counter to hear. A sly glance raced from one to the other and settled on the soda jerk’s face as he got busy.

Out came a small stainless steel pitcher, a carton of milk, and a bottle of thick red liquid. He sloshed the milk in the cup and followed up with a squirt of strawberry syrup. Jamming the cup beneath the mixer, he pressed the switch long enough to send it into a few shuddering spasms.

First, he turned a glass upside down over the metal pitcher, then flipped them both over, turning the glass right side up and filling it with the bright pink not quite frothy liquid. He pushed the glass across the counter until it was almost in front of me. Then, sidling back over to his preferred customers, he resumed his conversation.

A cowed, country bumpkin, I sipped the concoction as though it were exactly what I had ordered. Then I paid, including a tip, and left. I later learned from a Boston native that a “frappe” was Bostonglish for a milkshake.

I would like to say I never darkened the drugstore’s door again, but I’d be lying. From then on, though, I came and went with a new—Cambridge rude—attitude: no “please,” no “thank

you,” no money passing from my hand to the cashier’s, but only slapped on the counter, the same way he dispensed my change.

Although Cambridge and Boston had sheltered Houston and Hawkins, I tried to ignore my sense of foreboding, the feeling that Harvard would not be a haven for me. Law school’s early days curled round me in a continuous loop of crying, crisis, cussing, and courageous children.

~ ~ ~

Boston and Cambridge residents mirrored the dreary, miserable weather. Hard, hostile, strained faces abounded. Stepping from a curb into a crosswalk invited vehicular homicide. Southern slow gradually gave way to urban frenzy. Within weeks, I, too, walked without seeing, let doors slam in the faces of people behind me, and taught my tongue to accept tasteless New England fare as sustenance. Life in Boston and Cambridge quickly cured many misconceptions I had about life along the Freedom Trail. But it was the federal court order to desegregate Boston public schools that detonated the charge that blew back the sheets to expose snobby Beantown’s virulent racism. I had arrived just in time for a ringside seat at the unleashing of Boston’s violent, racist fury.

Judge W. Arthur Garrity’s ruling in *Tallulah Morgan, et al., v. James W. Hennigan, et al.*, in the summer of 1974 had set things off in Boston a few months before I arrived. Black parents had filed a class action suit claiming their children were being denied a decent education because of the Boston School Committee’s racist practices. U. S. District Court Judge Garrity agreed.

Not only did he find that “the entire school system of Boston was unconstitutionally segregated,” Judge Garrity also found that the School Committee "had knowingly carried out a systematic program of segregation affecting all of the city's students, teachers, and school

facilities, and had intentionally brought about or maintained a dual school system.” So much for the highly evolved, politically progressive, racially accepting Boston embrace.

Of the 201 schools in the system, Garrity found 160 of them racially segregated, noting that eighty-one of the Boston Public Schools had never had a Black teacher. Consequently, he stripped the School Committee of its authority and replaced the Committee with a court-appointed administrator under his control. Massive student reassignments and expanded student bussing ensued, triggering a campaign of racist terror.

Although they were clearly not alone, the names and faces that three decades later still symbolize for me the orchestrated violence against “forced bussing” include: South Boston residents and anti-bussing activists Pixie Palladino and Louise Day Hicks, their sidekick State Representative Ray Flynn, and School Committee Chairman John D. O’Bryant. They were the folks who went nuts on the nightly news. Meanwhile, master politician Mayor Kevin White and his supporters climbed new Machiavellian heights as they exploited racial fears on all sides to increase White’s already legendary stranglehold on city politics.

Night after night, images of raging, white Irish Catholic South Boston and Charlestown adults pitched and yawed across the screen. Heaving rocks and other debris at screaming black children trapped inside yellow school buses, swarming white faces full of fury attacked black faces full of terror, everyone frozen in televised flashes, sparked by “forced bussing.”

Then one night, there they were. Four calm apparitions slid into view following the melee, beaming for the camera on Boston’s evening news. The anchor identified them as students from West Charlotte High. *West Charlotte High? My West Charlotte High?!*

Two whites and two blacks, a girl and a boy in each color. They were live at 7 and 11PM, spraying the air with their “try-em-you’ll-like-em” racial palliative for an exploding Boston. This

would soon become a familiar sight: Southerners taking the moral high ground, politely mugging the legendarily liberal Yankees who proved that when it came to racial intolerance, Northerners toed the same line of racist resistance as vehemently as did their Confederate cousins.¹⁵

Of course, the Boston School Committee refused to give the West Charlotte High emissaries an audience. Instead, they shooed the student race canaries from the mines and suggested that they go sing integration's praises to someone who wanted to hear them.

Eyes glued to the TV, I could barely breathe. True, those molasses-tongued youth hailed from West Charlotte High, but they were not *my* people and their school was not *my* school. *Their* West Charlotte was not the *alma mater* that had produced *me* and *my* friends. *My* school had been full of black students taught by black teachers who had turned us into academic, business, and athletic superstars. They had fed and nurtured us from the scraps of the public school apartheid typical of the times. We had seen Charlotte's racism in the spit dripping not only from the hem of Dorothy Count's dress, but also from her forehead.

These preening little missionaries-in-black-and-white hadn't been there for that, so what the hell did they know about anything? Who had sent them to Boston anyway? Why? The black ones especially infuriated me and they became the targets of my screaming travel advisory.

"Take your dumb black asses back to Charlotte and go ring the doorbell at your little cracker classmates' houses! Tell their parents you're just there to hang out with Dick and Jane. Come back and talk to me after that, you little idiot motherfuckers! I hope those Southie bastards catch your simple asses out there on the street and beat you all the way back home!"

Birthing Bussing

There was a reason for my scatological eruption aimed at the salt-n-pepper team of portable propagandists. They had flown in from freshly—not to mention forcibly, pursuant to a federal court order—integrated West Charlotte High School. They were in Boston to strut before the Boston School Committee in a bout of verbal nose-thumbing. Because they were merely pawns painting a pretty picture that concealed Charlotte’s ugly racist resistance to school desegregation, just seeing them on the news set me off.

~ ~ ~

West Charlotte Senior High School was a major institution on the city’s west side, the black side of town where neighborhoods stretched out along the full socioeconomic spectrum. On one end was Hyde Park, a northwest enclave where barely a dozen magnificent homes sat on sprawling grounds with pristinely manicured lawns; at the other end was Fairview Homes, the densely built public housing project where I was raised among the working poor.

The depth and breadth of this range of wealth among black Charlotteans was, of course, unknown to most whites. And though similar black communities existed throughout the south—in Atlanta and Albany, Georgia; Richmond and Hampton, Virginia; Columbia and Greenville, South Carolina; Durham and Greensboro, NC; Louisville, Kentucky; Memphis and Nashville, Tennessee; Jackson, Mississippi; Montgomery and Birmingham, Alabama; New Orleans and Shreveport, Louisiana—Charlotte’s Negro communities were the largest in number, the biggest in size, and the most vibrant and politically cohesive.

One of the oldest of these Charlotte communities was Biddleville to which Rev. Darius Swann and his wife, Vera, had returned after spending sixteen years as educational missionaries in China and India for the Presbyterian Church (USA) from 1948 to 1964.¹⁶ The Swanns had left

town in the years leading up to *Brown* and had returned in the year of the Civil Rights Act. The black Swanns had reportedly, and ironically, enjoyed an integrated lifestyle in India, free from the apartheid of the US South. (No reports mentioned how the professional Christians had navigated the notorious Indian caste system.) They wished to continue in Charlotte the life to which they had grown accustomed abroad.

As the first African American Presbyterian missionaries posted outside of Africa, the Swanns were used to being change agents capable of creating the life they desired.¹⁷ And in 1965 Charlotte, what the Swanns desired was having their son attend his neighborhood school, Seversville Elementary, a white school.

Seversville did not welcome James on his first day of school. At the end of the day, the small boy returned with a note from the principal, informing the Swanns that the proper place for their son was Biddleville Elementary School, which was black, dilapidated, and further away. The Swanns thought differently and for a while tried to reason with the white folks in charge.

Rev. Swann argued that Charlotte's school desegregation ruse was unfair because it allowed children to transfer out of, but not into, integrated schools.¹⁸ To him, a law that was not equally binding was discriminatory. School board administrators had spent a decade pursuing "all deliberate speed" at the pace of a broke back jogger in a full-body cast. Predictably, they rejected the Swanns' logic. Shored up by community support and auspicious timing, the Swanns filed suit on January 19, 1965.¹⁹ Ten months later, nine other black families had also had enough and they joined the Swanns as plaintiffs. All of them were represented by Julius Levonne Chambers, Charlotte's lone black lawyer.

For the next five years, Chambers, a fierce civil rights attorney and brilliant litigation strategist, battled the Charlotte school board all of the way to the US Supreme Court. When the

nation's highest court finally issued its landmark decision in *Swann v. Charlotte-Mecklenburg Board of Education*, bulging court records contained astounding evidence of the defendants' unyielding bad faith and their relentless resistance. En route to the U. S. Supreme Court, the Charlotte school board created a now legendary record of classic Southern resistance: racist policies drenched in the language of good intentions, designed to covertly subvert the law, all perfectly packaged for and promulgated by the complicit media.

~ ~ ~

Presiding over *Swann's* early days, federal district judge Braxton Craven was as deaf as the Charlotte school board had been to the black parents' pleas for justice.

During the trial, the plaintiffs established that, after a dozen years of "deliberate speed," only 2,126 of Charlotte's 23,000 black students attended schools with whites. Out of 109 schools, 66 were still completely segregated.²⁰ Yet despite compelling evidence to the contrary, Craven declared this was ample proof of the school board's "clear intent" and "steady progress toward ending segregated schools."²¹ The Fourth Circuit Court of Appeals agreed when it upheld Craven's decision and ruled against the parents in October 1966.

Except for about half a dozen white teachers who showed up my junior year pursuant to a court decree,²² West Charlotte Senior High was as black when I graduated in 1967 as it was when my sister graduated in 1963, as black as it had been for its entire existence.

Away at college and faced with integrating an entire region of the country, I was too consumed with the white folks in front of me to think about what was happening with the ones I had left behind. Had I looked, though, I could have easily seen what the *Swann* courts refused to see: that more than ten years after *Brown*, segregation was still a reality in the Charlotte-Mecklenburg school system where 88 single-race schools remained, 57 white and 31 black.²³

The Swanns themselves departed the city and the lawsuit two years after it began, but Chambers and the remaining parents pushed forward, determined to force total school desegregation. Each new US Supreme Court decision gave Chambers more ammunition, which he used to keep drilling through growing resistance. Consequently, a year after the U. S. Supreme Court's decision in *Green v. School Board of New Kent County*, Chambers was back in court arguing that the school board's latest desegregation plan violated the Supreme Court's latest ruling.²⁴

New Kent County placed the burden on the school board to create realistic plans to promptly dismantle dual school systems. Anything short of that "at this late date," the Court said, was "intolerable."²⁵ Chambers argued that the Charlotte school board perpetuated segregation because of how it decided which facilities to expand, where to build new ones, and how to draw school boundary lines. He pointed out that the Court had specifically outlawed "freedom of choice" plans like the one Charlotte presented because there were other speedier, more effective ways to convert to one system.²⁶

Fortunately, this time, *Swann* found a receptive audience in Judge James B. McMillan, the federal district judge who heard the case. Again, the evidence was compelling: approximately 14,000 of Charlotte's 24,000 black students still attended schools that were all black or heavily black and most of the system's 24,000 teachers were white."²⁷

On April 23, 1969, McMillan declared that Charlotte-Mecklenburg Schools were still segregated. To light a fire beneath the recalcitrant school board, he gave them one month to submit an effective desegregation plan that had to be fully implemented by the fall of 1970.²⁸ McMillan didn't stop there. He specifically freed them to "consider all known ways of desegregation, including busing."²⁹

Charlotte school administrators were experts on busing. After all, they had used it for decades to keep schools segregated. Suddenly, however, they could not figure out how to put the brakes on the busses so the ones carrying white kids could stop in front of black schools and the ones carrying black kids could stop in front of white schools. To climb out of their quandary, the South again turned North to find an answer when Judge McMillan plucked Dr. John Finger from Rhode Island to do for the school board what it refused to do for itself.³⁰

“The Finger Plan” expanded the school board’s already extensive segregated bussing system—primarily of elementary school children—and turned it into a desegregation tool. But the school board wasn’t having it and rushed back to the Fourth Circuit Court of Appeals, a previously hospitable forum for the board. They argued that bussing so many elementary school children was unreasonable. This time, however, the Fourth Circuit sent the case back to Judge McMillan, directing him to allow both sides to have their say on the issue of “reasonableness.” On August 7, 1970, McMillan found that the Finger Plan was indeed reasonable and reinstated his earlier order.

Determinedly defiant, the Charlotte school board appealed directly to the U. S. Supreme Court, begging it to quash McMillan’s order at least until the Supreme Court itself could hear the case. Instead of getting what it asked for, the School Board got what it deserved: the Supreme Court directed the school administrators to obey Judge McMillan’s order until further notice.³¹ Forced to follow Finger, when schools opened in September 1970, 525 school buses rolled—191 more busses than the year before.³²

A month later, the US Supreme Court heard oral arguments in *Swann* on Columbus Day. Then, on April 20, 1971, nearly twenty years after its decision in *Brown I*, the Court issued its

decision in a thirty-page opinion announcing its objective: “to eliminate from the public schools all vestiges of state-imposed segregation.”³³

Charlotte-Mecklenburg Schools’ racist resistance had finally caught up with them. Their refusal to offer acceptable desegregation remedies convinced the US Supreme Court to grant the federal district court free rein to fashion appropriate remedies to ensure a unitary school system.³⁴ Among the tools specifically named were bussing, redistricting, and “racial ratios” to achieve racially balanced student bodies.³⁵

The Court then turned its attention to the school board’s protests about the unbearable burden of bussing. The Court noted that Charlotte, without regard for desegregation, had already planned to bus nearly 24,000 students of all ages throughout the system for trips averaging fifteen miles and one hour each way. Bussing that had been used for so long to maintain state-enforced segregation, the Court decreed, was now a “reasonable” tool for wiping it out.³⁶

~ ~ ~

Meanwhile, outside the courtrooms, in the city writer James Baldwin had called a “bourgeois town,”³⁷ Charlotte’s civic leaders sought to paint a completely different picture of what was really happening. After the *New York Times* ran photographs of Charlotte’s white folks spitting on Dorothy Counts when she unsuccessfully attempted to integrate Harding High School on September 4, 1957, the city’s corporate stewards shuddered. Stuff like that was bad for business. As UNC-Charlotte professor Dr. Dan L. Morrill explains,

*Two major themes have been present in the history of Charlotte and Mecklenburg County from the earliest days of Scots-Irish and German settlement in the 1740's until today. One is an intense desire for economic development and expansion. The other is the on-going[sic] saga of race. Whenever the pressures of the two have come into direct conflict, especially in the 1890s and in the 1960s and 1970s, economic considerations have won out.*³⁸

Nor would this time be any different. Leaders eyeing their bottom lines scrambled to restore Charlotte's reputation for genteel civility and joined forces with black leaders to keep the lid on things. Together, they carefully selected who would be first in the school desegregation lines, orchestrating a "moderate," orderly, agreeable approach. Even though it appeared that racial equality was happening for all black Charlotteans, in fact, it was being doled out first to the children of anointed colored folks and their counterparts. Ironically, that left the lone black child race warriors drawn from those ranks —like the iconic Dorothy Counts—to bear the brunt of racist blowback.³⁹

It worked. Charlotte never did have to confront the messy, fire hose-whipped, dog-bitten, blood-soaked masses of Birmingham, Watts, Detroit, or Newark.

Just as white leaders managed the black elite, Ma claimed, the black elite managed the rest of us. The first few times I asked if I could go to a civil rights rally with my friends, she just said no. But when I later suggested our family should join the NAACP, Ma made it clear that would never happen and why.

"I want you to pay close attention to what I'm saying, honey, because the last time I checked, your last name was not Hawkins, Chambers, or Alexander.⁴⁰ So, you don't have a mama and daddy with big bucks who can come and bail your butt out of jail or who can get their friends to stand up for you when you land in trouble. Look around you and take stock: You are *not* one of them.

"We barely have a pot to piss in or a door to throw it out of, so if you get involved in that mess and the housing authority⁴¹ gets wind of it, what do you think will happen to us? The next thing you know, what little bit we do have will be sitting out there on the curb with us beside it. And where do you suppose we'll go then? This might be a hellhole we live in, but at least it's a

warm place to lay your head at night. So until you have your *own* place where *you're* paying the rent, I don't want to hear anything else about that NAACP mess inside this house. Now, go tell your sister supper's ready."

Things were never as black-and-white as Mama portrayed them, nor were any lines as clearly drawn as she—and, consequently, I—believed. Still, as racial chaos tore apart other cities across the US, drugs and violence in our neighborhood were the things that made my life feel desperate and scary. So, Ma had good reason to paint our reality in such stark relief. I understand now that she marked our boundaries so rigidly because didn't have time to mess around and we didn't have time to mess up. Those were luxuries reserved for the Chambers, Hawkins, and Alexander children. For as long as I could remember, we had been drilled in the differences between those families and ours and I deeply resented the differences and the families.

In the mid 60s, though, despite my chronic ill will towards our bourgeois black leaders, I could not deny their efforts on our behalf put them at risk. Many others played key roles in our struggle for racial equality, but three names and faces dominated Charlotte's colored limelight: dentist/spokesperson Reginald Hawkins, Sr., businessman /politician Fred Alexander, and civil rights lawyer/political strategist Julius Chambers. They all lived on our side of town and their children were my and my sister's classmates.

Consequently, when white supremacists' messages turned deadly, the Chambers, Alexander, and Hawkins families were their targets. Arsonists' flames lit up their offices. Bomb blasts blew their children awake in the wee hours of the morning. Threats against their loved ones' lives streamed nonstop. Still, I was so consumed by envy and so conditioned by Ma's prattle—"Don't kid yourself, honey, those niggas over there in University Park and Dalebrook don't give two hoots about you"—that I was only grudgingly empathetic.

One of the charred homes, bombed by the racist terrorists in University Park on the 2d anniversary of President Kennedy's assassination, sat directly across the street from the main entrance to my high school. Gazing at that partially charred exterior days later, I'm still embarrassed by what I clearly remember thinking. "Well, at least they got the money to fix it." On the heels of that thought another one gnawed through my envy to make room for respect. Even though their ordered, peaceful life-on-top was under siege, those three families kept fighting back.

It is extremely unlikely that the four West Charlotte High emissaries to the Boston School Committee in 1976 knew the details of their own complex racial history, one that was still unfolding in Charlotte just as they were being snubbed in Boston. Certainly, I didn't know. What I did know, though, was Boston's parents and schoolchildren in the fall of 1976 looked just like the screaming, spitting racist terrorists of 1957 Charlotte. And there they were, day after day, always in time for the evening news. Clearly, nothing could keep the lid on in Boston.

Mastering Laws

“Thank you for including me in this conference, but I’m going to quit the master’s program and go enroll in med school across the river now.” I was talking to Prof. Derrick A. Bell, Jr., the only black person on the planet in 1974 Harvard Law School (HLS) believed was qualified to join its faculty. We had just wrapped up the first “National Conference of Minority Law Professors and Administrators,” which Bell had conceived and hosted at HLS.

It had taken Harvard Law School 150 years to scare up 33 qualified black law students, but it took even longer for the venerable institution to find Prof. Bell. Finally, the law school had been pushed into its decision by its own black law students who were fed up with being educated by a vaunted segregated cabal of white men. Although Bell became Harvard’s first tenured black law professor in 1971, forty years later, he is quick to point out he was not a predictable choice.

First, he didn’t have the standard HLS faculty credentials. Like other black “firsts” among the most elite, he came armed with significantly more than the group he was joining. HLS was not Bell’s first and lifelong job as it was for the majority of his fellow faculty members. Rather, by the time he showed up, Bell was a lawyer, teacher, activist, writer, and scholar widely experienced in the real world, the one beyond the law school campus.

Bell came to HLS from his post as Executive Director of the Western Center on Law and Poverty at the University of Southern California Law School. He had been Deputy Director of the Office for Civil Rights in the Department of Health, Education and Welfare. As a lawyer for the NAACP Legal Defense Fund, where he had been assigned to Mississippi, he had supervised more than 300 school desegregation cases and had spearheaded the fight that won James Meredith admission to the University of Mississippi over the protests of Gov. Ross Barnett.⁴²

Within weeks of my arrival on campus, it was clear to me that Prof. Bell did not fit “the first black” prototype. He did not meekly pull up to the table, he did not constantly thank HLS for hiring him, and he did not devote the rest of his life to “the cloying comfort of conformance.”⁴³ Actually, Bell did just the opposite. He paid constant homage to the black law student protestors and their allies at HLS whose activism paved his way. And he never stopped reminding HLS of the promise he had exacted as a condition of accepting their offer—i.e., that he would be “the first,” but not “the only.” Organizing and hosting the national gathering of law professors and administrators of color was merely one of the many ways Bell made sure he stayed on point.

Bell had added “and administrators” to the conference call to ensure there would be enough bodies in the room. The agenda for the thirty(?) participants was straightforward and simple: to brainstorm, strategize, and reinforce their determination to keep breaking down the race and gender barriers to law schools, the bar, and the bench. I had recently decided I would teach law when I retired at 50, so I was eager to hear what folks had to say about the job I wanted.

That conference killed my law teaching law dream. All weekend, I witnessed “minority” law professors and administrators in a collective verbal bloodletting. They traced their horrendous emotional, enraging, triumphant, and occasionally transcendent experiences at law schools across the country. When they finished, I was through, too. While I was joking with Prof. Bell about dropping out of law school to enroll in med school, I was absolutely serious that law teaching was no longer an option for my future.

Tenure was job security, sure, but no way did it seem to me worth the price the conference participants were paying: relentlessly deflecting endless streams of racist arrogance from law students and faculty; being held to a higher standard—indeed, being more highly credentialed, but presumed to be incompetent and inferior; constant demands from black and other

marginalized students to advocate for them in countless situations; back-stabbing colleagues who were blind to their presence except when looking for a place to plunge the knife; pressure to publish or perish while being drained of the time or energy to mentor, nurture self and family, or to conceive of a life beyond the job.

My one-year master's program turned into a tumultuous year and a half, mired in drama, outrage, and misery. It was not simply the "D" in Welfare Law, or verbally assaulting the dean, or surviving the attack by the faculty appointments committee, or the shouting match in "Mental Abnormality and the Law," or even the torture-by-boredom classroom instruction on defending indigent clients. It was all of that added to my slash-and-burn approach that continually threatened to send up my lofty law ambitions in smoke.

There was some classroom instruction required for the LL.M. (master's of laws) degree, but the major emphasis of this postgraduate degree was on original, independent scholarship leading to a thesis worth publishing. My favorite was "Issues in Legal Education," a two-semester course taught by the uncharacteristically kind, amiable Professor Joseph Cavener. Prof. Cavener required a term paper for each semester and, writing being my strong suit, I was happy to comply. Fortunate enough to be enrolled in The Best Law School in the World (TBLSW), I decided it was the perfect spot for examining the one issue in legal education that interested me most: why law schools nationwide couldn't find anybody but white men fit for their faculties.

Professor Cavener approved my research approach: Part I, to be submitted at the end of first semester, would examine the existing literature on law school hiring practices generally and would help me form a thesis about how and why white male faculties evolved; in Part II, I would use Harvard Law School as a case study for an in-depth examination of how the faculty selection (or "appointments," as Harvard calls it) process worked. From that I would suggest ways to

change the process to produce a more just result—i.e., a desegregated Harvard Law School faculty.

