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# Academic War Strategies for Nonviolent Armies of One

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## ACADEMIC WAR STRATEGIES FOR NONVIOLENT ARMIES OF ONE

*Angela Mae Kupenda*<sup>1</sup>

### INTRODUCTION

To engage the legal system in necessary critical action, critical actors are required. The law cannot be uprooted, re-sowed, and re-cultivated, unless future legal professionals engage in such action. And for future legal professionals to engage in such action, generally, they must first be engaged in critical thought during their legal educations. Moreover, for such thought to occur, the legal academy must include a diverse group of voices, minds, and

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<sup>1</sup> Professor of Law, Mississippi College School of Law. I dedicate this article to all of my allies, who have supported me in various ways in my 20 plus years in academics. I especially appreciate my home school's pre and post publication faculty scholarship grants that support faculty scholarship, even non-traditional work as this essay.

The first time I presented the ideas in this essay was as a panelist at the Society of American Law Teachers' (SALT) Teaching Conference, hosted by the University of California, Berkeley School of Law, in March 2008. I also presented these ideas on a panel at the Association of Black Women in Higher Education, hosted by Princeton University, in October 2008. Attendees at both of those conferences strongly encouraged me to publish these ideas to share with others who are engaged with a struggle in the Ivy Tower of academia, especially those at schools that choose not to even acknowledge that inequality unfortunately continues today. I especially want to thank SALT for all of the support and information it gives professors to help us endure today, so as to continue the nonviolent war for justice even in legal education.

Also, I am extremely grateful for the work of *the crit*, for its publication of my essay and making ideas as these available through its astute journal of progress.

experiences to engage with those seeking such a critical education. These critical voices may be in short supply in the academy for multiple reasons. One specific reason, though, is that such voices may experience great difficulty in moving through the promotion and tenure process at institutions more bent on continued perpetuation of the same voices and of the status quo in the law.<sup>2</sup>

This essay will attempt to usher some of these voices through these difficult processes. Often female faculty, faculty of color, and especially black female faculty, may find themselves engaged in what seems like a war in the academy,<sup>3</sup> a war to survive and maintain a critical voice as an army of one. This essay will propose several war-like strategies to help these valiant academic warriors ultimately win the war, even though they may be wounded, having lost some battles.

The title of this essay has already been modified to emphasize that this battle is a non-violent one. We have already learned a lesson from one reported story of the suspension of a black female professor. Years prior, Professor Gloria Gasden had written and published an essay about racial harassment of minority professors on predominantly white campuses.<sup>4</sup> Later, Professor Gasden “jokingly posted [on what she thought was her private Facebook page] that she was looking for a hit man” after enduring harassment at her school.<sup>5</sup> She was suspended. Eventually, her suspension ended and she returned to class. However, campus police officers ultimately had to be “posted outside her classroom.”<sup>6</sup> The professor said the reason for the suspension was not truly about the Facebook post, but more of a reaction to a racial harassment claim she filed and the Chronicle article she wrote about her racial experience at her school.<sup>7</sup>

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<sup>2</sup> See generally Vincene Verdom & Vernellia Randall, *The Hollow Piercing Scream, an Ode for Black Faculty in the Tenure Canal*, 7 HASTINGS WOMEN’S L.J. 133 (1996).

<sup>3</sup> See, e.g., Pamela J. Smith, *The Tyrannies of Silence of the Untenured Professors of Color*, 33 U.C. DAVIS L. REV. 1105 (2000).

<sup>4</sup> See Gloria Y. Gasden, *Minority Report*, THE CHRONICLE REVIEW, THE CHRONICLE OF HIGHER EDUCATION, Oct. 24, 2008, <http://chronicle.com/article/minority-report/4102/> (last visited April 5, 2010).

<sup>5</sup> See Associated Press, *East Stroudsburg University Professor Reinstated After Facebook Flap*, April 1, 2010, PENNSYLVANIA LOCAL NEWS, <http://www.penlivenews.com/midstate/index.ssf/.com/2010/04/east-stroudsburg-university> (last visited April 5, 2010).

<sup>6</sup> See Mary Helen Miller, *East Stroudsburg U. Professor Returns After Suspension for Facebook Posts*, April 2, 2010, Wired Campus, THE CHRONICLE OF HIGHER EDUCATION, <http://chronicle.com/blogPost/East-Stroudsburg-U-Professor/22244> (last visited April 2, 2010).

<sup>7</sup> *Id.*



With increasing academic frustration from economic and financial woes and other experiences, critical warriors must remember that violence yields more violence. As a poet and a scholar explained, the master's house cannot be dismantled with the master's tools.<sup>8</sup> And, as Rev. Dr. Martin Luther King, Jr. explained, those fighting oppression would instantly lose if they returned violent conflict with similar conflict. According to Dr. King:

The doctrine they preached was a nonviolent doctrine. It was not a doctrine that made their followers yearn for revenge but one that called upon them to champion change. It was not a doctrine that asked for an eye for an eye, but one that summoned men to seek to open the eyes of blind prejudice. The Negro turned his back on force not only because he knew he could not win, but also because he believed that through physical force he could lose his soul.<sup>9</sup>

Although these critical voices are engaged in war, it is a nonviolent war of enlightenment and critical exposure that should be waged.

This essay is informed by and will use as analogies the failed war strategies of former President Bush,<sup>10</sup> and strategies he could have better implemented in the Iraq War. The illustrations, though applicable to the context of non-whites or non-male professors, will come from the scarred reflections of one