As the second semester began, I created a list of professors on the Faculty Appointments Committee and made appointments to see each one of them. I started with David White, the Dean of the LL.M. program who was also co-chair of the Appointments Committee. We had a long interview, which was intriguing as much for his candor as for the themes he repeated utterly without irony. Armed with the general description of how the committee worked, I set about interviewing the rest of the committee.

The day after my hours long interview with White, I arrived a few minutes early for my second one with the next person on my list. His office was dark and his door locked, so I took a seat on a sofa across from his office. For the next several hours, I watched HLS students pass by. Eventually, I slipped a note under the no-show's door asking him to call me and went to eat.

The following day I arrived early for the 3^d appointment, my first of the day. He never showed up either. I waited until it was time for my 4th appointment and moved along. As soon as I rounded the next corner, I felt better. Even though I was pissed that two professors had stood me up without notice or apology, Dean Albert Sacks' office door was open and I could see him bent over his desk.

I hadn't seen Dean Sacks since he had impressed me with his effusive welcome to the attendees at Prof. Bell's minority law professors and administrators conference several months earlier. Sacks had spoken so warmly of his desire to see law student bodies and faculties, indeed whole courtrooms, reflecting our great nation's racial melting pot. He was, he said, personally committed to putting his and Harvard Law School's considerable resources behind that vision. If anyone in the room ever needed his help, he implored us to feel free to call on him personally. I

had never taken the time to let him know how much his words had meant to me in my early days on his campus. That was where I planned to start our interview.

Sacks' secretary sat at her desk to the right of his office door though still easily seen and heard from where the Dean sat. I presented myself for our appointment. Without looking at the appointment book on her desk, with a face devoid of all expression, she responded to the air beside my waist.

“The Dean is not available.”

“Excuse me?”

“The Dean is not available.”

“But...what...? I mean I'm looking at him. He's right there.”

“He had to cancel. Something came up.”

“But there he is right there and I have an appointment to interview him for a paper I'm writing.”

“Something came up. He's not available.”

“And so what—you couldn't call and tell me that before I got here?” I marched past her and into the Dean's office.

“Dean Sacks?” No response. “DEAN SACKS?” I yelled at his disfigured ear facing me. His head raised slowly and when it stopped, the mottle-faced scowl he turned on me bore the welcome one might expect had someone come to give him an enema at precisely the moment he was about to crack the Rule Against Perpetuity.⁴⁴

“Wha're you doing in here?!” he shouted. “Didn't you hear what she said? I don't have an appointment with you.” I dropped my things in on his desk, marched back to the secretary's desk, grabbed the appointment book, and returned to stand in front of him.

“There,” I said pointing to my name which had been marked through. “That’s me. I’m Bernestine Singley. You have an appointment with me.”

“I don’t know who you think you are or what you’re trying to do,” he shouted, “but it won’t work. We’re onto you. How dare you misrepresent yourself, call yourself a researcher. Now you leave my office because I have nothing further to say to you.”

“What the hell are you talking about?” I screamed back at him. “I’m in the LL.M. program and all I’m trying to do is write a goddamn research paper and you mean to tell me you’re not going to talk to me? You think that’s going to stop me from doing what I set out to do?”

“You...you...with your hypocritical ass. Running down there to be all up in everybody’s face at the conference in September talking about how dedicated you are to equal opportunity and all that other horseshit. You’re just like all these other crackers—full of shit!” I grabbed my belongings and fled back to my dorm room. Trembling and incredulous, I could not believe what had just happened: I had cussed out the dean of Harvard Law School. And I still had a research project to finish.

My yelling match with Dean Sacks was the last conversation I had with anyone before I completed my paper and turned it in. Instead of detailing the appointments process, I detailed the two conversations I had with David White and Dean Sacks and then laid out the process by which I had been shut out of further inquiry. I called my second paper, “Man and Superman: A Polemic on the Law Teaching Fraternity at Harvard Law School.”

Before long, Derrick Bell had me in his office. “Well, Miss,” he began using the sobriquet that indicated I was in trouble—again. “Looks like you’ve really stirred things up this time. It seems the accusations against you are that you misrepresented yourself by claiming that you were in the Graduate School of *Education*. That being the case, the Appointments Committee is

claiming you obtained information under false pretenses and that your paper should be disqualified and maybe you should be asked to leave the LL.M. program altogether.”

“I said I was in the *what?! Why in hell would I say I was in the Graduate School of Education when I’m in the LL.M. program? Did I think they would be way more impressed with me if I said I was in the Ed School and not the law school? That doesn’t even make stupid sense!”* Bell tried to calm me down without success. Then suddenly, I understood.

“Oooooohh, wait a damn minute! I get it! I just figured it out!

“I made all of these appointments in person because I couldn’t get anybody on the phone. Plus, I figured I’m a law student, getting a master’s so they’re going to cut me some slack, claim me as one of their own, maybe even give me the inside track.

“But, nooooo. All these old white secretaries are *seeing* is black me, so all they can *hear* is that I’m in ‘a graduate program,’ which automatically has to be the Graduate School of Education, right? I mean there’d be absolutely no reason in hell for them to think some young black bitch would have enough sense to be working on a graduate *law* degree at The Best Law School in the World, right?

“So, now, that explains why David White was so candid when he sat there pontificating. His arrogant ass thought he was talking to some dummy from the Ed School. The whole time he was throwing around legal terms and running on and on, he thought he was giving me a snow job. Yeah, that’s it. That’s why he kept repeating stuff: I’m a fucking idiot so he had to say it over and over and over.

“Ha, ha, haaaaaaa! Fucking sons of bitches. They can kiss my ass. I’ll just write down exactly what happened. That’ll be way better than the paper I intended to write!” Prof. Bell and I

had many conversations after that, but Prof. Cavener never said a word to me about the brouhaha. I got an A in “Issues in Legal Education.”

I had been regularly corresponding with Prof. Walter Weyrauch, my UF law school friend and mentor, keeping him abreast of my studies and social life. Having earned his LL.M. at Harvard Law School about twenty years earlier, Walter was the perfect receptacle for my tales. Plus, he had no trouble telling me when I was onto something worth further examination or when I was way out plowing the same spent field. So I shoved a copy of my paper in an envelope with a typically scatological note and shipped it off to him.

Walter’s response was swift and commanding: “Remove the profanity and submit this for publication.” He was certain it was law review material and even suggested several he thought would be a good fit.

“So you think the little oppressors-in-training who run law reviews are going to leap at an opportunity to publish a paper that attacks the very system that has them in the catbird seat? No way. Plus, it doesn’t have a gazillion footnotes in it because it is truly original research. You know law review publication standards: If two-thirds of every page isn’t taken up by footnotes referencing precedence for ‘original thought,’ you know no self-respecting law review editor will want this.

“Anyway, I made a D in Welfare Law, which means I’m not graduating with my class. So now, I have to come back to this motherfucker in the fall and take one more course to have enough credits to earn my degree. I think a D in anything automatically disqualifies me for submitting anything to law review.”

“How did this happen?” Walter asked. How, indeed? And so, another story.

I signed up for Welfare Law because 1) we used to be on welfare, which I thought would put me ahead of my classmates; 2) all through college and law school, I had researched and written about welfare, which I thought gave me another advantage over my classmates; 3) it was interesting, which meant I would study harder and thereby boost my advantage over my classmates; and 4) it would be easy because of 1)-3).

The class was not even mildly interesting, but then practically nothing was except for the research and writing for my thesis (which I loved) and my on-again-off-again boyfriend (whom I lusted). Then one day we had a class discussion about “means testing” for senior citizens and I argued from my strongest position—the one opposite the professor and the rest of the class. By the end of that session, I had devolved into snarling sarcasm, my pathetic response to the overwhelming race/poverty/gender bias of my “opponents.”

If a 65-year old working class woman had some assets, but not enough to cover the costs of her medical care, should she be required to relinquish them to become eligible for state-provided benefits? Should she have to forfeit all of her assets or could she keep “necessities”? If so, what constituted a “necessity”? A car? Washer *and* dryer? Toaster? TV? Black and white only or color, too? A phone? Credit cards?

Should she be able to keep, say, 50% of her assets up to a certain amount—a ceiling—regardless of her need? Should there be a floor—say, \$3000/year—below which she should not be required to divest because she had, after all, earned her assets? Could she “spend down” her assets by distributing them among her adult children as gifts while she was living? How should her asset-owning adult children factor into these calculations?

Who among my classmates knew that I was arguing my life experiences? If they assumed it, I was offended. If they didn't, I was outraged. There was no arm's length distance, no fictive

“objectivity” between the 65-year old working woman felled by illness with her business in the street, on the one hand, and my mama on the other. Between those putatively responsible (or were they irresponsible) adult children and me?

Decades later as I began ferreting out the whys and wherefores of those days generally and my Welfare “D” in particular, a classmate refreshed my memory.

“So you’re saying you don’t remember Professor A and Professor B who showed up near the end of class and sat down directly behind us? I’m pretty sure they were there to evaluate Professor X who was there as a visiting professor. Remember? Anyway, you and he got into it and you just wouldn’t back down. You just sat there pulverizing him until class was over.” Certainly a tidy self-aggrandizing explanation if I were willing to accept it. But I knew that was hardly the whole story. I knew the truth was considerably less flattering: I got my “D” on *a take-home exam*.

Like everyone else, I had picked up my exam from his office that morning. According to my note scribbled in the margin of the original exam, our answer was limited to four pages and was due “Thurs., 8 Nov 1973”—the same day.

Though I don’t recall the auditing professors as my audience, I do remember sitting in my dorm room repeatedly reading the two-page exam. On paper beige with age, phrases I underlined with a felt-tip pen thirty-five years ago highlight what I thought were the probative issues in an exam question that reads:

United Mothers of Pleasantburg, a suburb of the City of Holmesville, both in the State of Langdell, are upset that Holmesville’s city mothers are receiving larger welfare checks than Pleasantburg’s suburban moms. What are the best arguments that suburban and urban moms should get welfare checks according to the same formula? When is the proper time to raise these arguments and in what forum?

And I remember with goblet clarity what happened next, when I stopped writing mid-sentence and screamed, “Who the fuck cares? WHO CARES?!!!” Anger puffed me up like a desert toad and I sat there until a few minutes before the exam was due when I jumped up, dashed across campus, and turned it in. Dread dropped anchor in my chest as I trudged back to my room.

Too soon it was time for my confession. The site of my penitence—Derrick and Jewel Bell’s kitchen table—was within easy walking distance along a route by now very familiar. A good thing, too, because, between the bitter cold and the snow and ice underfoot, every step threatened to dump me on my ass. By January 1976, I had already spent enough tissue time in various rooms of the Bells’ household to consider myself part of the ever-expanding fictive family that he and his wife, Jewel Hairston Bell, supervised. Between bursts of food and wine, they had quickly become my straight-talking mentors and trusted friends. Theirs was a safe harbor where I worked at untangling life, love, and school, a goal I hoped to achieve without going crazy.

Their sons—Dale, Douglass, and Carter—rounded out their family in constant motion, including Hero, their Weimeramer escape artist forever on the loose. In one of the grand turn-of-the-century homes Harvard seemed to keep in stock for sale to its professors, the Bells’ abode was the perfect backdrop for a family with arms big enough to always include one more.

Eventually I worked up the nerve to reveal my sad saga to the Bells and together we examined my options: accept the grade or appeal it. To appeal, I would have to first try to convince the professor who gave me the D that he had made a mistake. If that didn’t work, I could request a hearing before the Grades Appeal Committee. Ultimately, it seemed I could appeal to the Dean of the law school, maybe even somewhere beyond that. On its face, it all sounded reasonable. There was, however, one big problem: I would have been seeking abluion from a poisoned pool. By then, I had incurred the wrath of the Faculty Appointments Committee,

some of whom also sat on the Grades Appeal Committee. When the Faculty Appointments Committee members had shut down my interviews for my “Issues in Legal Education” seminar, Dean Sacks had joined them. The last time I saw him was when I cursed him out in his office.

Still, Professor Bell was adamant that I had to “give the system a chance to work.” I disagreed. What kind of fool would I be to beg for mercy from a system that was clearly stacked against me, had already screwed me once, and would certainly use another opportunity to reinforce the original injustice? I was convinced the appeals process had no integrity and I refused to dignify it and simultaneously set myself up for more abuse. Despite Bell’s persistence, I was resolute. I decided to just suck up the D and keep moving.

I will always wonder what turn my life might have taken had I learned even one of the three things at which Prof. Bell was an expert: honoring process, honorable compromise, and taking the long view. The story of how he came to change the name of a course he taught illustrates his gift.

Many black students unapologetically avoided Derrick Bell and his classes. I was as astonished to learn this as I was to learn, around the same time, that some black folks refused to eat watermelon in public because of its historic connection to racist ridicule. Bell knew who they were, but treated them the same as he did those of us who lined up outside his office door for advice or some other dispensation. Among the latter were black and white students who wanted to take his constitutional law course, “Race, Racism, and American Law,” but who didn’t want “race” or “racism” to appear on their transcripts. A gracious Prof. Bell changed the course name to “Constitutional Law and Minority Issues.” He did not, however, change the title of his textbook, which to this day in its sixth edition remains RACE, RACISM AND AMERICAN LAW.⁴⁵

Stomping on Thin Ice

Lawyer [noun] – A person simultaneously possessing an enormous ego and low self-esteem, both of which combine to create a pathological need to control situations, a groundless belief that they [can] know everything, a propensity to argue pointlessly, and an enduring need to be the center of fawning attention.

Tired of suffering from lawyer affliction, I set myself on the road to recovery more than twenty years ago. Now, daily, I beat back the lawyer in me, recognizing that I will probably fight this battle for the rest of my life. The fall of 1974, though, found me moving apace along the lawyer path, poised for another lift-off. The Criminal Trial Advocacy Project had potential as a transport vehicle.

The Massachusetts Defenders Committee, Judge John Cratsley, and Eric Saltzman joined forces to bring Harvard Law School its first Criminal Trial Advocacy course. It was a pilot project where, under the supervision of licensed attorneys, law students would learn how to be public defenders—lawyers paid by the state to defend people who had been charged with crimes, but who couldn't afford to hire a lawyer. Students who had completed two or more years of law school got to practice law on poor people. Taking the course was another chance to learn to be “a real lawyer” or to at least look like I knew what I was doing even if I didn't.

In the municipal courts where my caseload was concentrated, Boston lawyers were uniformly unimpressive. The posturing and pontificating, the absence of strategy or, worse, the poor execution of an awful strategy, were all proof that law practice didn't make law perfect. In such a lackluster arena, I was certain I would emerge a star performer.

My first client was a mousy seventeen-year old white girl with pimples who had been pinched for stealing a pair of pantyhose. Strutting into the big city courthouse, sashaying past the

knee-high swinging door that separated the credentialed from the masses, my butt had barely brushed the bench before a burly Irish bailiff barked.

“You...step back. Lawyers only up heah.”

“I *am* a lawyer.” Behind me, the accused snickered. I sat just so, suited and coiffed, long legs crossed, my shiny briefcase in plain view. Hours passed. Defendants came and went. The docket dwindled.



For the defense and already on the defensive. (1975)

“Anyone heah whose case has not been called?” the barking bailiff shouted. I raised my hand like a fourth grader, but dread made me yelled my client’s name, matching the bailiff’s decibel. He whispered to the judge, then turned back around.

“That case already been disposed of, yuh Honah. Nobody answered when we called it. The DA was heah and ready to go, so he took judgment. We issued a warrant for the defendant’s arrest.”

“But your Honor, I did not *hear* it called,” I said, rising. I knew they hadn’t called my case, but I also knew better than to try to press that point from my clearly disadvantaged

position. All those flow charts, the endless branches sprouting on those chalky decision trees, the mind-numbing pie-in-the-sky permutations of criminal trial strategy Harvard Law School style, but not one damn word about signing in on a court docket, knowing where to sit or how to keep an ear out for your case being called...or not. Exposed pretender, I could feel my game face crumpling. A loser my first time outta the gate.

“The DA on this case is already gone, yuh Honah. He had another trial.”

“Your Honor, I represent the defendant. I am really, really sorry, but, may it please the court, we’ve been sitting here the whole time and we did not hear the case called.” I motioned behind me for the Accused to stand.

His Honor was not moved. “Judgment entered. DA gone. That’s it. Call the next case, bailiff.”

“But, your Honor, the DA and I had already worked out an agreement before we came to court today. My client wishes to plead ‘guilty’ and asks for probation.” The entire courtroom fell silent. Had I lost my mind, addressing the all-powerful after he had essentially told me to shut up and get lost?

A male voice from my left. “Your Honor, the prosecutor from my office left his file here with me. There is an agreement signed by all the parties. The DA’s office does not object to removing the summary judgment and entering the agreement subject to the court’s approval.”

“Your client understand the charges in this complaint?” Glaring above his reading glasses, past me, the judge addressed his question to the 17-year old as if she were the lawyer and as if I, 6’1’ standing alone at counsel’s table, was invisible. I shifted slightly to the right to place myself directly in the judge’s line of vision.

“Your Honor, *she’s* the defendant. *I* am her lawyer.”

“Well? How do *you* plead?” he asked me. A chimpanzee smirk parting his lips, his gleeful gaze licked my astonished face. “You steal these...*pantyhose?*...like it says here in this complaint?”

I turned slowly towards the kid, who by now was bonded in mirth with the judge, and said the last words I would ever utter to her. “Take your hand down from your mouth and answer the judge’s question.” Soon everything was straightened out and I turned to leave.

“You people not qualified to be here waste the court’s time,” his honor intoned. “Time is money. Don’t show your face in here again until you learn how to do your job.” “Court!” the bailiff screamed. The courtroom rustled behind me as everyone stood in homage to the judge’s black-robed disappearing act.

Thirty years later, a memo from that era thickens the narrative.⁴⁶ It is my instructor’s evaluation of my performance as an advocate for criminals.

Our group had perhaps the most difficult assignment of this year’s program. You went from practice in _____ Municipal Court, to _____ Third District, to _____ in a short period of tim[sic], and with a supervisor (me) who was himself learning his way around the local system. You were deprived or[sic] the opportunity of getting to know the behavior and peculiarities of the judges and the personnel and practices in any one court. While this made your job more difficult, I began to see benefits to you develop. Unable to rely on familiarity with those peculiarities (which certainly are important to the practice of law), you had to develop in each case its “hard” legal aspects and your own lawyering skills, rather than satisfying a judge’s known preference in a narrow area.

Because I was new to each court, just as you were, I was no resource for exactly how one gets this or that done. There were benefits here as well, though it was time consuming and sometimes difficult to discover the local procedure in three courts. I think you managed that well enough, so that you were at no disadvantage once your case came to trial or disposition.

In other words, in the heat of racially explosive Boston, I routinely offered myself up as an easy target for any racist, sexist Boston or Cambridge boor armed with a law degree and enough influence to wrangle himself a judicial appointment. And the white guy, who might have been

my mentor under normal circumstances, was no help. Consequently, I was not always as dispassionate as my instructor preferred. It was impossible for him to see, of course, that even if exactly the same thing happened to both of us, the fact that I was young, black, and female, and he was The Ordinary Reasonably Prudent Man—the white guy who set the standard of measurement for all behavior—meant completely different things. He could not see beyond his own perspective and I couldn't fathom why he couldn't see. Or if he couldn't see my perspective, why he couldn't at least consider that I was an expert on what *I* was seeing and experiencing even if he wasn't.

It seems also that you fell into one trap that is familiar to us all (and still troublesome). That is, you put more effort and faith in sources of information which were most easily available or developed. For instance, in the XYZ case, you developed your case in detail from the information given you by your client. And it was on the basis of that information that you and I discussed the handling of the case. Though I do recall that you made some attempt to contact the victim, it appears with the benefit of hindsight and given the personality of your client, that an interview with the victim was indispensable to the case. Had you had a better idea what the Commonwealth's witnesses would say, your defense would have taken a different shape.

It was good advice that would have been great advice had he dispensed it before the trial, instead of at the end of the course “with the benefit of hindsight.” In fact, had I known what the victim's testimony would be, it is quite likely I would have refused to represent my client who turned out to be not only a liar, but also guilty as charged. Despite such lapses, though, Saltzman seemed to find me quite the trooper.

Your reliability was excellent. Once a case was assigned to you, you followed through to completion. The relationship you established with your clients appears to have been adequate to your role as a lawyer. I recall with several of your clients, in their minds your being black and a woman was an issue, but I think you handled these problems with confidence and self-assurance which, I observed, reassured your clients.

You also came face-to-face with another problem in this sort of work—maybe in any service occupation: you found some of your clients to be personally unsympathetic. Only in the last case in D___, the assault and battery with a blackjack inside the bar, did that appear to interfere with your handling of the case, and though that effect is

unfortunate, we all feel it to some degree in some cases. I think, in that case you allowed dislike for your client to get in the way of your object[sic]. For instance, after the trial in D___'s 2d session, when discussing with your client the details and merits of appeal, you were obviously irritated with him and I believe it interfered with your counseling on that matter. However, as I said, your relationships with clients were usually satisfactory.

What Saltzman chose not to write was what happened after the judge found my brutal, lying client guilty and we left the courtroom. Outside on the steps, the convicted criminal was irate over his conviction and sentence. No stranger to criminal courts, he knew his rights and he demanded an appeal.

“So, you’re saying you want to file an appeal?” I asked.

“Yeah, right.”

“Well, I guess you’d better go find you a lawyer who’ll do that. Or better yet, maybe you should do it yourself.”

“Wait! You can’t just drop me like that. You’re my lawyer. You *gotta* do whatever I say.”

“Oh, really? Well, you must be telling me to leave your lying ass on the courthouse steps because that’s exactly what I’m about to do.” And I did.

No matter my missteps, Saltzman supposed that, with more focus and experience, I could cut it.

The cases you brought to trial were generally well prepared. However it seemed to me that even with a good mastery of the information or “facts” from different sources, and an understanding of the law your use of these tools in court was too rigid, and sometimes less effective than it might have been.⁴⁷

You need to practice skating away from thin ice when it cracks around you, rather than jumping on it.

Your bearing and approach to the courtroom situation seemed very effective. I noticed and others commented to me how strong your presence in the courtroom was. You need to support this demeanor with more careful and flowing technique. I sometimes had the feeling that even when you had carefully prepared your case, when you were working in

the courtroom, you lost track of your objectives and had some difficulty in using the dynamics of the trial to your advantage.

In considering your experience this Spring (which was, I thought quite successful, despite these criticisms) I think you have a good understanding of how to prepare on the law, find information and prepare questions. I think it is in the relationships of each of them to the others and how to maximize their use in the courtroom that you need practice.

Such were the early signs that I was not cut out for a lawyer's life even though I kept heading in that direction. Ever since the CLEO program the summer of 197 a few months before I entered law school in Florida, I knew I faced mountains of obstacles. The biggest obstacle that I still refused to fully face was simple: I had no stomach for defending guilty people. I didn't give a shit about "discovering the local procedure in three courts," a euphemism for knowing which judge's ass I needed to kiss and how. I also wasn't inclined to put up with the "show-me" attitude of the low-life criminals assigned to me because they couldn't afford to hire a "real" lawyer for the job.

On the other hand, there were still aspects of my personality for which law practice was a lure: I had a big ego and I was extremely competitive. Lawyering was an endless chess game, the courtroom the ultimate chessboard. There were many secondary and tertiary venues where you played the minor leagues on your way to the championship, the big win. On every level, the strategy and the goal were the same: laws and people were pawns to be moved from place to place, jockeying for the dominant position. Real life issues were simply means to an end, the only end that counted: winning.

And just like in chess, I learned to play both sides, but I never played either side the absolutely best I could because I knew the object of the law game wasn't justice, but merely keeping The Other Side from proving its case or from punching holes in mine. It wasn't about right or wrong, but about winning. Did my client do what s/he was accused of doing or not? It

was The Other Side's job to prove it and if they couldn't, well so much the better for my win/loss record. Far too few whose job it was to push around the pawns gave a flying fuck about innocence or guilt. And when I was in the middle of it all, I tried my best to learn not to care either.

At first I was repulsed when I realized all of this. By the time I got to Harvard, though, I had managed to drain myself of nearly all of my moral uncertainty. I was already in too deep and wanted to win as badly as the next jerk. Despite the not-quite-right fit, being a lawyer also still appealed to me enough to keep me tethered for less high-falutin reasons. I liked being an anomaly: a cute girl in the boys' world; a feminist kicking ass in a hostile male camp; a black woman surrounded by a sea of whites who wished me ill; a polite Southerner outnumbered by rude boors among whom I flourished despite the withering Northern exposure. Most of all, I lived for the fight.

My license plate run-in with the law in Georgia had taught me not to plead guilty even if I was. At the end of the Criminal Trial Advocacy course, I had learned a few more things: how to move around the courthouse, how to work my way through a simple criminal defense strategy, and how to stand up to courtroom hazing. Still, I ignored the obvious: I loved studying law and learning to think like a lawyer, but I no longer wanted to *be* a lawyer. Whatever I had once thought that meant, the lawyer I was learning to be was nothing like the lawyer I had once fantasized being.

I stayed on the lawyer track because I just couldn't think of anything else I wanted to be more. And I would keep stomping and stomping on thin ice until I finally fell through.

Cracked

My plan for tripping gaily to a graduate law degree was seriously off-track. June of 1975—when I should have been graduating with my class—came and went and left me behind. I had to try to repair the damage of the D in Welfare Law, which meant I had to enroll for another semester. The thought of it made me was crazy—again. Not the bug-eyed, slack-tongued, spit-drooling, limb-twitching crazy of myth; or the lock-myself-in-my-dorm-room-for-a-month crazy of college; but the pragmatic gotta-get-through-this-day-without-killing-ten-white-folks-or-my-one-self crazy.

This was the kind of crazy that descends when you think you've escaped crazy and you look around and realize you're soaked in crazy. The kind of crazy you retreat to when you sidle up to the trough at feeding time and, before you can wet your tongue in the slop, you get slammed in the snout with a two-by-four for no apparent reason.

The crazy that takes over when you thought you had cured yourself of crazy and you look up and there you are...crazy. The crazy that engulfs you when you realize you've devoted years of intense time and effort to becoming part of something you believe can give you more control over your life, maybe even free you from whatever you feel you need to be freed from, but then you realize that the thing you're becoming is the thing you most despise, but it's too late to turn back. The crazy that masks what journalist Eugene Robinson calls "the violent impulse...the wish, to slit the throat of the man with the whip and then run for the hills."⁴⁸ Ah, yes. *Survival* crazy.

Crazy kept me from straying too far from Cambridge, having intuited that it was wiser to keep close to campus where crazy not only had currency, but also was often revered. I was still there when spring came, bringing the trapping season with it. Recruiters flocked to campus to

bag the best and the brightest and the whole notion of being set for life took on new life. Even crazy, though, I wasn't deluded enough to think I was recruitment fodder. Consequently, their comings and goings did not interrupt my routine. Then, through a sequence of events I cannot recall, one day I was on a plane headed down South to interview with a prestigious civil rights firm.

Another graduating law student got there ahead of me, so while she was under scrutiny, my nerves and I browsed the firm's law library. It was after business hours and I thought I was alone until the door opened and a tall, well-dressed man appeared. Shutting the door, he quickly rounded the table to shake my hand. A bum rush calculated to back me up, he was standing well inside my comfort zone when he stopped. I didn't move. His was one of the names on the door. His darting eyes and spicy breath converged in a faint smirk, the prelude to his chatter.

"So, why is a pretty girl like you interested in a dirty business like this?"

"Same reason you pretty boys are in it: money. For the record, though, I stopped being a girl after high school. They call us women now. "

"Oh, you're a woman alright. Definitely. *All* woe-man. Huh, play your cards right and you won't ever have to use that law degree. Fine thing like you ought to have a nigger working for *her*. In fact, you talk right, I could *be* that nigger?"

"Fine thing like me ought to be able to get some respect from a nigger instead of having him all up in my face when I'm trying to find a job.

"Fine thing like me shouldn't have to wonder what I'm going to look like wearing one shoe into my interview because I left the other one stuck up your ass. Do you mind, *brotha*?" The partner plucked a book from the shelf without looking and left.

They offered the other sister the job and they offered me a secretarial slot—I could type, couldn't I? It would only be until they got that grant they had applied for to fund another lawyer position. I could hold on until the fall, couldn't I?

Back in Cambridge, time had run out, forcing me to face my facts: The school year was ending and I had no money, no job, and soon no place to live. Worse yet, done in by my Welfare D, I would have to return for the fall semester and take one course to earn enough credits for my degree.

I had begun with such fiery promise and then sputtered out, a mere smoke plume of my formerly sizzling self. In the midst of all the other law school drama, I had fallen disastrously in love. It had all started with an invitation to a party at the med school on the other side of the river. Soon thereafter, not only was I crazy in love, I was in love with crazy. So, at the end of June in 1975, when my classmates had graduated on schedule and moved on, I was loading a U-Haul and moving with my fiancé from Cambridge to Boston. After we dumped our last load, we switched into clean t-shirts, drove back across town, and got married by a part-time chaplain at a local college.

I had spent four frozen years in a college I chose at the last minute only because a strange white man told me I wasn't good enough to get admitted to it. I had spent three years in law school because a card fell out of a magazine I pulled from the dusty stacks of library shelves I was browsing only months before graduation. I had opted for an advanced law degree at another law school because a classmate had suggested in passing that I'd "be good at that shit." And, after growing up vowing I would never get married, I had suddenly given in to my boyfriend's constant badgering and married him after only knowing him nine months—and I wasn't even pregnant!



Bicentennial summer: a sign of things to come. (1976)

A thousand miles away, twenty years had been long enough to turn a sort of shotgun wedding into a relationship of weary coexistence. Charlotte-Mecklenburg Schools (CMS) had finally decided to let their children go to school in the real world. And since it seemed that the school board was "actually working towards desegregation,"⁴⁹ Judge James B. McMillan decided it was time for him to step aside and let them continue on their own. Still, he warned

them on his way out: He would be back if they couldn't keep their house in order. So as the Southerners eased out from under federal court control and *Swann* moved off the federal district court's active docket, the Northerners girded for a racial Armageddon.

While button-down, wingtip Boston fluttered, South Boston and Charlestown took to the streets, reinforcing their message armed with bats, bricks, and threats of more where that came from. When school opened in September 1975, all hell broke loose just as it had the year before. I crawled back to law school amid the turmoil and by Christmas, had finally finished what I had come to do. For my efforts, I had a total of three A's—including the A- on my thesis—five B's, and the Welfare D. I could not have cared less.

1976 erupted in a starred and striped frenzy in the run-up to the Bicentennial as Boston teetered on the surreal. Racial violence gutted the city daily, a profound irony amid the profusion of wind-whipped flags celebrating thrilling words: "We hold these truths to be self evident, that all men are created equal."⁵⁰ One gust joined another to fan hatred's glowing furnace, which warmed me for the next river I had to cross: the Massachusetts bar examination.

Born black in the US apartheid south, I have no love affair with the American flag. Where I come from, it has signaled homegrown terrorism as much as it has signaled freedom. Flags meant "rebels"; rebels meant crackers; crackers meant violence; violence meant a brutal, public death—ours, not theirs. Memories linger. Even now, I recoil from flags—on a pole, a police car, or a politician's lapel. American flags still fuel a fervor that can slide too easily into a threat to the quiet peace and enjoyment of those who simply want to live without bowing down before such muscled patriotism. Since I had stopped pledging to the flag years earlier, being caught in Bicentennial Boston was bizarre.

When graduation rolled around in June 1976, I did exactly as I had done in Wisconsin at the end of college: I pretended it wasn't even happening. Instead, I hunkered down for the bar exam prep courses, blinding myself as well to what likely lay ahead for me and my husband who was by then my terrorist of the hearth. Then fall came and with it my first job: Assistant Attorney General-Civil Rights Division for the Commonwealth of Massachusetts. In the state so politically progressive that it boasted the nation's only black US Senator in the 20th century,⁵¹ I was the only black woman and one of only four blacks who were Assistant Attorneys General in Massachusetts.

Working Nerves

I passed the Massachusetts Bar Examination on my first try. A good thing, too, because I had already announced that if I didn't make it the first go round, I was ditching law altogether. My recurring threats to abandon my law career before it even got started were just that, threats. Consequently, they vanished for about a decade after I landed my first job in the fall of 1976.

Boston was still basking in the Bicentennial glow from two centuries of all those white men being created equal when I climbed Beacon Hill to my office and my new job with 124 other lawyers working for the state's chief law enforcer.

My boss, Robert (Bob) Bohn was the new Chief of the Civil Rights Section of the Office of the Attorney General of Massachusetts. His first shot at trying to pump some life into the moribund office was to reorganize it. I was one of his first hires and I genuinely liked and respected Bob. Those feelings, however, did not extend to Francis X. Bellotti, the Attorney General himself. Bob was a lawyer; the AG always seemed to me to be a tiny, preening, impeccably dressed politician who had been elected the year before.

The hierarchy inside the Office of the Attorney General (OAG) was as up-tight and rigid as every other main line Boston firm. As top dog, Bellotti inspired hushed tones and averted eyes when he whisked to and fro, a nicely-scented little whirlwind of activity, pursuing the Commonwealth's business.

I was thrilled that my first job made me look like I had "made it": a snazzy briefcase, nice clothes, a small, but modern office of my own, a large window with a view, and a secretary. From my desk, I could see the golden-domed State Capitol and a corner of Boston Common where the Freedom Trail began. Each morning I emerged from the Park Street subway station for the trek past Crispus Attucks up to One Ashburton Place at the top of Beacon Hill. There I



Assistant Attorney General for Civil Rights (Fall 1976)

researched and wrote briefs for civil rights cases on appeal, crafted exhaustive legal memoranda, drafted pleadings, and answered correspondence in a routine very similar to working on my LL.M. thesis and to my assignments when I was a law clerk, except this time I was getting paid much more money.

Despite the stark absence of black folks,

I soon met José R. Allen, a Boston College

Law graduate with a Yale bachelor's degree, who had just joined the Attorney General's Environmental Protection Division; and Charles T. (Tommy) Spurlock, another recent law graduate who worked for the Equal Employment Opportunity Commission (EEOC).⁵² José, Tommy, and I shared lunches and observations on political goings-on and they became my reality checks in an environment that hadn't managed to keep me out, but damn sure wasn't inviting me in.

For the preceding five years, I had been surrounded by competitive, aggressive male lawyers who I refused to ever back down from, no matter the circumstances. So I knew what to expect from my male lawyer colleagues and it was relatively easy to find my rhythm with them. Except for the black middle-class Atlanta mavens constantly clucking their disapproval, though, I had little experience working with women, and especially white ones around my age. Consequently, I had neither the skills nor the inclination to jockey for power with subordinates who knew they weren't, but thought they should be my equal.

My secretary, Lillie—Lil—was the only other black person in the division. As best I could tell since I never had social conversations with them, the rest of the secretarial pool was working class Irish and Italian. The camaraderie I shared with the men did not carry over into my relationship with the women, but that wasn't important because Lil and I had a warm relationship.

Lillie was my age, a wife and mother of two pre-schoolers, and pregnant with her third. Her husband, a much older African immigrant, hadn't had a job for a while. My first day on the job, she had come in to chat and spying a framed photo on my desk, picked it up.

“Oh, this your husband?”

“Yup, he's the one.”

“Is he...um...mixed? I mean he's not white, is he?”

“No, he's black. His daddy was half white, but Nick is just another nigga like you and me,” I laughed.

“Unh uh, honey, there's a *big* difference between that”—she pointed to the photo—“that”—she pointed to me, “and this.” She tapped her arm last. “You have children?”

“Girl, please. I do not have time for any kids. Raising him is already more than I bargained for.”

I chalked up the weirdness with the secretaries to the likelihood that they had never worked with anyone who looked like me and who outranked them. Our interactions remained civil—distant, thin, and only as required. The secretaries owned the territory just outside the lawyers' offices and I crossed it every time I left or returned to mine. Soon a familiar pattern emerged: I buried myself in my work during office hours, long after office hours, and most weekends.

Initially, the work was satisfying because it was sufficiently interesting and challenging. Too soon, though, I grew bored. I never saw clients—since our client was the Commonwealth and its various bureaucracies—and it became increasingly clear that I was at the end of the queue of folks waiting to step inside a courtroom to handle their own caseload.

To make matters worse, custom dictated that supervising attorneys up the chain of command slap their names on the work of us underling lawyers who were expected to accept it. I could not. I chafed constantly when I saw my hard work beefing up someone else's portfolio without any hint that I was the true architect.

In spite of the uneasy curtain that draped my work environment, my job performance was top-notch, whether my assignment was mind-numbingly mundane or something substantive and serious. I was thrilled when I finally landed a First Amendment case challenging migrant fruit pickers' right to have lawyers visit them at the shacks where they lived in labor camps. I drafted the Attorney General's Opinion that established that even though multinational corporations owned the land where the migrants' lived and had posted it as private property so they could ban the lawyers as trespassers, doing so was a violation of the migrants' freedom of speech and association.

My finest piece of work, though, came in response to the Massachusetts legislature when, pushed by public opinion, it sought to revive the state's death penalty law in the late 1970s. Until then, the capital punishment statute had languished inert on the books for nearly forty years. The legal brief I prepared for the Attorney General was my one shining moment. I took everything I had learned and valued from my law training and used it to create a compelling argument against what I considered one of the greatest crimes of a civilized people. My premise was simple: the death penalty was unconstitutional because it violated due process and was cruel and unusual

punishment. Meanwhile, my colleagues in another division of the Attorney General's office argued just as forcefully in favor of capital punishment. And things moved along until a weird situation with my mail sent me packing.

It started gradually: Random pieces of mail addressed to me showed up partially or completely opened. Neither Lillie nor the mail clerk, an ancient Bellotti loyalist, had a clue. And despite my requests for the latter's assistance, he showed absolutely no interest in figuring out what was going on. Weeks passed and the raggedy, dirty mail that kept showing up for me seemed also to concern only me. So, I committed what I knew was the cardinal sin in every bureaucracy: I wrote a memo directly to the Attorney General and hand-delivered it to his sanctum. Next thing I knew, the Attorney General was on the line.

The rare times Bellotti called down to our division, movement ceased and people whispered. Everyone wanted to know: Who was in trouble now? I already knew and soon they did, too. Shrieking and cursing so loudly I was forced to hold the phone away from my ear, Bellotti lit into me for accusing "his" mail clerk, his personal friend, his foot soldier for decades, of tampering with my mail.

How dare I put something like that in writing? *Who* did I think I was? *Where* did I think I was? Until then I had listened silently, trembling, not from fear, but fury. His questions helped me focus and I broke into his tirade with one of my own.

I didn't give a good goddamn what his personal relationship was with the mail clerk, I yelled. The only issue was what was happening with my mail and what he and his friend the mail clerk intended to do about it. Past that, I informed him, I had no interest in talking to him or his mail clerk. As for why I had put it in writing, I said it was because apparently writing was the only way to get a response. "Anyway, it worked, didn't it? I have you on the phone."

He yelled even louder. *Maybe I didn't like my job.* I raised my voice to drown his out. *The job was fine. It was the assholes interfering with my job that were the problem.* Things quickly churned down to his ultimatum: *If you don't like it, why didn't you just leave?*

Oh, hell no. If you want to get rid of me, you'll have to fire me. I'll be here until I'm damn good and ready to go. The first job of my brilliant career was collapsing as swiftly at the bottom as it was at the top.

Following my fracas with the AG, the air thickened between the secretaries and me. From then on, they seemed to keep a silent, but constant, sideways watch, something that deeply concerned Lillie as she routinely reported it to me. Part of me regretted that my colleagues had witnessed me so out of control, but another part was glad that they now knew: If I wasn't intimidated by the AG, I damn sure wasn't scared of them. Work in my goldfish cave continued.

Defiled mail kept coming, arriving ripped open, weeks late, or crumpled in the bottom of other secretaries' trash cans. I decided to let that go long enough to get some relief for Lillie who had begun probing what was for her my puzzling disregard for motherhood.

"You don't have any kids? That's so sad. You and Nick could make some really pretty babies. You oughta have at least one for him."

"Not even. First, I have absolutely no interest in being pregnant. Never, ever have. And, second, who'd raise them? Definitely not me. Nope, nope, nope. I'll leave the pleasure of all that up to you. You hereby have my permission to have your babies and mine, too! When did you say you're due?"

"Six months down, three to go." She plopped down in my chair and swiveled around to prop her feet on my desk. "Oooowww, my back's killing me. It's a boy because I'm carrying it low."

She looked over her shoulder then leaned forward, whispering. “Did they find out anything about your mail, yet?”

“No and now that I’ve cussed out the AG, they probably never will. “

“That’s just wrong,” she huffed, sympathetically. “I can’t believe that. Isn’t mail tampering a federal offense? You think maybe you should file a complaint over at the main post office? I can get their number for you.”

“We’ll see. Don’t worry about it. I probably won’t be here that much longer anyway?”

“Where you going?”

“Don’t be so nosy! Let’s just say I’ve got a few irons in the fire.”

“I wish I could get outta here. I’m tired of doing all of my work and their work, too.” Her hand swept the air above and behind her head. “All they do all day long is gossip among themselves and conduct their personal business on the phone. They don’t even speak to me. Whenever I come around, they all stop talking, but I don’t care. I’m a grown woman with responsibilities and I’m not interested in the kind of lives they lead. I just wish they would do their fair share of the work.” She closed her eyes and massaged her lower back with both hands.

So those catty bitches were still giving her grief, trying make her their workhorse. I could definitely put an end to that. The next day, I took the matter up with Bohn, my boss. A few days later, exactly as he had promised, he responded.

“Have you had a chance to look at these?” He pushed a sheaf of sign-in sheets across his desk. “No, why?”

“Because this might explain part of what’s going on between Lillie and the others, why she feels like they resent her. After I saw these, I called them in one by one, just to ask them how things were going, if there were things the lawyers could do to help make their jobs easier. They

all said the same thing: Get Lillie to do her work and stop slacking off. They feel like she's using her pregnancy as an excuse to do nothing."

"Well, of course, they're all going to say the same thing. They're all friends. It's them against her."

"I don't know about that, but why don't you just take a look at those, talk to Lillie again. Then, if there's still a problem, we'll take it from there."

"Okay, but I sure hope the Civil Rights Division is not discriminating against a pregnant working mother."

Back at my desk, with every page I flipped over, my face and neck grew warmer. Halfway through the stack, I shoved back from my desk and snatched open the door and stuck my head out.

"Lillie, could you come in here for a minute, please?" I've always been as easy to read as a neon sign above the entry to a 42nd Street peep show and this time was no different. Instantly, she sniffed trouble.

I had noticed, as her pregnancy progressed, that she was showing less interest in her appearance. She regularly showed up wearing a bandana over her curlers and scuffed around the office in chenille house shoes. She had told me what a hike it was from her home to the office, that she boarded the train before I was even out of bed. I couldn't imagine what it'd be like to be pregnant and the sole support of a growing family, so I wasn't about to comment on her appearance. As far as I was concerned, that she showed up at all was a testament to her fortitude.

Of course, it must have occurred to me that at some point during Lillie's hour and a half commute, she could have reached up and plucked the pink sponge curlers from her hair. Or that she could've at least stopped by the restroom she passed on her way to our office and finished

her grooming there. But if the thought crossed my mind, it never left my mouth. After all, who was I, Ms.-Footloose-and-Fancy-Free, to be so insensitive as to judge the appearance of such a beleaguered, child-bearing sista?

If Bohn hadn't delivered me the evidence, I doubt I would've ever gone looking for it because it never crossed my mind that the other secretaries' complaints had a shred of legitimacy. Loyal Lillie looked out for me and I definitely had her back. It was us against the white girls. So, with the skill of a prodigy on a new baby grand, Lillie had been playing me for months, steadily breaking me in. Now, the sign-in sheets made it my turn to break her down. When Lillie followed me across the threshold of my office, the sight of her made me mean and furious.

Her tomato red bandana sprinkled with tiny white flowers was a startlingly unflattering accent to her round, bittersweet chocolate-colored face and the large, perfect, protruding orbs of her eyes. She had pulled her scarf across the top of her ears and tied it in the back. Pregnancy had packed more pounds onto her already overloaded frame and now the slightest exertion had her sweating. She stood there, moist brow, panting.

With her head rag and house shoes, it was hard to tell who she looked like more: a swashbuckling Captain Ahab or the beaming sista on the pancake box.

"I trusted you," I began, quietly and evenly. Suddenly sullen with her arms folded above her belly, she stared out the window behind my head.

"All this time, you had me convinced that the other girls were taking advantage of you, screwing off, and forcing you to do their work when the fact is you're the one who's been sloughing off the whole time."

"I don't know where you're getting your information from, but..."

“Please, Lillie, don’t even try it,” I cut in. “You know exactly what I’m talking about. And if you don’t, you can look through these and figure it out after we get through here.” I picked up the stack of sign-in sheets and shoved them towards her. She accepted them, cradling them in her arms like they were a newly finished work product she was delivering. Then she returned to gazing at the horizon.

“I never hassled you about being late or leaving early. I never complained to you or anyone else about all the times you messed up my work and I had to keep giving it back to you until it was finally barely acceptable.

“I turn my head and pretend I don’t hear you on the phone trying to find Denzel a job. Hell, I’ve even given you leads on jobs for him. I fought for you to get the same raise as the others even when we both know your trifling work didn’t merit it and this is how you decide to show your appreciation?”

“I didn’t ask you to do nothing for me,” she shot back, looking straight at me.

“Excuse me?”

“I said I didn’t ask you to do nothing for me. Whatever you did, you did because *you* wanted to or because you felt guilty or... whatever.” Neither of us was going to be the first to look away. When I could breathe again, neither of us had blinked.

“You know what, Lillie? You’re absolutely right. All this time, you’ve been the smart one and I’ve been the fool. All this time, you’ve been just stringing me along with a line of bullshit and probably laughing behind my back the whole time I’ve been taking your word as gospel for everything.

“Here you were doing just enough to get by. Every day I had a meeting outside the office and came in late, according to the sign-in sheets, you showed up only a few minutes before I did.

Yet, you never bothered to say a mumbling word about that. No ‘Sorry, I was late, but I had to...’ or ‘I’ll make up the time later.’ Noooo. You tell me the other secretaries don’t want to do my work because I’m black and they’re racists, but the fact is they’re tired of doing *your* work. Maybe they do resent me, but I bet they hate you.

“So, yeah, you get no argument from me. Everything I did for you, I did all on my stupid own. And just like I did all of that without you asking me to, I’m doing this on my own, too: Your ass is so fired. Effective right now, I’m giving you your two weeks notice.”

“Humph. You can’t fire me.”

“Ah, yeah, sweetie. I just did. And since you’re obviously one of those niggaz that needs to hear a white man say stuff before you believe it’s true, feel free to go next door and ask the one that hired both of us if you’ve still got a job.”

I didn’t last long after Lillie left. And by the time I left, the Attorney General still had not made his final decision about whether he would go with the groundswell of public opinion supporting revival of the death penalty. So, when I learned a short time later that the Bellotti had adopted the position I argued—i.e., against reviving the death penalty—I felt like, despite my chaotic six-month stint, I had made a small difference. And to this day, as one writer notes, “For the moment, Massachusetts holds true to the belief that a civilized people will not tolerate the state putting a human being to death. The issue, however, remains volatile, and the struggle is not over.”⁵³

Crazy

“Gaddamnit, bitch, you crazy! You...fuckin...*crayzee!*” His head wobbled as he leapt to his feet, sputtering.

Crazy. My familiar. A sobriquet I earned and proudly wore throughout college and two law schools. Back then, it was my peers who anointed me, but now my new boss was bestowing it based on a much more recent experience.

Firing Lillie freed me from her whisper campaign about the million and one ways “they” were trying to undermine “us.” I now believe the ripped open envelopes, crumpled mail, and correspondence that mysteriously turned up in the bottom of other secretaries’ trash cans were all her work. Maybe not. But I didn’t need her voice in my head to help paint my own scenarios of workplace booby traps and career landmines. My own paranoia—learned and usually justified—was sufficient to send me searching for another job. The job I landed was exciting because it paid a lot more than I was making and it was not only new to me, but was new period: a new position in a new department at a very old public agency.

Despite Lillie’s initiation, I was still pretty dumb and egotistical, a combination that made me well-suited me for my new post: Manager of Equal Employment Opportunity and Affirmative Action at the Massachusetts Bay Transportation Authority, the “T.” Robert R. (Bob) Kiley, the newly installed Chairman of the “T,” was a charismatic, well-spoken anomaly in Boston politics. His mission was to orchestrate a massive overhaul of the nation’s oldest public transit agency, from top management to tracks and trains.

With 6,600 employees, the “T” was second in size only to NYC’s system. Incredibly, however, in 1977 there were fewer than 300 women—mostly Italian and Irish—and about the same number of Black employees on the “T” payroll.⁵⁴ In fact, the Black and other employees of

color had all come in one push a few months before I showed up, jammed into the workforce by a lawsuit.

My job was to help the agency hire more women and people of color and to help correct the employment wrongs suffered by current employees as well as the ones who were still trying to get in. I would investigate employment discrimination complaints and recommend reparations as well as analyze and develop plans to dismantle discriminatory employment policies and practices. Alongside me, Marvin D. Williams, the Manager of Minority/Women Business Enterprise, was doing the same thing on the contracts side of the agency. His job was to develop policies and methods to crack open contract opportunities; and to help grow small and minority-owned businesses by removing obstacles that had been historically erected specifically to shut them out of competition for many millions of dollars in “T” business opportunities.

Together, Marvin and I knew that if we did our jobs properly, we could make a huge impact immediately. It wasn’t hard to see that the Office of Civil Rights had the power to help fundamentally and permanently redistribute the spoils of a system that provided jobs so secure that “T” employees passed them down—like family heirlooms—from one generation to another; and contracts so lucrative that they were distributed inside a tight circle ruled by kickbacks, patronage, and pay-offs.

Given that scenario, how could I not be an overwhelming success? The way I saw it, any hire who was a woman, or who was *not* white, or anything else I could get for any “T” employee who was a victim of discrimination, would be historic. The same for Marvin when it came to helping a minority- or woman-owned business land a contract. Consequently, while the fifty percent salary increase was a huge lure, the real hook was a chance to help create momentous change and the challenge of performing a tough job in the middle of chaos.

My boss, one of the first black executive hired, was part of Kiley's inner circle, itself an all-boys game. Except for my boss, it was a *white* boys' game. Over in the Office of Civil Rights, the ten of us, all hired within months of each other, formed a highly educated ghetto of Black professionals. Less than a dozen of us among 6,000 plus employees, daily we gnawed our way through a tarp of hostility.

The black bus drivers were new on the scene and equally unwelcome. After proving themselves qualified in all other respects to drive a bus, they had had to literally hit the lottery to win a plum position behind the steering wheel. Once seated, though, they would be joining the fortunate crew of bus drivers and train operators who had jobs for life, secured by labor union contracts that ensured automatic cost-of-living increases and generous overtime, sick leave, vacation, medical, and retirement benefits. With very little education, a guy—the number of women was less than negligible—who landed one of those jobs could live very well and when he got through with it, he could pass it on to his son, his cousin, his nephew, some other relative, or simply some other kid in the neighborhood.

So, of course, the white folks who owned all the jobs wanted to keep them for themselves. A bus driver living in a publicly subsidized, well-maintained, segregated white public housing project was in fat city. He could have his summer home “down the Cape,” grow up comfortably and die happy among folks who looked like him and thought like him. It was my job to help bust that up or at least the part that depending on hogging all the jobs funded by taxpayers' money being shoveled into the “T.”

A few years earlier, Federal Judge W. Arthur Garrity had found the Boston School Committee so racist and entrenched that he had thrown them out and installed a court-appointed receiver to run the public school system. Likewise, the Boston Housing Authority (BHA) was

embroiled in a state court lawsuit for racially segregating its housing developments, many of which were not fit for human habitation. BHA would also soon wind up under state-court receivership, imposed by Judge Paul Garrity. So, with the “T” under siege, that meant three of Boston’s major patronage systems had been invaded and were under threat of being crippled if not completely dismantled.

Boston’s local and state politicians and their constituents were furious. As part of the invading force, I felt compelled to make sure my fury matched theirs. If I had been the old line “T” employees, I wouldn’t have wanted to see me coming either. Understanding that, however, did not make me more tolerant.

Kiley had been appointed CEO of the “T” in 1975.⁵⁵ Before that, as Deputy Mayor of Boston, he was often at Mayor Kevin White’s side at public gatherings during the Boston School desegregation melee. The word on Kiley was that he was fair, pragmatic, progressive, and effective. He would need to be all of that and more to take down the ancient, huge public transit plantation full of white men hogging the good life on public funds.

After six months of shuffling paper for the Attorney General, I was past ready for action. If Kiley needed help kicking down doors, I was there. Plus, after doing time among the white settlement that was the Attorney General’s Office, I was thrilled to work with *my* people—a black boss in an office full of black people.

Kiley and the “T” sounded good to me even though his CIA background troubled me. After all, he hadn’t just been an agent, he had been a top aide to CIA Director Richard Helms.⁵⁶ Six years of being twisted by the law, though, had made me considerably more comfortable operating in murky gray instead of clinging to the blazing black/white, good/evil, right/wrong

dichotomies on which I had been raised. If I could help usher in lasting change and get a fat salary for doing it, count me in.

But we were still in Boston and it was 1977 and by now “forced bussing” had boiled over and left the pot in flames on the stove. That meant that there were many places where it was not safe for black folks to go. Homegrown black Bostonians and any other conscientious black person who spent two days in town knew where those places were, but the “T” apparently felt it needed to do more—needed to act affirmatively—to avoid liability. Consequently, when busses left the safe zones—Boston Harbor, Faneuil Hall, the Aquarium—and headed across the bridge into enemy territory—South Boston, Charlestown, the North End—bus drivers were required to stop the bus and announce that they would not be responsible for the safety of the passengers from that point forward.

Riders who had any sense would get off and catch a bus or a train going in the opposite direction. People of color who stayed were considered either desperate or stupid. Either way, chances were they were about to be cleaned from the gene pool.

All white folks assumed they were superior to you and all the men assumed they could fuck you. There was no point in getting upset about it. It’s just the way things were. My new boss would slide into his verbal harassment every chance he got. We’d be having a meeting about the cases I was investigating and right in the middle of our conversation, he’d lean back in his chair, peer over his reading glasses, bare his gap-toothed smile, and begin.

“You know I could have you if I wanted to, don’t you?”

“Yeah, right. You and what army?”

“Why you like that? Why you try to play like you so hard. You need to loosen up and let a man take care of you.”

“I have a man. He’s called a husband. He probably wouldn’t be all that thrilled if I started hanging out with you.”

“Naw, I don’t mean like that little shit-colored nigga. I mean a *real* man. A *black* man. That’s your problem. You ain’t never had a *black* man turn you out.” And on and on. Our exchanges almost always ending with me telling him to kiss my ass and him saying that’s what he’d been talking about all along. I’d promptly go to Marvin and Celia and report it all to them in great detail.

Still, it wasn’t the harassment that made me turn on him. It didn’t even occur to me that his sexual advances might be grounds for some disciplinary action. What made me decide to do him in was his complete lack of integrity and his clear disregard for black folks’ struggle except as he could exploit it for his personal gain.

A pair of black community activists approached me for help. They believed that Jim was undercutting their efforts to help blacks and other people of color get good-paying jobs as bus drivers, members of construction crews, and administrative jobs inside the agency. They said he was doctoring information to cover up his sellout, all in a bid to make himself a kingpin and to shut out them, the community activists, my two new friends who claimed they were working for the larger crew of dispossessed potential “T” employees. Soon, I was slipping original documents into my briefcase and delivering them to the activists so they could compare what I gave them to the documents Jim gave them.

From then on, whenever started his lip-licking, smarmy come-ons, I’d sit there smug with certainty that he was about to be toppled and I would have a hand in it. I had handed off the latest stack of documents over the weekend. When Monday rolled around, Jim stormed into my office after lunch and just stood there silently glaring at me. He was a big, black-black, breathing

representation of what all Americans—black and white—are taught to fear. He knew it and brilliantly flipped it to his advantage. I had glanced up when he entered and saw that he was in performance mode, so I went back to what I was doing. He closed the door, pulled a chair up to my desk, and sat there, still silent, using his index finger and forefinger to draw circles from the top of his lips to the bottom of his chin, over and over. Then, he began speaking barely above a whisper.

“What would you do if you found out that somebody you thought you knew and thought you respected—somebody you even liked—had gone out and stabbed you in the back? I mean, I’m not talking about some dumb country muhfucka. I’m talking about one of those niggas who looks good, talks good, and knows how to carry they self. Somebody you gave the best job they ever had, you know, somebody you thought you were doing right by. What would you do if you found out you had some nigga like that working for you?”

We studied each other intently for a heavy, strained minute. Then I leaned closer and whispered, “I’d fire the bitch.” Then I went back to what I was doing when he entered.

“Gaddamnit, bitch, you crazy! You fuck-in cra-zy!” On his way out, he slammed the door and stomped back across the hall to his office. I sat there trembling, dazed with disbelief. How in hell had he found out?

I was smart, but Jim was brilliant. When confronted with the evidence I had provided the activists, he had promptly changed tactics and offered to cut the community activists in on his deal: He would give them access to lucrative jobs and contracts they could then distribute among their blacks if they would stop trying to throw a wrench in his program. As an aside, according to him, they advised him to do a better job of knowing which of his staff members he needed to keep an eye on.

So, there I was humiliated and angry—again. Although I had been duped this time by more sophisticated actors playing a much more sophisticated game, I had still turned out to be the stupid one. I had ignored the advice of mentors who had tried hard to warn me away from the community activists who had a reputation for using others in precisely the way they had used me.

On the bright side, being busted by my boss only months into my new job had an upside: At least he knew he couldn't trust me, so neither of us had to pretend otherwise. Fortunately, I had plenty of above-board work to keep me busy and I set about doing it, determined to prove that if I couldn't compete in political gamesmanship, I could still excel at my job.

Ironically, my first case equal employment opportunity cases involved three white women who had been working at the "T" for more than thirty years each. All Irish Catholic and unmarried—single status being a requirement of continued employment for women at the "T" into the 1960s—they had trained and propped up hordes of men who had been promoted to higher-paying, higher status jobs throughout the agency. Because they were union members, the women had been able to use their collective bargaining agreements to obtain most of the job step and incremental pay increases called for in their union contracts. Outside of that, however, they had received no promotions and no merit increases.

I threw myself into the investigation of their claims with all the tireless vigor and self-righteous indignation appropriate to my age and inexperience. Forced into conversation with me, the "T" men I interviewed were understandably hostile and belligerent and I did nothing to win them over. Even among that crew, Joseph H. Elcock, the General Counsel and the agency's chief lawyer, stood out. A relic who epitomized the entrenched patriarchy that was the "T," Elcock seemed moments away from a massive coronary each time I ticked off a question and raised my

eyes to his as I waited for his answer. That we were both Harvard Law alumni and former Massachusetts Assistant Attorneys General did not create a bond.

He answered every inquiry negatively. No, he had no idea these problems existed. No, he did not believe there were other women employees who had experienced the same problems. No, he did not think the agency was at fault. No, he did not think the agency needed to change the way it treated its employees, women or not.

As I later reported to Marvin, who had quickly become my confidante and great friend, I was extremely relieved when I finished with Elcock without incident. I did not want to be present if his barely contained fury from having to countenance me blew out one of his major organs. He had looked that apoplectic when I interviewed him.

My report read like a novel. Opening with a description of the hostile environment that was the “T,” it moved into the details of my exhaustive investigation, and climaxed with my recommendations for resolving the women’s individual complaints. It concluded with my proposed fixes for the overall system of hiring, promotions, and pay increases. As the women and I waited, the report floated through many hands and in-baskets. Nothing happened. Then there I was again: Angry and armed for a fight.

With his hands clasped behind his head, his foot on his knee, Jim rocked in his recliner, softly ridiculing. “Why you so concerned about these white bitches? You must’ve forgot what you came here to do. I’m trying to get niggaz some jobs up in here so they can feed they families and you running around here behind some white chicks whining because ain’t nobody promoted they asses. They better be glad they got jobs. See? That’s what happens when they let you niggaz go to Harvard. You lose your damn mind.” He had fired the starter pistol, so, of course, we were

off, cursing and yelling, back and forth. He was no match for me in an argument and we both knew it, but he had a trump card he was always willing to play—the sexual segue. He segued.



Under siege.(Summer 1977)

“You know what you need, don’t you?” He stopped rocking, planted both feet on the floor, lips peeled back into a gap-toothed grin. “You need to get rid of that crazy shit-colored nigga of yours and let a real man who knows how to treat you take care of you. That’s what you *need*. Bring your ass back to your senses.”

“What I *need* is for you to stay the fuck out of my business and let me do my job.” I slammed his door on the way out.

“What did you do to him *now*?” my secretary asked, laughing. My routine with him was familiar so, unlike in months earlier, her eyes no longer widened in disbelief at the shouting and cursing that emanated from his office whenever I was there.

“Bernestine, I’m serious. You had that wall shaking!”

This time I was shaking, too. Not from the volatility of our encounter because that had long since ceased to faze me. What unnerved me was that I had no real comeback when my boss used the bullet I had given him. I had not voluntarily offered up information on my private life. But since it seemed likely that Nick would show up drunk and dangerously intent on his countless plans to murder me, I owed it to my boss and co-workers to warn them for their safety and mine. My efforts to protect myself from my abuser at home had made me more vulnerable to the one in my office.

The disastrous coupling that was my marriage had begun the night I accepted an invitation to a party hosted by the group I had jokingly threatened to join in the fall of 1974—Boston University med students. But I remained blissed out and breathless until it started coming violently undone four days after I married Nick the summer of 1975. Yet, I stayed. Against all of my home-training and every vision I had ever had of who I was, I stayed.

Two years later, I had fled our apartment the summer of 1977 and was in hiding from the man I had married because he had decided he needed to kill me. Though he did not know where I was living—only my secretary knew that—he phoned my office incessantly to beg me to come back home. When that failed, he switched to threats, describing the newest detail of precisely how he planned to execute me. So I finally broke down and confessed it all to Jim. In doing so, I swapped my husband’s terrorism for my boss’ pathology, trying to protect myself at work as I cowered at home. My chaos continued.



Caught in the eye of the storm. (February 1978)

The fall of 1977 brought calm, so I went back home. We bought and moved into a house in an upscale suburb south of Boston. I stayed put for nine months and then one day came home from work and realized I couldn’t take it anymore. In the end, it was my refusal to submit, my spouse claimed—my refusal to act like a wife and let him “be the man, Goddamnit!”—that drove him to drink and murderous rages. After finding the courage to dump Nick in the summer of 1978, I dug further and faced the reality of my work life. Even though I was burdened with a

mortgage based on two incomes and even though I had no job prospects, I quit. I refused to lend my name or my presence to an “equal opportunity and affirmative action” operation that was everything except that.

So, eleven months after I started the best, highest-paying job I had ever had, I was done or, more accurately, outdone and I had no one to blame but myself. I wrote my letter of resignation and made an appointment to see Kiley.⁵⁷ I was leaving, but I refused to go quietly.

It was the first time I had ever been in Kiley’s office because it was that hierarchy thing again: Underlings were not allowed to speak directly to God who, at the “T,” was Kiley. But Jim had told me that Kiley had fingered me as the informer. I always believed in confronting my accusers even when they were telling the truth, so Kiley was the logical place to go. I was in his office to tell him to his face exactly why I was leaving.

Seated across from Kiley, I was neither contrite nor apologetic. I had my resignation in hand, so I wasn’t afraid of losing the job I had already decided to quit. In fact, I was looking to brawl. Thoroughly disgusted with the enormous gap between what I had been hired to do and what was being demanded of me, I had no intention of allowing my continued presence to lend credence to an office that I felt was being operated without integrity and total disregard for the public good, I told Kiley. And if he believed half of the things he said publicly, he, too, should be seriously concerned about the office I was leaving. The lottery system was a sham. The contracting procedures were a sham. It was all business as usual, with just a few colored hands added to the till.

Kiley listened intently until I finished, then began a philosophical discussion about changing organizations. According to him, taking control of their physical environment was key. That was why it was so important to keep graffiti off the trains, buses, and station walls no matter the

effort and expense. Erasing the graffiti wiped out the vandals' power and showed them and the passengers who was in control. He understood my frustration that nothing seemed to be changing, but systems could not be dismantled overnight. They had to be taken down and replaced, piece-by-piece. That way, he assured me, if people came after us and decided to destroy our work, they, too, would have to do it piece-by-piece.

Kiley looked so earnest it was easy to believe him. Still, I couldn't help pointing out what he seemed to be overlooking. "What makes you think anyone's going to spend the time taking this thing apart piece-by-piece? They won't. They'll bulldoze it and be done with it—snap!—like that."

Kiley said he was sorry to learn that things hadn't worked out, but maybe I'd consider looking at job openings in other departments. I didn't think so. Just a look, he encouraged. Since I had already made up my mind to leave, what harm would it do to just look?

I took a brand new position in a brand new department at the "T." I had learned—or learned again—an important lesson from my eleven months working with Jim: I had tried to be a team player, but it was impossible to play ball if I was using both my hands to hold my nose. I wondered if I'd ever find a work environment that inspired my loyalty and respect, that felt welcoming and reciprocal.

Sitting on the second floor of Back Bay Station surrounded by files and plat plans, though, I didn't have to worry about any of that. Looking out over the copper-roofed buildings where scenes from the movie "Brink's" were being shot below, I began assembling the real estate management division for the "T's" commuter railroad department. It was a perfect job: I worked alone; I was not required to make judgments involving right or wrong; and each day, I brought a bit more order out of chaos as I created an inventory and operating system from scratch.

Life at home was the other extreme. I had survived for months by tiptoeing around in the calm that marked the eye of a storm. Then came the deluge and the destruction. The wreckage in the aftermath confirmed what we already knew: there was no more us, no more desire to be us. I got Nick to agree to a “no fault” divorce, a new phenomenon in Massachusetts at the time. No need to pronounce the old grounds for divorce—assault, adultery, or abandonment—even if the first two applied. The divorce complaint I filed listed “irreconcilable differences” as the reason for our permanent split.

A week later, Nick had changed his mind. Unfortunately, I hadn’t. Bereft of all control he felt due as “a man, Gaddammit!” he resorted to threats of death and dismemberment. Again.

I was so busy looking over my shoulder, trying to duck and dodge his madness, I never saw what was coming from the opposite direction.

Help

“If we had dropped Bernestine down in the middle of Viet Nam, she would’ve still ended up at Harvard Law School.” With his arm around my waist, a beaming Mr. Champion, my high school guidance counselor, extolled the inevitability of my arc to folks to whom he had just introduced me. Tirelessly spit shining his myth of me, he kept his story short, the better to spotlight only the glorious high points. He knew better, of course, but chose to skip the parts that weakened the legend. It was summertime 1978.

Mr. Champion was not the only one who preferred the version of my life that fit his script for me. Marie had been like that. I still was.

Not long after Mr. Champion rated me off-the-charts for my resilience, Marie put me through my paces that fall. When she came east and I went west to meet at the farm, she had one tiny request: Even though I was under siege by a violent estranged spouse pushed deeper into rage by our impending divorce, mum was the word.



Keeping the Wisconsin peace. (Fall 1978)

There had never been a divorce in her family, she claimed. Better not to have the jagged edges of my life rough up the greeting card contours of hers. No problem. Misery might have loved company, but that weekend, I was on my own. Nothing to do but buck up and plow ahead. I smiled dutifully day after day, ever mindful of exceeding my hostess' highest expectations for a lovely, frolicking, untroubled visit.

Railroaded

I cruised the snow and ice-encrusted parking lot looking for a vacant space. A big white Cadillac, headed in the opposite direction, passed us. My second time around, I spied a spot on the right and parked. It was about 8:45AM when I locked my car and left the South Station Amtrak Parking lot. The Cadillac lumbered slowly past again. The guy I had given a ride to work walked beside me. As we passed the Cadillac now parked on the street, the window rolled down to reveal a beefy white guy in a black leather jacket, wearing a brown leather tam cocked to the side, slouched in the driver's seat. "Yews pahk yuh kah ovah thayuh?" *Yous park your car over there?* Part question, mostly snarl.

"You just passed us in the parking lot *twice*, so you saw where we parked. What's it to you anyway?" We kept walking.

"HEY! Ah'm talkin' tuh yews! Yews pahk yuh kah ovah thayuh?" *I'm talking to yous. Yous park your car over there?* He got out of the car.

"What's with that asshole?" my passenger, a tall white man, asked.

"Just ignore him. Keep walking," I advised. Cadillac man caught up with us.

"Amtrak police. I need to see your identification."

"Yeah, right."

He flipped his badge near my nose and continued. "You leave that car there, it won't be there when you get back." I flipped my set of comparable ID close to his face while rattling off my right to park in the lot: I worked for the "T," which owned the property, which was part of the inventory I managed, which gave us the right to use the property, including parking my company car in the parking lot.

"So, why don't you have yourself a really nice day and get outta my face?" I concluded my recitation.

“Ah’m warning you!” he shot back, walking past me towards the main station entrance.

At the traffic light, I caught up with my ride, the person who had spent the night at my house in my bed. The light was still red and before it could change, I touched his arm. “You go ahead. I’ve got something I need to do.” He bolted across the street, visibly relieved at making his getaway from a situation he wanted no part of.

When the Amtrak cop first opened his mouth to me and I looked him over and quickly read the situation: Irish (I presumed) male sees black woman in the driver’s seat with another white Irish (I knew for a fact) male early in the morning. Maybe he had even seen us kissing. Translation: *trouble*. Some other time, I might have passed off the cop’s rudeness as a routinely racist Boston encounter from one of its indentured oppressors.

My recent domestic experiences, however, had ratcheted me down to zero tolerance for bullying. It had been months since I required the services of the Town of Milton police as my driving escort into Boston while I fled my ex-husband’s increasingly inventive and graphic homicidal threats. Though I was still raw from that humiliation and fear, I had no intention of running down that road again. Not at home, at work, or anywhere else. And I damn sure wasn’t going to be pushed around by some thug for being where I had every right to be. So I headed inside South Station looking for the parking lot vigilante.

He was at the coffee counter stirring his brew with his back was to me, so I placed my thumb and forefinger on either side of his right shoulder and turned him around to face me. With the coffee seller looking on, I tried again.

“I’m going to tell you this one more time and I hope you get it straight once and for all. My name is Bernestine Singley. I am Manager of Railroad Real Property for the “T.” We run the commuter service here and we have a right to be anywhere on this property we want, including

parking our cars here. If you can't remember all of that, here's my business card. Call me and I'll refresh your memory." I slid my business card under his half-eaten jelly doughnut and left.

Up to that point, either one of the things he saw when he looked at me might have constituted a punishable offense: that black woman/white man thing; failure to be properly cooperative or submissive when confronted; or upping the ante by publicly confronting him with my authority. I answered the questions he had not yet spoken, the ones that were always there nevertheless: *Who* did I think I was? *Where* did I think I was? Now he knew.

The day Officer Amtrak caught wind of me, I had parked in a remote section of the South Station lot on the southern end of the rail yard where railcars on sidetracks obstructed the view in many directions. After our altercation, I instinctively switched to a small lot on the northwest side of the building where the other Commuter Rail guys parked. From there, I was clearly visible to sidewalk and street traffic as well as commuters streaming into and out of South Station all day long. No point in giving a hostile white man a chance to corner me somewhere we couldn't be seen.

~ ~ ~

Polly W. Russell was the only other woman in the department who was not a secretary and we had quickly become good friends. That did not mean, however, that we always saw things eye-to-eye. Our life experiences made us opposites attracting. She was from a wealthy northern suburb, had grown up on the campus of New England's most elite boys prep school, was a Mt. Holyoke College graduate, married to a cutting-edge architect, with whom she had three children, and she was white. She had just returned to work-for-pay after a hiatus as a stay-at-home mom. Before then, she had been an avid community activist with a politically astute, progressive, ethnically diverse group of grassroots activists in Roxbury, Boston's black ghetto.

Polly had come to Commuter Rail as a classic liberal, brimming with good intentions. Like many others of her ilk, she had heard countless stories of “discrimination,” but had never seen it in its rawest form. When she first showed up in our department, she had assured me that railroad men were not like the “T” guys I had learned to loathe. Railroad men, she said, were really just a bunch of mild-mannered, WASP suburbanites who loved trains and good-natured bantering. I was not to confuse them with the “T” crew—the surly multi-generation, patronage beneficiaries who sat on their lazy fat (usually Irish or Italian) asses, frittering away the day until it was time to go home to Southie, Dorchester, Charlestown, or the North End.

The “railroad guys” seemed to nurse such a separate identity. After all, they were “T” employees not by choice, but by merger. In the summer of 1965, the “T” had received massive funds from the federal government to improve ten mass transit stations. As part of the deal, the “T” also received rights to the entire New Haven Railroad's network of commuter rail lines and rights-of-way within the Authority's seventy-eight communities.⁵⁸ In July 1974, the Commuter Rail Directorate was established, making the MBTA the only public transit system in the US that owned its own commuter rail service. The railroad guys came to the “T” with the rolling stock, the tracks, and the land. Not only was Polly convinced they really were a different breed than the blue-collar “T” bigots, she convinced me, too.

What we both were about to learn was that railroad men—like men generally in male strongholds of the 1970s—still harbored extreme resentment against women intruders and, like enemies everywhere, they had many ways of showing it. They could actively try to do you in; they could smile in your face and stab you in the back to preserve their turf of trains and tracks. Or they could sit back and let others do it for them.

As her reentry glow subsided, Polly began confiding her misgivings about whether she was right for her job. I assured her she was a perfect fit, that what was really rubbing her raw were the threatened men working around us who daily whittled away at her confidence. Gradually, a much bigger concern emerged. Polly's job was handling handle passenger complaints and communicating rail service interruptions—schedule delays, train cancellations, route changes—to the riders. A fierce passenger advocate and outstanding communicator, she was always on top of things, which made for an infuriating irony since her supervisor was an expert at sabotaging her.

Threatened by Polly's intelligence, passion, and sincere camaraderie with the passengers, her boss responded by routinely belittling her. Shutting my office door behind her, she'd plop down in a chair and tearfully report his latest undoing. I'm ashamed now to admit I belittled her as well—for often submitting to his abuse, for being fifteen years older, but lagging light years behind me when it came to fighting back against cruel men at work. Secretly, though, I envied Polly's ease around the railroad guys. I assumed she knew how to handle them because they were like her father, brother, uncles, her neighbors. She might have learned not to trust them, but that never seemed to stop her from adoring them.

~ ~ ~

Polly was flabbergasted when I rushed into her office after my first encounter with the off-duty Amtrak cop to tell her what had happened. "He did *what?!*" she sputtered. "I told you he's a weasel! You're *much* too good for him. Now do you see what I mean?" It took me a second to realize she was pissed off not about the cop, but about my passenger who had immediately abandoned me when it looked like I might've needed him. "Oh, please. He's irrelevant. You need to focus on the fucker who threatened to tow my car." First she looked confused, annoyed.

“What’re you talking about? South Station is *ours*. We can park wherever we want! C’mon, Bern, you’re not making any sense.” A few days later, the yelling started.

Men in a window called down to me from several floors above the station office building adjoining the parking lot. I grinned up at them and waved, thinking they were Commuter Rail guys who were constantly in and out of the B&M and Amtrak offices at South Station. We had a running joke going about them hiding out at South Station so they could sleep on the job. “Aha!” I yelled back up at my friends in the window. “Now we know where you go to nap!”

One guy flipped me the bird; another clasped his hands as though he were choking and shaking someone. I looked behind me to see if they were talking to someone else. There was no one there but me. When I looked back up at them, my original greeters had been joined by three or four other men, all laughing, all white, and all gesturing at me.

The next day, the window greeters had disappeared. The day after, they were back. As days passed, I never knew when they would be there or how many. Sometimes there would be only two or three uniformed cops at ground level, smoking and leaning against the chain link fence separating the parking lot from the passenger platform. Other days, there could be half a dozen.

Still, some things remained the same: all of them were white and when there were no passengers within earshot, the Amtrak bullies shook the fence as they described how they were going to teach me my lesson for not knowing my place. I ignored them even though sometimes they were only a few feet away on the raised entryway to the station. My preemptive strike had backfired. Now I was the target.

After reporting the first few incidents to Polly, I could see she wasn’t convinced I was being harassed. I couldn’t really blame her because I had begun sounding crazy even to myself. Was there anything I wasn’t telling her, she wondered. After all, I had been known to overreact. I

could get so *emotional* sometimes. Might this be one of *those* situations? Pissed off and hurt, I decided to shut up and figure out how to handle things on my own.

Meanwhile, driving to work every morning, I dreaded not knowing who'd be waiting or what vitriol I'd have to endure just to get from my car, past them, to the sidewalk. During the day, I used the two-block walk from our offices down to the parking lot to steel myself against a new level of parking lot madness. At the end of the day, I timed my arrival in the lot to coincide with my office mates who parked there too.

There was nothing more I could do. If even Polly doubted what was happening to me, there was no point in expecting anyone else to believe my version of events. But then, one day in late February, Polly turned a corner to a new kind of consciousness.

She asked to ride with me to one of the rail stations to deliver some flyers. I was glad for her company and relieved when we left the parking lot without incident. In fact, I had been coming and going in peace for several days prior to that. But the harassment had stopped suddenly like that before, so I knew better than to let down my guard thinking it was over for good. "I hope we don't have a problem getting back into the lot," I muttered as we approached the station. "What kind of problem?" Polly asked. I ignored her question as I turned off Atlantic Avenue, headed for a parking space. Suddenly I slammed on the brakes to avoid hitting two Amtrak police blocking the entry. "Here we go," I said, nodding towards the cops.

Polly motioned for them to move aside. When they didn't budge, she stuck her head out the window and sang out, "It's okay, guys, we work for the 'T.' We belong here." The men still didn't move. She was momentarily dumbstruck. Then she was out of the car, yelling, "Move! I mean it!" Arms akimbo, they checked the sky for clouds as though her voice fell from above. She kept going.

“Why are you doing this to her? What’s wrong with you people?!” While they were distracted, I whipped past them into the lot.

We walked silently back up to the office. As we left the elevator on our floor, Polly touched my arm. “You okay, Bern?”

“No, Polly, I’m not okay.”

“I’ll go with you to talk to Brew.”

“I’m not talking to you, Brew, or anybody else about his. He could’ve put a stop to this whole thing when I went to him the first time. But he just sat there looking at me with that dumb expression of his and then we both know what he did: absolutely nothing.”

“Wow, Bern, they’ve really worn you down. I never would’ve thought you’d let Brew off the hook like this instead of making him do his job.” That pissed me off and hurt my feelings.

“You know what, Polly, why don’t you go in there and make his do his job? It’s bad enough I’ve gotta fight those assholes out there so excuse me if I don’t have enough goddamn energy left to come in here and insert a spine in Brew, too. You do it.”

~ ~ ~

It was early spring when I pulled into the parking lot after another trip to the suburban stations. By then, I had been under siege for months, but I had given up complaining. Though I had left the lot without a problem, when I returned, there they were, two Amtrak officers—one male, one female. As soon as I got out of the car, the guy was at my side, taunting me as his female accomplice, mugging menace, navigated a tight circle around us. It was the first time a woman cop added her vile to their chorus and seeing her join my posse of tormentors suddenly deepened my dread. I knew they had decided she’d be the one to take me down.

“Fuck you,” I said as I locked my car and walked past them.

“Hey, she wants to fuck me!” one of the men yelled to his friends watching from the other side of the chain link fence. He grabbed his crotch and gave it a few tugs, setting off whistles and shouts among his crew.

“Bitch, who do you think you are anyway?” the woman weighed in, inches from my face. “A cop tells you to keep your black ass away from here and you think you can just ignore us?” A tiny bead of snot quivered in the corner of her nostril, matching her rheumy eyes. I held her gaze for a second before responding.

“Fuck you, too, you disgusting, diseased bitch.”

“Ooooo! We got a little AC/DC shit going on, fellas. We got a nigger dyke on our hands cuz apparently she wants to fuck me, too!” The chain link cheerleaders erupted even more loudly. I was almost on the sidewalk when I stupidly wheeled around and headed straight for the fence with my two assailants in tow. Then, pausing in front of each leering white face on the other side of the fence, I said what I came to say.

“Fuck you. Fuck you. Fuck you. Fuck you. Fuck you. And fuck you, too.”

Black Robed Justice

Still trembling with fury, I stormed into Brew's office. I generally gave him wide berth because, even though he was head of Commuter Rail, he seemed constantly confused and overwhelmed by his job in a big city transit system. The few encounters I did have with him left me feeling like I was a seal from a circus act that had gotten trapped in the House of Mirrors. That day, though, I refused to leave until Brew agreed to report the entire harassment saga in writing to Amtrak. It was easy to force his hand because I had Polly as a witness and I wrote him a memo detailing the rapidly deteriorating situation. By the end of the day—record time for him—a copy of Brew's letter to Amtrak appeared on my desk. My tactic had worked. By creating a paper trail, I triggered the first rule in bureaucratic butt-covering: for every written complaint, there must be a written response.

Last Wednesday, one of your police officers ejected one of our employees who was attempting to return our Authority car to this lot, advising her that the MBTA had no right to use this lot.

Please be advised that under the terms of the Authority's License Agreement with the Boston Redevelopment Authority, the MBTA has the right to the use of this property "for the purpose of carrying on its commuter rail operations." Furthermore, I have checked with the BRA, who advise me that Amtrak has no rights whatever to the use of this lot.⁵⁹

So there it was, Brew's sanitized version of the issue: a boundary dispute reduced to one page. No mention of the long running racist and sexist harassment, the physical intimidation, the false imprisonment, the threats. "Well, it's better than the nothing I expected," I said to a co-worker who had been tracking the situation from the moment I burst into Brew's office.

"Are you sure he sent it?"

"What? Well, yeah, he gave me a copy. Why would you ask that?" A few seconds later, Polly, the person who asked the question, and I were searching the office trashcans. There among

the other debris was the crumpled original of the dated and signed letter which had been copied and given to me. Holding the discarded proof of the attention my boss thought my dilemma merited, I heard the circus seal begin barking.

With my fears confirmed about my coworkers' acquiescence in my harassment, I grew increasingly paranoid about getting caught alone in the South Station parking lot. Instead of continuing to work late, I had started leaving work when everyone else did at the normal close of business. That way if anything happened to me, I reasoned, there would be witnesses. So there I was in mid-March, a block from the parking lot, my eyes already peeled for trouble after a long day. Seeing no loitering Amtrak cops, I speeded up, relieved that I would make an unimpeded getaway.

I shifted into reverse, looked over my shoulder, and slammed on my brakes. From out of nowhere, an Amtrak police car with two officers had stopped within inches of my rear fender. Then another Amtrak police car whipped into the parking lot and stopped at an angle to the rear end of the first one. Together, they had me penned in. In my rear view mirror, it looked like the two cops, a man and a woman, in the car directly behind me were necking. I laid on my horn. The loud blaring noise changed nothing. The cops remained entwined. I locked my door and sat there, panic rising, with no clear thought of what to do. The whole scene was bizarre. If no one had believed me before, they certainly wouldn't believe this.

If I got out, they could shoot me and fake a cover-up. If I stayed there... Hell, no! That would never happen. I grabbed my briefcase and flung open the door just as two Boston Police squad cars rushed to the scene, blue lights blazing, and blocked the parking lot entry. The male and female Amtrak cops were outside their car now and strolled over to meet the Boston cops. I rushed towards the group, confident that when I identified myself to the Boston cops, I would be

able to defuse the situation. Once they knew who I was, it would be over. Holding my identification up next to my face, I beckoned the Boston police, weak with relief that help had arrived before I died.

Both Boston police watched me approach as they continued talking to the Amtrak police whose backs were to me. In the tiny parking lot, I was upon them with a few long strides.

“Excuse me, officers. My name is Bernestine Singley. I manage this property for the “T,” I am parked here legally and I’m trying to leave, but these people won’t let me out. They’ve been harassing me for months and...” A squawk box from a squad car drowned me out. I began again.

“Officers? May I speak with you, please? My name is...”

“Do you see us talking here? What’s the matter with you? Nobody asked you anything. Step back and shaddup!” The commotion was drawing a crowd of passersby.

“But they’re lying! If you’ll just look at my identification, you’ll see I can explain what’s going on!”

“Didn’t I tell you to shaddup?” the Boston cop roared. “If you say one more word—*one more*—I’m hauling your ass in for disorderly conduct. Now, get back!”

“Arrest me? ARREST ME? You’re going to arrest me for trying to tell you what’s going on here?!” The tow truck pulled up beside the parking lot. With the engine idling, the driver jumped out and motioned for the cops to move their vehicles so he could get to mine. Meanwhile, the second Boston cop walked towards me with a traffic ticket in his hand. The circus seal was back, flapping around in the House of Mirrors.

“Fuck you! Fuck ALL of you!” I screamed. The tow truck cranked noisily as it hoisted my car on a hook in the air until only the rear tires touched the ground. Then it began slowly rolling

backwards out of the lot dragging the Commuter Rail Department's bright yellow Ford Fairmont along behind it.

Several of my co-workers on their way home from work saw the commotion and me at the center of it. Instead of coming to my assistance, they chose to call back to our office, advising that someone needed to get down there—fast. Polly's boss, came running. It was his white man's word that saved the day. He convinced the Boston cops to instruct the tow truck driver to release the car. Without looking at or otherwise acknowledging me, Polly's boss had taken charge. He apologized profusely to the squadron of cops for my behavior, earnestly beseeching them to excuse the impropriety of the whole mess. Standing shoulder to shoulder with my Amtrak tormentors, he did not see me—his peer, the occupant of the office adjoining his, the Manager of Railroad Real Property in the department where he worked—when I walked out of the parking lot.

To this day, how I made it home that evening remains a mystery. What I do recall is that once I got there, I crawled into bed, pulled the covers over my head, and curled into a fetal position. There I remained, alone, not eating and rising only to relieve myself. I refused to answer my phone or my doorbell. I had decided to do the only thing that made sense: Just lie there until I died.

What was the point of living? I had done everything I was supposed to do the way I was supposed to do it; had armed myself with the best credentials for competing in “the real world.” But the more I prepared, the worse things got. All I had really accomplished was inspiring hatred for just showing up. The harder I worked, the worse it got. The more I insisted on walking with my head up, the more determined they were to make me kneel. The more I insisted on the respect I deserved, the more contemptible I became.

In the world I had constructed for myself, I was a smart, well-educated, hardworking, well-paid black woman capable of doing a man's job better than he did and able to take care of myself. I had cleared every hurdle along my path, more than a few with tremendous difficulty, and had earned the right—and been blessed and lucky enough—to be where I was. In the real world, though, any racist cracker on the street could turn me into a target, make me invisible, drive me nuts, get me arrested, even get me killed. And there was nothing I could do to stop them. There was no one who would—or could—help me.

All my degrees, my suits, my heels, my briefcase, my business card, my paycheck, my track record meant nothing. All of my life spent being “a good girl,” a model Negro, finally an assertive, entitled black feminist—irrelevant.

Who do you think you are? *Where* do you think you are? Lesson learned. Game over. The only thing left to do was die.

As I lay there trying to die, the men convened in Brew Clarke's office, drawn there by their need to address my public eruption. Polly asked permission to join them since she had not been invited. Yes, they said, she could come in if she promised to sit there and not say anything. More than twenty-five years later, anger raised the pitch in her voice as she told what happened next. She was still incensed by her conditional acceptance and by what transpired in the aftermath of my meltdown.

“Goddamnit! I should not have to take care of these emotional outbursts,” Polly recalls one of the men exploding. At her retelling, though, decades later, we could laugh, remembering that the complaining party routinely flew around the office in hysterics, a feat enhanced by his stature, which was that of a belted marshmallow.

“That’s what happens when you let women and spooks in,” offered another of our coworkers, an elderly North Shore patrician Polly was fond of because, she said, he resembled men in her family. “And he wasn’t even trying to be cruel,” Polly remembered. “He just said it as a matter of fact.” Polly was dumbstruck, then, outraged. But she had promised to be quiet and so she was. The conclusion was unanimous with Brew pointing out the obvious. The car I drove was a shared vehicle and no one else—i.e., the white men—who drove it ever had any problem getting in and out of the lot. If I was the only one with the problem, then clearly it must be something I was doing to cause it, in which case it was my problem and not anyone else’s. And Polly needed to be careful, she was warned, lest she, like me, become a problem.

When the utility company cut off my electricity for nonpayment, I got up out of bed and went back to my job. On my feet again, my survival instinct kicked back in. Bob Kiley had already resigned as “T” Chairman following the election of a rightwing Governor whose political wrecking crew had named, but not yet installed, Kiley’s successor. I took a memo to Ron Tober, the “T” Acting Chairman, summarizing my failed attempts at getting the pigs off my back. On Tober’s orders, Brew set up a meeting with Amtrak. A month after the towing saga, we trooped over to iron things out.

Brew was there along with other men from our department, Amtrak supervisors, and me, the youngest, the woman, and the sole person of color at the table. No Amtrak police officers showed up. My follow-up memo to Clarke summarized the meeting and my hopes and dreams for what would not happen next.

It is my understanding that now that the car which I drive...is shown as being one that belongs in the Amtrak lot, there will be no further incidents questioning my right to leave or enter the parking lot, nor will there be any further questioning of my identity as an MBTA employee.

It is my further understanding that those police officers who have harassed me in the past will be informed that any subsequent behavior will result in charges of discrimination being filed with the MCAD⁶⁰ and, ultimately, suit will be filed in federal district court.

Finally, it is my understanding that the slate is now cleared as far as my use of the Amtrak parking lot is concerned...As you may recall, one of the Amtrak gentlemen present at the meeting mentioned that he was of the opinion that there was “something personal” going on between me and one of his officers. The only sense I can make of that is that the officer he described did inform me on Thursday that “criminal charges had been filed” against me. I am stating, for the record, that if anything further develops from this situation, I will, without hesitation, file suit against Amtrak, naming the gentlemen in the meeting as well as six or seven individual police officers as defendants. That means that our agreement today must have the effect of absolutely and unqualifiedly assuring us that there will be no further action by Amtrak or the Authority as it relates to the matters which have transpired up until this point.

I have attached a draft of a letter which I feel would appropriately state our position at this time. Copies of the letter should be sent to all persons who attended the meeting. You have my sincere thanks for your efforts to see this issue resolved.⁶¹

Two constables showed up looking for me exactly one week after our big confab with the Amtrak head honchos.

I had wrapped up for the day when the secretary buzzed me to announce I had guests. The uniformed officers met me as I rounded the corner and served me with two summonses: one for criminal trespass and another for “assault and battery by means of a dangerous weapon to wit, an automobile.” The alleged victim was Amtrak cop Michael Joseph D’Amico and the alleged witness was Amtrak cop, Joseph E. Davis.

Because I had been on the job when the alleged incident occurred, I was entitled to be defended by the “T” legal department. But the legal department never offered to defend me, nor would I have trusted them if they had. My divorce had saddled me with a home mortgage based on two full-time incomes and I was stuck with several maxed out credit cards, all in my name since I had been the creditworthy spouse. But as broke as I was, I hired my own lawyer to defend me.

Jonathan Shapiro was a partner in Stern and Shapiro, the best civil rights firm in the state. Although I had never met any of them, Shapiro, Jonathan Stern, and their associates were well known as brilliant, fearless, activist lawyers who won. And they were within walking distance of my office. Finally, the tide seemed to be turning in my direction even if I had no clue what it would cost or how I would pay for it.

My trial date arrived. Since the alleged incident occurred the first time Polly encountered the parking lot duo, she was there as my witness. Another coworker from the department was also present in the courtroom to testify that I was legitimately using the parking lot.

Despite having the facts and the law on my side and Shapiro at my side, I was terrified. Even if I were found innocent, I would still end up a lawyer with a criminal record. Who would hire me then? Shapiro brought me more bad news: He had never heard of the judge assigned to our case. I was certain the prosecutor had somehow rigged the selection of this judge with an Irish last name who just happened to be visiting from another jurisdiction. I was doomed.

As we waited for the visiting justice to finish the case ahead of us, Shapiro tried to talk sense to the prosecutor. How could he try me for criminal trespass when Amtrak officials had already agreed that both the car and I were legitimately on the property? This would be the testimony of my coworker. The cops and the prosecutor scurried to a corner to confer. The prosecutor returned with an offer: They would drop the criminal trespass charge if I would sign an agreement then and there not to file a civil lawsuit against them. Just as I refused their offer, a court officer emerged to tell us that the trial ahead of us was taking longer than anticipated, so we had been assigned to another courtroom.

When Judge Harry J. Elam stepped out and sat down, I nearly wept. Boston's first and only black Superior Court judge, Elam as my judge meant I had at least a fighting chance.

The prosecutor opened with the assault and battery with a dangerous weapon charge. The cops testified that I floored the car and tried to run them down, but they escaped by jumping out of the way. Still, the car door had hit D'Amico's hand as I sped by. On cross-examination, as Shapiro established the size of the parking lot and the speed of my car, everyone saw the cops' lies unraveling. Based on their testimony alone, the speed and maneuvering they described would have been impressive even on a racetrack. Judge Elam sat quietly observant throughout it all.

By the time the prosecutor asked his third question in the trespassing case, though, Judge Elam silenced him and began questioning me himself.

Had he heard correctly that I managed railroad property for the "T"? Yes. And that Amtrak had records indicating the car I drove was eligible to park on the property? Yes. I had identified myself to the officers? Yes. More than once? Too many times to remember, your Honor. Suddenly, Judge Elam slammed his gavel, sending a burst of sound ricocheting throughout the empty courtroom. Pointing to the prosecutor, he spoke loudly and forcefully.

"I should hold you in contempt for wasting this court's time by even filing these cases. It's clear what's going on here. You know it I and know it. This woman had every right to be on that property. They know it and you know it. She was out there trying to do her job and, for reasons these men have not dared mention here today, they decided that she didn't belong there and that they would do whatever it took to keep her out." The rest of his tongue-lashing was lost on me, a weeping figure, folded at the waist.

Think Tank

Judge Elam did not jail the Amtrak cops or the prosecutor for contempt of court as he certainly could have. Still, justice prevailed and he found me not guilty of either of the bogus charges. Except for four months of police harassment, the Commuter Rail guys' glee at seeing me finally taken down a few notches, and the public humiliation of being hauled into criminal court, I was as good as new. Things settled down. Then, one day, in waddled a new hire, the seemingly dull-witted son of an allegedly major donor to Edward J. King, the newly elected governor of Massachusetts.

Perhaps if Brew had not tried to install Frank Walters as my boss... Maybe if Frank had not tried to *be* my boss... Maybe if I had stood on my head and crossed my eyes to somehow envision Frank as my boss... Alas, they did and I didn't.

By the time Frank arrived, I had nearly finished cataloguing our railroad real estate. When the "T" had purchased land, trains, and other equipment from the Boston & Maine Railroad ("the B&M"), we had become the only transit system in the country that owned its own rolling stock. Because the B&M had itself gobbled up smaller railroad companies, we had bought everything they had to sell, but we had no idea what we owned. It was my job to figure out what land we owned that had income-producing potential.

Even under siege by Amtrak, my work had not suffered. Simply by doing my job, I had created a goldmine. From Lowell to Attleboro, Fitchburg to Weymouth, and points in between, it became clear we were sitting atop a huge inventory of moneymaking opportunities. My solitary stewardship had taken the mess from a dusty floor in a tiny office in Back Bay Station and transformed it, one file folder at a time, into a plum position. Patronage bosses at the highest level zoomed in on the new pot for political payoffs.

In eighteen months, my hideout job had become a perfect target for graft, and corruption and now I was in the way. Whether by design or coincidence, installing Frank as a seat warmer could have been a very smart move. After all, any fool with one eye and half sense could see I wasn't going to last much longer. So they could have waited me out and then Frank would have been in total control. They couldn't wait.

At first, I felt sorry for Frank who was like a chimpanzee sent to oversee a space launch. But when he decided to take charge and get me in hand by scheduling regular staff meetings (his staff being me) and demanding progress reports, my sympathy shriveled like an orange peel four months in the Mojave Desert. From then on, shooting Frank down was like using an Uzi to burst party balloons: It worked, but it was a huge waste of firepower. What to do? Rumor had it that my Frank had landed his job through Barry Locke, the new state Secretary of Transportation and Construction⁶² appointed by the Gov. King. Feeling compelled to extricate myself from the Frank's burdensome idiocy, I called Locke.

"I told them to find him a job. I didn't tell them what job to give him!" Locke laughed. "I didn't even know he was at the 'T.'"

"Well, he is and he's really getting in the way of me doing my job," I began. "I heard the man's own father kicked him out of the family business. So, if he's too sorry to work for daddy, why should I have to put up with him?" Then I asked Locke for exactly what I wanted: to have him pick up his patronage puppy and plop him down somewhere else far away from me. Locke's next words rose up, equal parts ire and familiar refrain: *Who* did I think I was? *Where* did I think I was? He had taken my phone call, but he was through listening. If I didn't like my boss, I knew what I could do: *leave*.

“I’ll be damned if I let some incompetent jerk run me out of my job!” I yelled. “If anybody goes, it’ll be him. You found him one job, so find him another one!” A coworker later reported that scowling railroad men, eyes bugged in disbelief, had busied themselves at file cabinets just outside my office.

“If you had snatched open your door, you would’ve had a pileup. But they really didn’t have to do all that because we could hear you from one end of the office to the other.” It was time for me to find another job. Again. Months later, I landed one in north Cambridge.

I was astonished the first time I entered the consulting company’s lobby. I had gone there in response to their request for access to a railroad right-of-way owned by the “T” that joined the company’s property. Just inside the main entry, infants slept on fathers’ shoulders or rested in their arms as the men conducted business around a table in a conference room with glass walls. Passing through a wide open space, I entered the dining hall full of hanging ferns, tall potted plants, and sky lights, all finished off by the smell of food cooking and freshly brewed coffee. On the wall leading to an interior courtyard, a pair of paint-spattered work boots was mounted in a frame. Throughout the building, canvas after canvas of children’s vividly colored paintings lined the passageways.

Most amazingly, there was an energetic CEO, a sprite really, who had just finished a strategic planning meeting where five job vacancies had been identified. After chatting with me for a few minutes, he jumped up, strode to his chalkboard, pointed to the list of jobs, and demanded to know which one I thought I was best qualified for. I was immensely flattered and concocted a pitch then and there for a Senior Policy Analyst position. Voila! The job was mine.

A few weeks later, the company’s Human Resources executive gently voiced a concern near the end of my orientation meeting with her. “As smitten as [the CEO] is with you, I’m not

sure we're a good fit for you. I sense that you're the kind of employee who needs to see the impact of her work. That doesn't happen here. Once the reports go out the door, that's the end of it for us." Was she crazy? Did she really think I'd turn down a gig in this airy new environment where the head honcho himself said I was a prize; where I'd be conducting research and writing, two of the things I most loved and was good at, and they were going to pay me the most money I had ever made?!

Each day I arrived at work, I felt like I had crossed the Bering Strait that separated my sophisticated new digs from the Stone Age of the "T." Even secretaries had Ivy League degrees. Along with the free coffee, there were free tampons and free baby's diapers. I stepped off the bus every morning, happy to have the other riders see me headed for what looked like an upscale school campus. Finally, a place that deserved me.

At the "T," job competence had nothing to do with job retention if you were white and male. At the think tank, however, it was straight up dog-eat-dog, an intensely competitive environment where it seemed most employees toiled unhappily beneath their capacity. To top it off, there was a peculiar twist to the corporate culture that pitted employees against each other as they constantly checked their individual value to the corporate enterprise.

*Think tanker...happy at last.
(April 1980)*



Although the "T" was a public agency where employee salaries were public record, "T" employees were mute on the matter, terrified that discussing their wages could get them fired. Dr. Julianne Malveaux described this kind of environment in UNFINISHED BUSINESS when she noted, "Americans would rather tell someone how many times they had sex last week than how

much money they make.”⁶³ Inside the consulting company, it was exactly the opposite. Everyone knew what everyone else earned and colleagues constantly recalculated their worth relative to each other. Consequently, as soon as I showed up, my worth became grist for the comparison mill. It wasn’t personal; it was a company pastime that was not only encouraged, but facilitated.

Each pay period, a stack of alphabetized paychecks appeared on top of the area manager’s file cabinet and there they remained until we sorted through them to pluck out our own. The checks were not in envelopes or otherwise concealed, so everybody’s pay was literally everybody’s business. Anyone who thought they had skills and experience comparable to someone earning more money could ask for a pay increase and use their coworker’s salary to back up their request.

As a Senior Policy Analyst, I earned nearly \$40,000/year, around \$19/hour, which allowed the company to bill our clients \$40/hr for my time. Since government contracts were our lifeline, our competition was other social science research companies and colleges and universities angling for the same work. Winning the big-dollar contracts came down to dueling resumes: the more advanced degrees and more extensive a proposal team’s experience appeared to be, the greater the chance of winning the contract. Carefully creating and nurturing political ties was critical to pave the way for a proposal’s swift ascent to the top of the heap. From there, it moved to the short list and, if selected, the proposal became a contract. As a black woman attorney with multiple degrees and varied experience, my resume had value.

A good employee had value as long as she observed the two top priorities: finding new projects for the company to bid on and having billable work on the company’s existing contracts. The best project team was loaded with enough senior level analysts—economists, scientists, lawyers, educators—to impress the client with the company’s expertise and justify the bid price,

yet was balanced out by many more lower level “worker bees” who provided cheap labor. The company’s profit was the difference between what it charged the government and what it actually cost to do the work.

There was just one catch: Even if my resume were used to help win a contract, that did not guarantee me billable hours if we got the project. As a senior policy analyst, I was expected to generate enough billable hours to cover my salary and the overhead associated with it. Ideally, of course, the goal was to generate far more billable hours than that. The only way to get billable hours was to have work on a project. But while project managers wanted my resume, they didn’t want me because charging my billable rate against their project budget would cut too deeply into their profit margins. It wasn’t personal. It was business.

Unfortunately, these were details no one had thought to share with me when I was hired. And, flattered by the CEO’s courtship, I had not taken the time to ask the right questions. To make matters worse, I had stupidly ignored the Human Resources executive’s wise attempt to shoo me away. Just as I began figuring things out, someone else showed up asking questions of their own.

When the receptionist rang to announce that the FBI was there to see me, I immediately guessed the two friends behind the prank, so I took my time getting to the lobby. The men who greeted me, though, were strangers. They escorted me to a conference room without windows and got straight to the point. They ran down a short list of names, including Frank and his job sponsor, Barry Locke.

Did I recognize any names on the list? “Yes, two of them.” Did I know of any suspicious activity in which they or anyone else had been involved during my tenure at the “T”? “No, not

unless being totally unqualified for a job has finally become a federal offense,” I joked. Though I had no evidence to share, I encouraged them to keep looking.

“People at the ‘T’ are so convinced that patronage makes them untouchable, nobody even tries to hide the stupid or illegal things they do. So whatever you’re looking for is probably sitting right there in the files,” I assured them.⁶⁴ Then I returned to my dream job.

Not long after that, my area manager dropped by my office. An affable, stressed out black middle manager around my age, he been snagged right out of college and groomed by the CEO in the company’s early days. Nearly a dozen years later, he was still there at the only place he had ever worked. I liked him mostly because he seemed so out of place in the company’s Darwinian environment. Whenever I saw the CEO striding around the company, a pint-sized potentate who demanded loyalty and subservience, I wondered what it felt like to be a nice black guy tethered to a rich white one whose constant narrative sounded like he thought he had purchased a corporate heir.

Standing in my doorway the afternoon of his visit, my manager’s normally strained countenance was stretched even tighter. There was something I didn’t understand about timesheets and it was creating a serious problem, he said. My first week or two on the job, I was not assigned to any projects and, therefore, could not bill my hours to project budgets. So he had told me to charge my time to “admin.” But now, near the end of my second month working, apparently, the CEO had grown apoplectic upon seeing that I was still charging to “admin.” So, he reamed out my manager for “allowing this to go on” and then issued an edict: I was forbidden to charge any more hours to “admin.”

My manager apologized profusely for not having explained earlier that charging to “admin” was intended as a last resort stop gap. That was something for which he accepted full

responsibility, but now we—or, rather, I—needed to fix it by convincing project managers to allow me to do billable work on their contracts.

Had I asked around to see if my colleagues had work for me? How long ago? Maybe I needed to check with them again. What about checking with project managers in other areas of the company? The company was getting so big that new employees in one area might not ever meet anyone outside their area, so it was important to routinely go around and introduce myself so people would know me and what I could do. It wasn't the most hospitable environment, true, but if people didn't know what I brought to the table, well...

I felt sorry for him leaning against the door, there in that proverbial space between a rock (me) and a hard place (the CEO). But I also felt humiliated because I had never in my life been accused of not pulling my weight. Just the opposite: I was known for consistently and excellently producing far more than what was required. Now, I was a welfare recipient and my social worker had just told me I was being cut off the dole. It was important for me to understand how things had gone off-track so quickly.

“You know, I came here because the CEO said there was plenty of work for me to do. In fact, I chose from five jobs. Nobody ever mentioned anything about project budgets and charge codes and bidding for contracts.” My boss interrupted. “That’s totally my fault. It was my job to explain that to you, but I just assumed the CEO had done that. I guess he thought I had, but that’s still no excuse. It’s my fault that you slipped through the cracks.”

“Okay, well let me tell you what I’ve figured out so far and then you tell me if this is how things actually work.

“Every project has a certain number of labor hours assigned to specific tasks, right? And to control their budget and protect the company’s profit, every project manager has to make sure no

one bills more hours for a task than the number of hours assigned to it in the contract.” My manager nodded warily.

“So even if it really takes twenty hours to do a task, if ten hours is all that’s budgeted for that task, then we still can’t charge the client more than ten hours. The other ten hours, well, the employee is just working for the company for free.”

“But that would never happen,” my boss protested. “There should never be a task that requires twice the time estimated in the proposal. Nobody would be that far off. But I don’t understand how that’s going to help us fix your problem.”

“Well, I don’t know either. All I’m trying to do right now is figure out how ‘my problem’ became a problem and I need you to help me with that. So, to just go back to that, the bottom line is a project manager’s dream team is a bunch of the lowest paid analysts doing the bulk of the work. And since my billable rate is one of the highest, no project manager wants me on their team cutting into their profit. Plus, unlike the young grunts, no way in hell am I working twice the hours I’m getting paid for, so that’s another strike against me.” My boss was staring straight through me.

“If I complain about not having enough billable hours to do the job, then I ‘have an attitude’ or I’m ‘hard to get along with’ because we’re all in the same situation and I shouldn’t expect special treatment. I’m supposed to just suck it up for the team. And if I don’t, I’ll always get passed over for somebody who’s willing to suffer in silence.

“So here are my choices and I want you to correct me if I’m wrong: If I can convince a project manager to add me to their team until I can win my own contracts, then I can work a bunch of hours and bill only a few, which means I’m donating money to the millionaire who owns this company. Or I can keep billing to admin and you’ll end up firing me. Right?”

A muscle twitched at the top of my manager's cheek. "You lawyers," he sighed. "I wouldn't necessarily agree with everything exactly the way you put it, but, anyway, where does all that get us?"

"I really don't know. You're our boss. Can you make your project managers assign me work on their contracts? One thing I'll need you to tell your boss, though, is that I have no intention of running around here begging for work. If I had wanted to do that, I would've gone into private practice. The main reason I'm here and not out there is because I don't hustle for work."

I felt bad for making my manager's life even harder and it pissed me off to knowing the CEO was painting me as some kind of freeloader. So, I came up with an solution, which I outlined in a memo to the CEO. I proposed that I become a loaned executive to work with various nonprofits or governmental agencies—public schools, public housing, the Boys and Girls Club—that could actually use the kind of social science research we conducted. That way, we could build the company's goodwill and—who knew?—maybe we would establish contacts that would lead to more work. The CEO was not impressed. My memo to him immediately came back to me in interoffice mail. He had wildly scrawled terse, sarcastic comments in red throughout the body and in the margins.

Meanwhile, the situation for black employees generally had grown more complicated. My boss was the highest-ranking black employee, plucked in his professional infancy and bent to the CEO's will. The CEO constantly referred to their "special relationship," which included his plans for the day my boss would "take over the company." During these recitations, my boss's face was a blank mask and he stood as still as a rabbit penned in place by the gaze of a hound. Unless some disaster befell him, *my* boss was right on track to make *his* boss' dream come true.

In addition to my boss, the rest of the black folks included a few PhDs sprinkled throughout the company with the bulk of the group forming a *mélange* of well-educated, middle-class, near entry- and mid-level employees who were astonishingly good looking. Such a disproportionate number of beautiful, smart black women in one place defied random selection as did the number of light-skinned—high yella—sistas among them. There were a couple of dark chocolate and French roast colored women, but they stood out because they were so rare. And if a sister wasn't physically fine by European standards, you knew without seeing her resume that you were looking at a woman with a doctorate.

In this lineup, my definitely brown boss functioned as a counter-narrative, a kind of visual testament to everyone's equal opportunity to ascend, no matter their gender, ethnicity, color, or looks. And even though I never met one black think tank employee who actually believed that, my boss made it *look* like it was true and we all felt better about it. At least we thought we did until the survey results came out.

Surveying the workers to get a read on the corporate culture was a sign of the times and the company had recently reinstated its annual rite. Among the black employees, the buzz was thick: Even cloaked in anonymity, would we dare put on paper what we hissed to each other when white folks were out of earshot? Were the questionnaires really anonymous? Surely, a research company could find out who gave what answers, couldn't they? When the results were finally collated, the verdict was in and the truth was out. All the black folks were summoned to a conference room.

Overhead fluorescents lit the stark white room and bounced off the gleaming tiled floor. The CEO's chalk punched the blackboard with such ferocity, tiny poofs of dust marked the trail of numbers he scrawled, pounding out his company's defense against the mass betrayal by the

small black throng clumped in silence beneath his ire. The tyrant tot was halfway through his tantrum when I walked in late. He despised lateness, believing every violation was a purposeful affront to his authority to demand a presence, front and center, at precisely the appointed time. Knowing this, I entered braced for battle. He kept on talking. And talking. And talking.

After all he had done for us, how dare we not love it there, not love him? How strained the bounds of his beneficence. How hard to wrap his mind around the magnitude of our ungratefulness. Where else could we have it so good? Prone to answering rhetorical questions, I stood to speak. He kept right on talking. Since he wouldn't stop, I just started talking over him.

"I thought you called this meeting to hear from us. If so, why are you doing all the talking? Everybody already knows you're mad. We knew it before we came in here, so we don't need to sit here listening to you go on and on." If the will of the people in the room had risen up as sound and smell, screeching tires and burning rubber would have marked the speed with which they peeled away from me. All those whispered, often tearful, confessions, all those promises to stand up to him when the time came, vanished. But I kept going.

"If you've got all the answers, why did you drag us in here in the first place? Why not just post what you think you know in the newsletter and be done with it? We've already got more work to do than we have billable hours for, so why are you wasting our time?"

"But since I'm here, though, why don't I just go ahead and tell you what I think. I think you're pissed off because now you're forced to face the truth. You were so certain everybody was going to tell you what you wanted to hear that you feel betrayed because some people—in this case a whole bunch of black people—told you what you didn't want to hear. If you couldn't take the truth, you shouldn't have asked for it.

“But you did and now you know: This is a hostile environment for black folks. Actually, it’s a hostile environment for everybody, but everybody’s not here. So, let’s just stick to the facts related to the folks in the room right now.

“Why get mad at us because we told you about white colleagues who pass us in the hall without speaking and act like we’re invisible? Are you going to haul them in and ream them out? Demand that they behave with more civility?

“Don’t get angry at us because we told you about being backstabbed on projects where less qualified white folks leapfrog over us. Why don’t you round up your project managers and make them explain why they do it? Are you going to teach your managers how to thrive in a healthy environment instead of rewarding them for feeding off pathology?

“And just so you know, a conversation does not mean you’re the only one who gets to talk.” I was through biting the hand of the dog that fed me, so I sat down.

It wasn’t just a black thing. The same employment conditions that worked against black folks ultimately worked against white ones, too. While racism might have inspired unfair project assignments or kept us off of project teams, it was the unchecked power of managers over workers and the callous exploitation of the lowest cost labor that made the environment ripe for a labor union. I approached another mouthy, fearless senior staffer who, like me, had cut her teeth in the public sector: What if we formed a collective bargaining unit?

Long before our talk turned to union organizing action, though, the government trough of research contracts began running dry and by November widespread layoffs had become routine. To get ahead of the inevitable, I asked to be laid off. Nobody was surprised when my request was promptly granted.

Dinner with Derrick



Not ready for Tae Kwan Do (Cambridge 1974)

“The next motherfucker who comes on to me will get his ass beat. Badly. By me.” Passing beneath the neon sign in Harvard Square, I winced at recalling the promise I had made to myself, a promise that had led me to Tae Kwan Do classes behind the door beneath that same light in the fall of 1974. It was not the martial arts philosophical underpinnings that drew me to the class. Rather, I was there purely for the pain I intended to inflict upon men from all walks of life who I felt had declared war on young woman of power, presence, and beauty.

Fueled by the fervor typical of my early-stage missions, I had actually finished my introductory one-on-one sessions with my small, wiry Korean instructor. I had good extension, even a promising roundhouse kick, he had said. Was it true that I had never had any kind of martial arts instruction before? Under his tutelage, I envisioned my swift journey from clumsy, sweating white belt to confident, explosive black one, from veal to panther.

I had stood at the end of a line of students bowing to and thanking our *sensei* after my final introductory session. When it was my turn, he had whispered, “You make me so velly, velly

hoppy!” He massaged one of my hands between both of his, gazing up at me, eyes drooping with desire, the top of his head even with my chin. “You have no husband, no?”

“Excuse me?”

“You”—pointing at me —“for me!” He slapped his chest, smiling. I fled, sobbing.

Now, six years later and on my way to dinner, the sign glowing above my head was just another reminder of my many broken promises to myself. Back then, I had bitten the dust when I should have bitten my instructor. Shaking free of my reverie, though, I reminded myself I was through crumpling like an empty candy wrapper from the fatigue of fighting off one more man’s unwanted passes. The fluorescent buzz overhead was strangely comforting, like a soundtrack for my impending showdown. This time I would not be taken my surprise.

I did wonder how it would come, though. Would my heretofore wise, wry, honorable protector simply slither down the food chain and join the bottom-feeders who used their power and status as perches from which to routinely grab an ass here or stroke a tit there? Would he be bold like a preacher who raised his hand to God to seal an offer of influence-for-a-blow-job? Or maybe the route of the pathetic political operative who promised her assistance in exchange for a spanking or a few lashes from the whip nailed to the violet wall above her bed?

After all, I hadn’t really known my dinner date that long. So what if he had carefully observed a very clear line for seven years: that between openly appreciating my mental and physical stature and never even hinting at exploiting the easy access of mentor to protégé?

So what if he and his beautiful, brilliant wife, Jewell, had often witnessed me ranting and raving, cursing and stomping my way through a master’s degree, one job after another, a disastrous marriage they had tried to talk me out of in the first place? So what if they had

empathized and straight-talked me through my exhausting outrage over the racist, sexist assaults that shaped my young-black-woman-lawyer life in 1970s and 80s Boston?

So what? Maybe he was just slick, consummately cool. Maybe he had just bided his time until he was leaving town. The next day he would be off to begin his life as dean of the University of Oregon law school, a continent away from whatever low-life last act he might have in mind. That night, though, he wanted to see me and say goodbye, which is why I was dragging myself up to Harvard Square. By the time he walked up behind me outside the restaurant, all my sorry tales had wrapped themselves into a tight coil in the pit of my gut, part dread and part anticipatory fury.



One dinner and 17 years later.
(Dallas, TX 1997)

Our meal progressed without incident. Then, it was time for the check. As we waited for the waitress to return, Derrick reached across the table to grasp each of my hands in his. “Bernestine, dear,” he began softly. I tried to smile, but my lips twitched from strain. I pressed my knees together under the table and waited for the bottom to finish dropping.

“Don’t worry, dear, as fine as you are, as sharp as your mind is, as tough as you are, I am not going to hit on you.” He paused and then continued. “I’m going to be the one man who could, but didn’t. You can stop waiting for the other shoe to drop. I love you and respect you and admire you too much for that. “Plus,” he grinned, “Jewel would kill me.” He laughed and paid the check. I cried.

Boston Housing

“Gimme your money!”

“The only thing you’ll get off me is bills that need paying. If you want those, you can have them. Otherwise, you’d better turn around and watch where you’re going.”

The motley-faced kid had jumped out of nowhere and landed in front of me. Walking backwards down the street, his left hand was behind his back and his right one motioned towards my briefcase. I guessed he was around nine or ten, not an age I normally associated with danger. But he was white, on the street at an hour when he should’ve been in school, and I was in South Boston looking for a public housing project.

“RRRAAAAARRRRrrrrr!” He lunged, whipping his left arm around and thrusting it towards me as if wielding a saber. I jumped back, sending my briefcase flying. It landed hard enough to spring its latch and spill its contents in the street. Suddenly, he stooped to help me scoop up my things.

“Sorry. Sorry.” When I started off again, he jogged backwards to keep up with me.

“Boy, what’s the matter with you? What if I’d been carrying a gun?” He eyed me a second before responding.

“You ain’t even *got* no gun.”

“You don’t know that.”

“You ain’t the type.”

“And what type is that?”

“Aw, I bet you don’t even know where you going.” He pressed for a new advantage.

“Why? Do *you* know where I’m going?”

“Probably know better than you do.” I was relieved to spy the low-slung red brick management office building off to my left a half a block ahead.

“Well, if that’s true, then you know I’ve reached my destination, Mr... What’s your name?”

“I don’t got a name.”

“Well, Mr. I-Don’t-Got-a-Name, are you coming inside? Maybe you could introduce me around since you know so much.”

“You crazy?! I ain’t going nowhere near that creepy bitch! She’ll call up on me and get me in trouble. Next time you come, though, you need to stop up there and look for me where I scared the shit outta you. I’ll be your—uuuh---protection. Nobody’ll mess with you unless I tell ‘em to.”

Firing spit through his clenched teeth, he yanked a large white plastic comb—his concealed weapon—through his hair, then shoved it in his pocket. As the door closed behind me, he swaggered off, smoothing his hair down.

~ ~ ~

It had taken only ten months for me to hit bottom in the think tank. Yet, it had been a fruitful ten months for comparing working in business—the private sector—to working for the government—the public sector. Turned out the private sector—allegedly that part of our national economy not controlled or owned by the government—was not all that private. And the public/private split was definitely an illusion in the company I had just left, the one that would not exist and could not continue without its river of government contracts.

Now I knew I definitely preferred the public sector with its focus on benefiting the larger community, the public good; the underlying belief that profit should not be the sole or even the

primary basis for decisions; and an understanding that citizens are entitled to know about and be able to influence how government conducts its business.

I had also confirmed what I suspected—i.e., that I was not fit for selling myself to the highest bidder. As much as I sometimes wanted to be, it seemed I was constitutionally incapable of making the tradeoffs required in the exchange. I had an abiding antipathy towards authority and hierarchy. I refused to go along to get along. When a situation was unfair, working improperly, or just plain wrong, my impulse was to fix it or, at the very least, to goad the ones with the power to make things right, to make things right.

I had no tolerance for dissembling. I loathed liars. And I felt compelled to close the gap between words and actions, unfortunately not just mine, but everyone else's. I cared nothing about bottom lines, budgets, or profits. In short, I was a pain in the ass wherever standard operating procedures followed mainstream American business practices.

Alongside my handicaps, though, I was also figuring out my gifts—the kinds of tasks at which I excelled and the work that stirred my passion. I loved creating systems from scratch, which meant I was an asset in start-up situations. I loved bringing order from chaos, which meant I was good in established organizations in the midst of a turnaround or other major change. I was good at helping people uncover and use their own problem-solving skills, which meant I was good with the full range of workers from entry level laborers to CEOs.

And I was especially good at influencing people in situations where they were expected to be—and had been trained to feel—powerless. I could help them tap their own power, a reserve that was neither defined nor totally constrained by things external to them. My new employer represented the perfect opportunity to use my best to do my best: the newly reorganized legal department for the Boston Housing Authority (BHA) receivership team. I didn't care about the

precipitous drop in salary. I was still making more than all of my friends and, once again, at just the right time, I had found the perfect job as a lawyer at a public agency. Best of all, this one was in the middle of a huge mess and had been there for a very long time.

~ ~ ~



A “real lawyer” at last. (January 1981)

Not only was I back to being “a real lawyer,” but also, in a sense, I was back where I had started. I had grown up in Fairview Homes, a black public housing project in the Greenville section on Charlotte’s west side. In the early 1950s when we moved in, I was four years old and Fairview Homes was still safe, decent government-subsidized housing for hardworking families—“the worthy poor”—striving to do better. Over the next twenty years, I had watched the corrosive forces of politics, racism, and despair turn our community into a dangerous, decrepit ghetto. With college and two law schools behind me, had I subconsciously chosen the road that brought me back to my roots? So, traipsing to the manager’s office in South Boston that day, I felt weird and I felt like this time I might really be where I belonged.

My job as a Senior Attorney for the Boston Housing Authority (BHA) was evicting tenants for not paying rent and I had been given some supervisory responsibilities for the nonpayment section. It was an irony that initially caused me great ambivalence.

I had grown up seeing people's possessions sitting out on the curb after they had been "set out." As a child, I had no barrier that separated me from the humiliation and pain of the families whose homelessness had become such public spectacle. No matter the weather or the contents, everything tossed on the heap: from saucers to TV sets, from pots to sofas, from baby dolls to Sunday dresses, shoes, tricycles, even food from the refrigerator because the housing authority owned the refrigerator so it remained behind in the apartment.

If I saw the telltale pile soon enough, I'd cross to the other side of the street to spare myself the embarrassment of witnessing prized possessions turned into domestic detritus, thanks to dogs, children, or adult scavengers. But if I stumbled upon it suddenly, I couldn't help but look hard and tremble knowing that all it took was one good backhand from bad luck to turn my family into the people on the street.

When we first moved into the projects, though, I was thrilled. Thrilled we finally had a place of our own instead of a bed in a room in somebody else's home. Thrilled we had our own front and back yards and stoops to sit or play jacks on. Thrilled to learn that in the apartment to our left lived a family of three—a mother and two children—just like us with Gretchen, who was my age, and Pap, her brother who was my sister's age. Gretchen became my playmate and favorite friend. We lay on pallets in the yard at night and stared at the sky, arguing down each other about who *really* saw the man in the moon and which way he faced.

Early one afternoon, we were playing in the backyard when suddenly, we heard, "Pow! Pow! Pow!" We looked up to see who was shooting off firecrackers when it wasn't even a

holiday. A few feet from where we were standing, a man spun around, staggered, and then slumped to the ground. We started giggling, thinking he was pretending he'd been shot, like in a TV western. A woman ran to her screen door and screamed. The man lay there gurgling. When we ran over for a closer look, snot that looked like wet cornmeal ran from his nose, over his lip, and off his chin.

Ma didn't dress it up for us: The man on the ground had had an argument with his girlfriend, got mad at her, and shot himself in the head. "I guess he was trying to prove his point. Well, he prove it alright. They say he shot his brains out." For years afterwards, I refused to eat what had been my favorite meal: cornbread and pinto beans. The stuff running out of that man's nose—his brains, we said—looked exactly like cornbread soaked in pinto bean juice.

Muggings and random assaults escalated, so my playmate and I no longer sat out at night in my yard or hers. We stopped standing in our unlatched screen doors engaged in screechy violin duels. Still, she managed to teach me how to make homemade French fries in a cast iron skillet brimming with butter and how to do the latest dance steps. I taught her how to sew and we spied on junkies nodding out. When a group of boys gang-raped a girl our age behind the building across the sidewalk from us, Ma made us pull down our window shades at dusk and we stopped leaving home or even answering the door after dark. Except for church on Sunday or prayer meeting and Sunday School teachers' meeting on Wednesday, nothing else could pull us outside our apartment at night.

By the time I finished law school in Florida, home was a war zone owned by the criminals. One summer night, Ma was awakened by the noise of a knife cutting a screen in our apartment where she lived alone. She threw a pillow against the screen and dislodged the would-be intruder, a man who had scaled the brick wall up to her second story bedroom window *in the*

front of the building. With the money I earned the spring and summer before I entered Harvard Law School, I was able to convince Ma to let me supplement Ma's wages so we could move her out of the projects to safety.

Meanwhile, similar forces raged in Boston on a much broader scale with even more disastrous results. In February 1975, Boston Housing Authority (BHA) tenants filed a class action suit, seeking relief in *Armando Perez, et al., vs. Boston Housing Authority*.⁶⁵ Boston Superior Court Judge Paul G. Garrity got the case. When BHA repeatedly failed to present a plan to address rampant crime, vacant buildings, and deplorable conditions in occupied apartments, Garrity ruled that the housing authority was unable to carry out its basic functions. Calling the BHA's fiscal and physical situation "indescribable," he noted, "If the BHA were a private landlord...it surely would have been driven out of business long ago, or its board jailed, or most likely both."⁶⁶

In February 1980, Garrity ordered BHA into receivership and appointed Lewis H. (Harry) Spence receiver, making him the new landlord to Boston's 50,000 public housing residents. Spence was charged with reorganizing and administering BHA "in order to protect the BHA from city political leaders, improve living conditions by bringing housing up to sanitation and other codes, promote fair and integrated housing."⁶⁷

I arrived at BHA in January 1981, nearly a year later. By then, Ma had been out of the projects for several years. Yet, the same things that had driven her out of our home were the ones that had driven BHA tenants into court, the same conditions that were detonating public housing across the nation. Shortchanged on federal housing funds by Ronald Reagan's slashing of aid to desperate cities; forced to rely on corrupt state and local politicians; strapped for operating and maintenance funds; and saddled with incompetent bureaucrats, public housing projects

everywhere had become derelict housing of last resort for “the unworthy poor”—generations who seemed to be headed nowhere and no longer seemed bothered by it.

As best I could tell, the South Boston projects were simply the Boston Irish version of Fariview Homes, the place I once called home.

~ ~ ~

The preschooler who exulted in her family’s home of their own in the segregated public housing project; the child whose mother stitched together two jobs and a welfare check to clothe, house, and feed three mouths; the young woman who beat back the odds at three universities; and the ambitious, passionately idealistic, short-tempered young professional—all left home with me each day and arrived at the Boston Housing Authority ready to change the world. The time I thought I had wasted as a student public defender at Harvard was finally paying off. After all, that was where I had learned the hard way the necessity of carefully examining all aspects of a client’s story, especially the details they were unlikely to volunteer. My desire to avoid ever again being bamboozled got me out of my office and into the developments to see for myself what was behind the stacks of nonpayment eviction files that flooded our office.

Initially, field managers in the housing developments were not pleased to see me coming. All the BHA lawyers they had known had done whatever they did safely ensconced in their offices at administrative headquarters downtown or in court. If those lawyers (all white men, by the way) hadn’t felt any need to come out on the property, then why was I out there? Then, too, no one had ever heard of a black or a woman BHA lawyer.

When I wrote the nonpayment eviction training manual for BHA lawyers and housing managers, I made apartment inspections a required part of pre-trial preparation. And why not? BHA, my client, was the city’s biggest slumlord and ruled a fetid empire. To ethically defend it,

I believed BHA lawyers needed to know the precise conditions that led to the receivership, including the politics that spawned it. Acting on this belief is what sent me to South Boston for my face-off with the comb wielding, wannabe bandit.

Our eviction case backlog was enormous. Because of “indescribable” conditions, hundreds of residents had simply stopped paying rent, some for as long as fifteen or twenty years. To determine how much back rent they owed, if any, I had to see where they lived so I could understand why they had decided that the place where they lived was worth nothing. Even where tenants had not paid rent for years, BHA managers had to be able to truthfully testify that the apartments at least met the city’s sanitation code—i.e., that they were fit for humans to live in. Savvy tenants and the dedicated Greater Boston Legal Services (GBLS) lawyers who often represented them forced me to face the reality of finding a defensible position.

I quickly learned to describe myself as a lawyer *for the receivership team*, not a lawyer for the BHA. In my mind, it was a distinction with a huge difference. To me, the BHA was another patronage shop crippled by politics that had driven the agency into near-collapse. The BHA receivership team, on the other hand, was the highly credentialed, supremely efficient recovery crew, ushered in by Garrity’s 1979 court order. We were the messiahs come to rout the criminal element, resuscitate crumbling housing stock, and restore a sense of order and control among the residents.

The same kind of old guard (them) vs. new guard (us) division that had existed at the “T” existed at BHA. At least on the surface, the two quasi-governmental agencies seemed to be cut from the same Irish Catholic political cloth. Compared to the “T’s” tsunami of opposition, however, BHA’s old guard seemed to contain mostly scattered pockets of resistance. Nowhere did I encounter anything approaching the transit property’s lowdown, dirty, mean misogynistic

core. Defying my lowest expectations, BHA staff seemed to be willing to take a shot at resolving serious management and fiscal problems, willing to do their jobs better and even with pride.

Not everybody bought into our messianic image of ourselves, least of all the Greater Boston Legal Services (GBLS) lawyers who represented BHA residents. They did not give us the benefit of the doubt and had no interest in my fine-tooth definitions. As far as they were concerned, we were all just a lump of BHA lawyers, period. Part of their attitude reflected their experiences with the pre-receivership BHA, the entity that saw only one side of the landlord-tenant contract, the one that spelled out the tenants' obligations.

There was another reason some legal services lawyers were not too keen on "the new BHA's" legal department: they loathed our boss, Richard M. (Dick) Bluestein. Dick was the general counsel to the receivership team and had come to the BHA from GBLS where he had been an associate director and part of the management team. Many GBLS lawyers accused him of union-busting activities that forced legal services lawyers onto the street in a bitter, protracted strike when they could not negotiate improvements to the terms and conditions of their employment. Consequently, each GBLS lawyer I initially encountered was openly distrusting, if not downright disdainful. As far as they were concerned, I was the token black among Dick's new set of flunkies.

While I understood their acrimony, I was not of a mind to take a beating for Dick. After an unusually disdainful dustup with a pair of young Jewish lawyers, I had had enough of their presumption that I was a sycophant to the oppressor and they were radicals come to school me. So, I detailed my route from public housing resident to public housing advocate, which was how *I* saw my job, suggesting that perhaps I was historically better suited to see all sides of the issues we confronted than were they.

Certainly, I pointed out, I had a better grasp of the residents' issues since I had actually lived them instead of coming to them late as self-righteous defense attorneys. Then, to illustrate my point, I began talking directly to their client who had been sitting there the entire time, visibly enjoying their lawyers' comeuppance. Drawing on my "projects girl" wisdom, I peeled the tenant away from the two attorneys while they watched, helpless to make me stop.

It was immensely gratifying to me and disconcerting to them when I won their client over to my side. I only did it once. After then, word spread and I was spared further litmus tests and lectures from smug, if well intentioned, GBLS lawyers.

Eventually, things settled down. I worked hard to earn my reputation as a fair, conscientious lawyer with integrity. Consequently, as more time passed, GBLS lawyers and I became less adversaries and more partners who were mutually respectful and who honored our commitment to poor people's right to public housing fit to live in. Over time, we —the BHA residents, their lawyers, and I—managed to frequently transcend the roles ascribed to us by history and circumstances. We carved out agreements that served our respective interests well in the moment and in the long-term. Using law to simply do what was just and good, as far as I was concerned, was doing precisely what I had been born to do. I had never felt like that about my profession before.

Bringing public housing up to the requirements of the law set out in the sanitation code, however, was only a part of BHA's obligations to its tenants. We were also charged with chasing out the criminals who had seized control of many BHA developments with drug dealing, violent crimes, and widespread intimidation. Evictions were our major weapon for fighting back.

BHA evictions fell into two categories: those for nonpayment of rent and those based on everything else, which we called "evictions for cause." Cause evictions could be based on lease

violations ranging from incessant noise and property damage to drug dealing and homicide. Although all eviction cases were fully prosecuted, we selected certain kinds of cases for vigorous attention. By concentrating our resources on a “hit list,” our goal was to win verdicts that would reverberate throughout the housing projects, putting everyone on notice that the receivership BHA was tough on crime. If our impact litigation strategy worked, it would have a chilling effect that would deter other lease violators.

Often we had a choice of whether to prosecute the same case as a non-payment or a cause eviction because even residents who gained financially from their crimes did not always pay their rent. The really smart criminal residents stayed current on their rent, however, knowing better than to provide us with a reason to come after them. And although a nonpayment eviction was often the easier case, sometimes we chose to prosecute a case as a cause eviction anyway because it allowed us to make a larger point. The day *Boston Housing Authority v. Carolyn Walker, et al. (Walker)*⁶⁸ crossed my desk as a cause eviction, we knew it was a long shot that we had to try.

The law across the nation and in Boston was clear: Unless the public housing authority lease specifically stated otherwise, only the actions of persons who signed the lease—the leaseholders—could be used as grounds for an eviction. So, even if you lived in the apartment or visited it frequently and used it as the base for your criminal activity, as long as your name wasn't on the lease, the housing authority couldn't punish the person who leased the apartment that was the base for your operations. Of course, this situation defied common sense and the most fundamental notions of justice. Yet, it was the law and we were bound by it until we could convince a judge and jury to see it differently. Kevin Walker, a young thug who joined with his

friends to terrorize their neighbors, gave me a shot to plead the BHA's case for seeing things differently.

Because Kevin and his mother, Carolyn Walker, could not afford to hire their own attorney, Robert L. Sheketoff,⁶⁹ one of Boston's top criminal defense lawyers, was assigned to represent them *pro bono*.⁷⁰ All except a tiny portion of my cases up to that point had been civil matters litigated before judges only—bench trials—in the various municipal courts around the city of Boston. What's more, I had acquired about ninety-nine per cent of my trial experience before one judge, E. George Daher, the notorious Chief Justice of the Boston Housing Court, a stellar jurist whom I adored.

I had grown accustomed to Daher's courtroom as a place where justice prevailed. In Housing Court, unlike most other corners of the law, the odds were not already stacked in favor of property owners, folks with too much money, or simply the right political connections. Daher could be hell on landlords without being a soft touch for tenants and while lawyers could earn his respect, he would not cut us any slack from one case to the next. Each landlord/tenant dispute stood or fell strictly on its own merits. I held him in highest esteem and was determined not to do anything to risk losing his respect, so that kept me on my toes in his court.

Until *Walker* landed in my lap, I hadn't even noticed that I really had found my fit. Shouldering my way through the throng hovering outside the courtroom door, making my way to counsel's table, then back through the lobby teeming with lawyers and usually desperate tenants spilling out into the lobby and clogging the Housing Court corridors, I was doing something that made a difference. I was a fixture, a part of the scene that was sometimes achingly sad, sometimes hilarious, sometimes triumphant, sometimes all of those things in the same case. A familiar figure in the melee, I knew the system and the people who ran it, including the

ubiquitous patronage drones who waddled to and fro for no good reason. Amid the crush, I was fulfilled.

The Walkers demanded a 12-person jury trial. Consequently, not only would I finally get my first jury trial, but also I would have to try two cases in one. First, I had to prove that Kevin committed the criminal acts of which he was accused; then, I had to prove that those crimes were sufficient to evict his mama even though she had not actually committed his crimes and even though the lease was not in Kevin's name.

Rounding up the victims and other witnesses for the prosecution boosted my confidence in the strength of our case. Digging up information on Bob Sheketoff, however, shredded my confidence. A Yale law graduate with a long list of wins for high profile clients in impossible criminal cases, Sheketoff was invariably described with one word: brilliant. He was, his colleagues said, deceptively low-key and self-effacing, an ethical nice guy who would absolutely do me in.

As our trial date approached, a ball of dread lodged itself in my sternum. By day, Rick Friedman, my BHA colleague with trial experience, coached me in the mechanics of a jury trial with special emphasis on my opening statement and closing argument. At night I curled up with my National Institute of Trial Advocacy (NITA) notebook, the product of my 10-day crash course in trial practice from A to Z two years before. Working my way through my notebook calmed me down, reminding me that, like a chess game, there were rules and strategies—plays—that governed the outcome. Then, I flipped the last page and there stuck in the back flap of the notebook was my assessment of my prospects as a trial attorney. The moment I had written it rushed back in total recall.

I had observed less than an hour of jury deliberations on a closed circuit TV following our mock criminal trial which was the culmination of my NITA training. I was horrified. So I sought solace from our NITA instructors, expert trial lawyers standing nearby, begging them to tell me that the mock trial deliberations were not how juries worked in real life . Oh, no, they had assured me, what I was witnessing was an unusually thoughtful and reasoned deliberation compared to real juries. As they talked, I had scrawled in huge letters across my notes: “No way in hell will I ever, EVER try a case before a jury! These fools don’t have a clue and NOTHING they’re talking about has a damn thing to do with the facts much less the jury instructions!” That was the page stuck in the back of my notebook where I had just discovered it one day before my first jury trial.

A million tiny fingers of fear raced across my chest and up my neck, cutting off my breath. Sweeping left, the fingers turned to spikes and converged in a vise squishing my chest. I was about to be sliced and diced in front of the very people I worked so long and hard to impress. That evening I had dinner with my best friend, Dorothy Flynn, and two of her young friends.

Josette was Dorothy’s beloved little sister from Big Sister, Big Brother Association and Roseanne was Josette’s best friend. They were both perched at Dorothy’s dining room table, downing sodas and chips when I walked in. At thirteen, they were precocious, beautiful, black girls who carried their innocence alongside their street and book smarts, one benefit of being born and raised in Boston. As had been the case with me, their mothers were raising them alone and if not actually in the projects, then merely a sidewalk or two away. When they saw me, they scooted over to make room at their table and resumed gleefully skewering people who had passed through their day. I interrupted them.

“Well, tomorrow is it, ladies. The day I go down in flames, up in smoke, or whatever. All disaster metaphors apply.”

“Pleaaaaase, change your mind! Please, can’t we come?” Jossette beamed her highest wattage supplication in my direction.

“No way, José. Nobody I know in the courtroom. Absolutely not. No. Unh unh.”

“But we would be so quiet, you wouldn’t even know we were there. Pleaaaaase?”

“Hey,” Roseanne piped up. “Drop it. Certain people will be so focused on what’s going on in front of them, they won’t even know what’s going on behind them. Sooo...”

Leaning into each other conspiratorially, the girls erupted in giggles at their failed efforts to arrange their faces into wet puppy longing. They had absolutely no clue about my terror, so certain were they that I was all I tried hard to seem to be. Of course, I would prance into the courtroom, twirl before the jury with the grace of a prima ballerina, and land *en pointe* in victory. Of course. For them, tomorrow was already yesterday’s news: It was done. I had won. Next.

“Gee, thanks, darlings. I feel so much better about tomorrow knowing I can’t even convince you two to do what I ask.”

“Noooooo! Nooooo! We’re just joking. We’re not coming. For real. We just wanted to see you win, but we won’t be there. Promise.” Jossette grabbed my fingers and shook my hand gently to seal the deal.

“Whew! That was easy. Now I have something else I need you to do. Quick: Should I tell the jury that I’ve never done a jury trial before or not?”

“No!” they yelled in unison before I could finish my question.

“Well, why not? My trial coach thinks maybe I should try to use my inexperience to my advantage. You know, play on the jury’s sympathy. Confess in my opening statement that

they're my first jury and ask them to forgive me ahead of time for anything stupid I might say or do during the trial. Then, remind them again in my closing argument that they're my first, so to speak, and end by thanking them for putting up with me." Gazing straight on, head whipping from side to side, Josette contained herself until I finished.

"You don't need to do that! DO NOT DO THAT! she exploded. "You put on your good suit with your nice jewelry and you walk in there with your head up, and your briefcase, and your files like that's what you do every day. Then you win. And you leave. Right?"

The next day, I followed Josette's instructions perfectly—including the part about winning.

Leaving Boston

From the doorsteps of a mansion squished in with other mansions, row houses stretched up and down the hill like a giant accordion suddenly abandoned halfway through a tune. Even for the city's wealthy, there was no room to spread out, so they lived amid their loot stacked in narrow, centuries old bricked layers pointing skyward. The doorbell's weak shrill registered in the distance. Beyond the massive entryway flanked by lead crystal panes and gleaming brass appointments, footsteps pounded the stairs. The deadbolt released and the door swung open on a man I had not seen for years. .

Settled in his sitting room with Dorothy, who had coached, practiced and now accompanied me for moral support, I cut to the chase. "I'm here because years ago when I tried to intervene in a situation that I believed was wrong and where you had the power to change it, I got screwed and ended up helping nobody. In fact, if you recall, that's how I came to your attention. We had a pleasant enough conversation back then and you even told me you admired my integrity, but I left your office that day, knowing you never heard what I was trying to tell you.

"So, five years later, here I am again, hoping not to make the same mistake twice. Like I explained on the phone, there's no point in me trying talk to the Receiver. That only works if you're part of his hosanna chorus and, frankly, I'm more inclined to chase him from the temple.

"Be that as it may, I figure you can talk to Harry Spence the way you powerful white men talk to each other. If you can make him hear you, maybe this time, I can make things turn out better than the last." With that, I laid out what I knew and what I had been told, the reasons that had propelled me to pick up the phone and arrange my meeting with my former boss.

There was a collection of reasons, actually. Living, vulnerable, traumatized reasons. They were the screaming black mothers crouched over their terrified children, huddled in closets in their BHA apartments night after night as glass crashed around them from Molotov cocktails through their windows, a fiery canvas painted by racist vigilante squads monitoring the families' movements to keep them trapped inside, pinned to the floor.

I had been present for discussions where Spence's executive staff decided that the most suitable candidates for desegregation were female-headed households with pre-pubescent children, preferably no boys. Husbands and adolescent black boys wouldn't do because they would fight back, was the thinking. Anyway, black husbands were already in short enough supply, hahaha. Better to send in the families too young to fight or those with young girls more likely to cower and take a beating, certainly less inclined to hit back. Even more perverted logic led Harry's top staff to the conclusion that not only was it proper to station these black women and children on the front lines in virulently racist outposts of Dorchester, South Boston, and Charlestown, it was also necessary to leave them there unprotected.

Why? Those reasons were endless and the tentacles tangled, all cold and politically calculated. Perhaps to derail Mayor Kevin White's plans to run for a fifth term? Perhaps to expose yet more of White's secret dealings with the Boston Police Department outraged over staff cuts and changes to their collective bargaining agreement? Perhaps to prove that the police department's refusal to protect these families under siege was further evidence that White was not in charge—of the police, the schools, public housing, the city generally?⁷¹ Perhaps because one of Spence's top operatives, a breed valuable for being equal parts hyena and Machiavelli, saw another opportunity to do a politician friend a favor and make him (or her) beholden.

In the end, it didn't matter what the reason was because the result was the same: poor black women with children became target fodder. Those of us who knew and cared were desperate to make it stop.

Every morning, the ad hoc desegregation unit gathered in emergency meetings to measure the previous night's toll on BHA's integration "test cases"—the defenseless black women and children—from the surging racial violence. It had been clear for a while that something was badly wrong, but I couldn't quite put my finger on it. Then came the call and the walk through Boston Common. A grown man in tears, a BHA colleague, painted the fuller picture.

He had chosen a stroll in the park so they wouldn't see him talking to me even though we worked together, legitimately, ostensibly on the same team. The secrecy didn't faze me anymore. Starting with the beauty queen in college, he was simply the latest person seeking my company, my ear, my counsel without wanting to pay the price of having others know they knew me. When the stakes were high enough, I had learned to stuff my indignation in exchange for information.

My colleague had intended to unload, not cry. Yet, burdened by what he professed was his spiritual connection to humanity, he was only a short way into his description of the behind-the-scenes maneuverings when he came undone. He had been fielding calls in the wee hours from traumatized mothers with babies—"Black women...I mean, these are *sistas*, Singley." I had helped him on work projects before. He needed my help again. What to do?

In the law there is (or used to be) an exception to the hearsay rule, which allowed a witness to testify in court about what someone else had told her instead of what she (the witness)

personally knew. In that instance, the witness was repeating what she said not to prove that it was true, but to simply prove that it had been said.

Sitting in the drawing room of the attentive, powerful white male, I explained that I was repeating what my distressed BHA colleague had told me and what I believed was true. In that moment, it was beyond politics, the laws of evidence, or even losing a job that was the only thing between bankruptcy and me. I was propelled to his elegant parlor because not all that long ago, I had done my time on the floor in the projects. My sister and I had been those pre-teen girls, being raised by our mother, abandoned by the housing authority to neglect, crime, and terror. I had rolled to the edge of my bed night after night, pressing myself against the wall in a futile attempt to escape the invasive sweeping orb from “Snoopy,” a high-powered searchlight stuck to the front of a low flying helicopter, sweeping the projects for crime. The copter’s cruelly ironic nickname captured the extent of the housing authority’s and the city’s commitment to us, the watched.

Could they really see me there in bed in the middle of the night, sprawled only in my panties, moist from the suffocating heat trapped inside by windows nailed two inches open—“Just two inches now because otherwise they can get something in there to pry it up”—in our brick tenement? Did they laugh at us, some skittering like roaches, others rest unbroken, and still others flipping them the bird, a fingered curse to match the helicopter pilot’s imagined contempt and disdain with our own? What did I look like from the air as the full moon-colored klieg light bounced from my foot to my calf, my thigh, my shoulder, my head, then across the ceiling before it disappeared?

Afraid to lift our heads above window level after dark, on more than one occasion, we had crawled from room to room. I had not been in a position to defend myself back then, but in 1983 Boston, I was in a position to do something now.

When we left the mansion on the hill, I had no idea if the information I had passed on would end up helping save the women and children or whether they would continue to be sacrificed. Boston politics seemed tied to a quite tiny bed, crammed with fellows (women included) composed of interchangeable parts. An arm around a shoulder in one season could be a foot on a neck or a head up an ass in another. The pal that mopped your brow in one election could be riding shotgun in a political drive-by on you the next. Who ever knew? I certainly didn't. So I returned to business as usual.

Meanwhile, winning *BHA v. Walker* had been much more than a personal victory. It established legal precedent as the first reported case in the nation where a public housing eviction was based not on the actions of the person who leased the apartment, but on the actions of other members and frequent visitors of the household. I had argued successfully that if Carolyn Walker had not known her 12-year old son and his friends were routinely beating up a middle-aged, mentally challenged neighbor and robbing him of his welfare check, she should have known. And whether she knew it or not, once her child had decided not only to take the man's checks, but also to steal the shoes from his feet, she and her son had forfeited their place in public housing.

The glow of *Walker* was short lived. Gradually, it dawned on me that while I still enjoyed most of my work, I did not like the people who ran the agency. More importantly, I no longer trusted or respected them. I had seen what they were willing to do to those they considered

powerless and therefore dispensable. Evidence was mounting that they would do the same kinds of things to me if I allowed them. I had no intention of allowing them.

Meanwhile, Judge E. George Daher, Chief Justice of the Housing Court, had honored me with his request that I become Chair of the Citizens Advisory Committee to the Boston Housing Court. Consequently, once a month, I evicted public housing residents in the morning and then in the afternoon, joined a diverse array of paid and volunteer housing advocates searching for homes for the newly homeless. It was a staggering task in a city where real estate developers were gobbling up every sliver of available property and cramming them with luxury residences. Yet it was a task made less daunting by the example Judge Daher set with his fearless, relentless attention to the families behind the eviction cases.

More than once, in the dead of Boston's brutal winter, Daher had been forced to rule in favor of an immediate BHA eviction. Knowing there was nowhere for the now homeless family to go, Judge Daher had summoned someone from city hall with authority to house the family before nightfall. Failing that, he warned, he would hold the mayor in contempt of court. Everybody knew he was serious. By the time he had finished a mesmerizing, impassioned lecture on the outrage of a civilized nation that refused to house the citizens on whose backs its wealth was built, a sheepish City Hall bureaucrat would be huddled in the corner, carrying out the task as directed.

Inside the legal department, the environment was deteriorating. We had once been a hardworking, challenging, but laid back group with ideas flying back and forth amid easy banter. But we had turned into tense, terse lawyers slogging through an atmosphere thick with unspoken frustrations. In an effort to figure out how to stay with integrity or leave with dignity, I started talking about my concerns with some of the other lawyers.

We were a group of exceptionally talented, dedicated lawyers. Any one of us could have found higher paying jobs somewhere else, but had chosen to be where we were because, among other reasons, we were committed to public housing and wanted to help fix something for which there was such a critical need. Nobody was new to political maneuvering. What had stunned me, however, was how swiftly the deceptive and manipulative tactics used against BHA's "enemies" had been turned against us, BHA's own.

Eventually, five lawyers—half of BHA's legal department—decided to seek advice on negotiating strategy from an MIT professor who was an expert negotiator. The Professor had recently brought warring parties to resolution following a highly visible, politically convoluted stand-off. Given what we faced, we figured the Professor had amply demonstrated the kind of skilled assistance we needed.

It was a sobering session, working our way through our joint list of concerns, filling in details here and there, absorbing the Professor's feedback. We headed back to the office quiet and thinking. The Professor and I lagged behind the rest of the group. "I hope you've already got your next job lined up because whether you quit or get fired, I don't even give you until the end of the year," he predicted as we parted at the train station.

I was not looking for another job, having decided that we could fix what was not working on the job I had. That was why I had asked Dick for a meeting to discuss my pay. The male lawyers were getting paid higher wages than the women even when we had the same titles, same years of experience, and comparable job descriptions. After repeatedly rescheduling, Dick finally set a real date, which happened to fall shortly after our meeting with the Professor. To prepare, I took to my bed with *Getting to Yes: Negotiating Agreement Without Giving In*⁷². Instinctively, I paid particular attention to and made a list of what the book called "dirty tricks." The next day, it

was as though Dick had read the same chapter and was working the dirty tricks list as his meeting agenda. Finally, I understood the legal services lawyers' enduring antipathy for him. I was not satisfied with the outcome nor was I ready to give up.

A few days after that, Dick's secretary brought us the news: Harry Spence, the Receiver, was coming down to meet with all the lawyers in the conference room that afternoon. Attendance was mandatory. Always ready with a shy boyish grin for the camera, Spence was neither shy nor smiling when he strode into the conference room at the appointed hour and positioned himself at one end of the table. By the time I arrived, there was only one seat left, so I took it—at the opposite end of table, facing him.

He didn't bother to beat around the bush. He had been informed that the lawyers were disgruntled and despite Dick's Herculean efforts to quell the situation, things seemed to be getting worse (*because we wouldn't just shut up*). He was deeply disappointed in us (*disgusted really*) because he knew that as lawyers we knew better than most how daunting were the tasks the receivership faced. Sacrifice was the order of the day and everybody had to make them: the residents living in squalor, the (*low paid*) maintenance workers, and (*slightly higher paid*) managers out in the field who risked life and limb just to do their jobs everyday (*unlike us who sat on our asses safe in our offices*). So, too, the lower level (*and lower paid*) staff in the administration building that housed us. And so forth and so on, all the way up to the (*money-grubbing*) lawyers (*who had the nerve to be*) sitting (*still on our lazy asses*) around him in the room, having dragged him away from (*truly important*) other BHA business to deal with our (*petulant, selfish*) demands.

Well, he supposed, he must have figured it out all wrong. He had assumed, perhaps erroneously, that people who chose to join the receivership team—because each of us had

certainly exercised choice when we accepted the job—did so not for the money, but because we were committed to providing decent housing for others far less fortunate (*though obviously more deserving*) than we (*wimpy greedy*) lawyers were. Since there seemed to be some confusion (*you dumb jerks*) about exactly what the bottom line was, he had come to break it (*and us*) down. After this, he did not expect any more (*whining*) complaints about salary or anything else related to us getting more than we (*with our pathetic greedy-ass selves*) already had (*or much less deserved*).

Bottom line: There would be no salary adjustments. His decision was final. Case closed. Move on. Scanning the room contemptuously, he dared us: *Any questions?* I had questions.

“What gives you the right, sitting on your fat salary to lecture us about making sacrifices? What exactly is the nature of your sacrifice? Beyond that, just because you storm in here and announce that nothing is going to change does not make the unequal pay issue disappear. In fact, your refusal to even mention the words “equal pay” means you’ve decided that it’s fine with you for men to get paid more than women for doing the same job. So the women should sacrifice while the men pocket our money? What sacrifice are they making? Surely you’re not suggesting our value as lawyers is tagged to a penis, are you? “

Spence blew. Pitching my fury to match his wrath, I fought his fire with fire. And I made sure I got there first: *Exactly who the hell do you think you are?*

The others sat mute around us. The four lawyers who had gone with me to meet the Professor peeled off and rejoined the pack. Then came Spence’s final offer: *If you don’t like it, you can leave.*

Finally, something we agreed on.

~ ~ ~

In October 1984, after reviewing his ruling in *Perez v. BHA*, Judge Garrity determined that the BHA receivership had been successful enough to return responsibility for the agency to the City of Boston. The court would continue in its overseer role. And so it was, a decade after storming the stage as a demagogue fanning the flames of Boston's rabid anti-bussing upheaval, Mayor Ray Flynn stepped into the shoes of the receiver to salvage what was left of Boston's public housing.⁷³

That same fall, after ten years of trying, I cut off all my hair and broke free of Boston.



New girl in town. (Dallas, Fall 1984)

¹ <http://www.civilrightsproject.ucla.edu/research/lawmichigan/DiversityandLegalEducation.pdf> , **Diversity and Education: Student Experiences in Leading Law Schools**, Gary Orfield and Dean Whitley (Harvard Education Publishing Group 2001) p. 145.

² *Ibid.*

³ See *ONE THOUSAND SOUTHERN WHITE MEN: The Florida Years*, vol. 3 of *Before Barack: Life Among White Folks* <http://www.beforebarack.com/2011/04/14/one-thousand-southern-white-men/>

⁴ William C. Kidder, *The Struggle for Access from Sweatt to Grutter: a History of African American, Latino, And American Indian Law School Admissions, 1950-2000*, 19 *Harvard BlackLetter Law Journal* 1-41 (Spring, 2003) (footnotes omitted), p. 11.

⁵ *Ibid.*

⁶ *Ibid.*

⁷ *Ibid.*

⁸ “Black Law School Enrollments: A Virtual Eviction in Texas and California,” *The Journal of Blacks in Higher Education*, No. 16 (Summer, 1997), pp. 8-11

⁹ *Ibid.*

¹⁰ Maxwell, Bill, “The Paper Bag Test,” *St. Petersburg Times*, 31 Aug 2003,

http://www.sptimes.com/2003/08/31/Columns/The_paper_bag_test.shtml.

¹¹ Russell, Kathy, Wilson, Midge, and Hall, Ronald, *THE COLOR COMPLEX: The Politics of Skin Color Among African Americans* (New York: Anchor Books/Doubleday 1992), p. 37.

¹² *Ibid.*, p. 34.

¹³ *Ibid.*, p. 37.

¹⁴ *Ibid.*, p. 39.

¹⁵ See “Traces of the Trade: A Story from the Deep North,” an award-winning feature documentary where filmmaker Katrina Browne discovers that her New England ancestors were the largest slave-trading family in U.S. history, which prompts her and nine cousins to retrace the Triangle Trade and gain powerful new perspectives on the black/white divide. <http://www.tracesofthetrade.org/>

¹⁶ <http://www.abenaproductions.com/vAUTHOR.HTM>

¹⁷ <http://www.educateclt.org/aboutus.asp>

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ *Ibid.*

²¹ *Ibid.*

²² In the trial court, Craven had ordered immediate desegregation of faculty and staff. *Ibid.*

²³ *Ibid.*

²⁴ *Green v. New Kent County*, 391 U.S. 430 (1968)

²⁵ *Ibid.*, at pp. 438-439.

²⁶ *Ibid.*, at pp. 439-441

²⁷ *Ibid.*

²⁸ *Ibid.*

²⁹ *Green*, 391 U.S. 438-439 (1968).

³⁰ <http://www.cms.k12.nc.us/discover/narrative.asp>

³¹ *Ibid.*

³² *Ibid.*

³³ *Swann v. Charlotte-Mecklenburg Board of Education*, 402 U.S. 1 at 15. (1971).

³⁴ *Ibid.* at 16.

³⁵ *Swann v. Charlotte-Mecklenburg Board of Education*, 402 U.S. 1 (1971).

³⁶ *Ibid.*, 402 U.S. 29-31.

³⁷ Baldwin, James, “THE PRICE OF THE TICKET: COLLECTED NONFICTION 1948-1985,” “Nobody Knows My Name: A Letter from the South,” (St. Martin’s Press 1985), p. 186.

³⁸ Morrill, Dr. Dan L., *A HISTORY OF CHARLOTTE AND MECKLENBURG COUNTY: The Emergence of Diversity: African Americans*, <http://www.cmhpf.org/Morrill%20Book/CH1.htm>

³⁹ Morrill, Dr. Dan L., *A HISTORY OF CHARLOTTE AND MECKLENBURG COUNTY: The Emergence of Diversity: African Americans*, <http://www.cmhpf.org/Morrill%20Book/CH12.htm>

⁴⁰ She was referring to three of Charlotte's most prominent and politically active black families: dentist Reginald A. Hawkins, Sr., lawyer Julius L. Chambers, and politician and businessman Fred Alexander, a son of one of Charlotte's black dynasties, the Alexander Funeral Home family.

⁴¹ The Charlotte Public Housing Authority was the federally-subsidized administrative agency for the city's low-income housing projects like Fairview Homes where we lived.

⁴² Dudziak, Mary L., "New Archive: The Derrick Bell Papers," May 21, 2007

<http://legalhistoryblog.blogspot.com/2007/05/new-archive-derrick-bell-papers.html>

⁴³ Bell, Jr., Derrick A., *ETHICAL AMBITION: Living a Life of Meaning and Worth* (London: Bloomsbury 2002), p. 15.

⁴⁴ "The Rule Against Perpetuity" is a legal doctrine that says to be valid, any interest must vest within a life in being at the time the interest was created plus twenty-one years. Despite being so simple on its face, it is nevertheless considered one of the most difficult legal rules to comprehend. At a southern state law school, a faculty member who authored an allegedly definitive textbook on the Rule Against Perpetuity is rumored to have gone mad shortly after he completed his book.

⁴⁵ Bell, Derrick, **Race, Racism, and American Law** (Boston: Little Brown and Company 1973). He honored six other research assistants and me when he acknowledged us by name in the 1975 Supplement to the First Edition. Bell, Derrick, **Race, Racism, and American Law: Supplement to the First Edition** (Boston: Little Brown and Company 1975).

⁴⁶ Memo, dated May 29, 1975, from Eric Saltzman to Bernestine Singley, "Evaluation of Work in Criminal Trial Advocacy, Spring 1975," 4pp.

⁴⁷ *Ibid.*

⁴⁸ Robinson, Eugene, *COAL TO CREAM: A BLACK MAN'S JOURNEY BEYOND COLOR TO AN AFFIRMATION OF RACE* (New York: The Free Press 1999), p. 97.

⁴⁹ School deseg order removed in 1975-citation.

⁵⁰ Declaration of Independence of the Thirteen Colonies, July 4, 1776.

⁵¹ US Senator Edward W. Brooke, III (R-Massachusetts) held that place in US history until 1993 when US Senator Carol Moseley Braun (D-Illinois) won her seat and became the first—and still the only—black woman to ever become a member of the Senate.

⁵³ Rogers, Alan, "Success—At Long Last": The Abolition of the Death Penalty in Massachusetts, 1924-1984, http://www.bc.edu/dam/files/schools/law/lawreviews/journals/bctwj/22_2/02_TXT.htm.

⁵⁴ Among the women employees was a smattering of innocuously beige women, they being among some of Boston's perpetually confused Cape Verde Islands descendants who abhorred their African roots and chose instead to identify as "Portuguese."

⁵⁵ Case Studies in Public Policy and Management, No. 244.0, *Note on the MBTA- Abstract*, John F. Kennedy School of Government, Harvard University, accessed 3 June 2005, <http://www.ksgcase.harvard.edu/casetitle.asp?caseNo=244.0>

⁵⁶ "Bob Kiley: Going Underground," BBC News, 13 January, 2001, <http://news.bbc.co.uk/1/hi/uk/1113837.stm>, accessed 3 June, 2005: Kiley "joined the Central Intelligence Agency in 1963 after having been the leader of a CIA-funded student organisation. [He]travelled the world in the 1960s fighting communism and spying on radical students before settling down as the executive assistant to...the director of central intelligence, Richard Helms."

⁵⁷ After leaving the MBTA in 1979, Kiley became CEO and Chairman of New York City's Metropolitan Transit Authority from 1983-1990 where he is credited with revitalizing and overhauling the system. In 2001, Kiley became Commissioner (Chairman of the Board) of Transport in London.

⁵⁸ http://www.mbtta.com/insidethet/taag_history10.asp, accessed 5 May, 2005.

⁵⁹ Letter, dated March 2, 1979, from B. H. Clarke, Jr., Chief of Railroad Operations, Commuter Rail, to Richard J. Duggan, Division Manager, Amtrak, South Station, Boston, MA 02210.

⁶⁰ Massachusetts Commission Against Discrimination, the state agency established to investigate and propose resolutions to claims of racial discrimination.

⁶¹ Letter, dated 28 March 1979, "Re: Amtrak Parking Lot and Police Conduct," from Bernestine Singley, Manager, Railroad Real Property, to B. H. Clarke, Jr., Chief of Railroad Operations.

⁶² Called "EOTC," the Executive Office of Transportation and Construction. See also, <http://masscases.com/cases/sjc/400/400mass705.html>, the 1987 Massachusetts Supreme Court case, *Edward J. King v. Globe Newspaper Co.*, 400 Mass. 705, 723 (1987), where Barry Locke's criminal activity was featured in a

cartoon that triggered King's lawsuit for libel against the *Boston Globe*, one of its reporters and one of its cartoonists.

⁶³ Malveaux, Dr. Julianne & Perry, Deborah, UNFINISHED BUSINESS: A DEMOCRAT AND A REPUBLICAN TAKE ON THE 10 MOST IMPORTANT ISSUES WOMEN FACE (New York: Perigree 2002), p. 32.

⁶⁴ Kenney, Charles, "Frank Walters: From Anonymity to Star Witness," *Boston Globe*, January 21, 1982, p. 1; and Quill, Edward, "Locke Takes Stand to Tell of Loaning \$4000 to Walters," *Boston Globe*, January 28, 1982, p. 1.

⁶⁵ Armando Perez, et al. v. Boston Housing Authority, _____

⁶⁶ Thomas Palmer, "Former Judge Paul Garrity Dead at Age 66," *Boston Globe*, August 22, 2004

⁶⁷ Healey Library at University of Massachusetts/Boston archives, "Garrity, Paul G.: Papers on BHA Receivership, 1976-1985," donated by Judge Paul G. Garrity in January 1987. <http://www.lib.umb.edu/archives/garrity.html> accessed 21 June 2005.

⁶⁸ Boston Housing Authority v. Carolyn Walker, et al.

⁶⁹ Sheketoff has continued to enjoy the respect of bench and bar alike. *Boston Magazine* in 2003 named him one of

⁷⁰ *Pro bono* is an abbreviated reference to *pro bono publico*, which means "for the public good." *Pro bono* lawyers are private attorneys who agree to represent defendants who cannot afford to hire their own lawyers.

⁷¹ http://www.bostonphoenix.com/boston/news_features/top/features/documents/04242227.asp accessed 26 June, 2006, "Boston's Police Problem," by David Bernstein, *Boston Phoenix*, November 5-11, 2004, p. 3.

⁷² Ury, William and Fisher, Roger, GETTING TO YES: NEGOTIATING AGREEMENT WITHOUT GIVING IN (1981).

⁷³ See Healey Library, "Garrity Papers" at note 66 above.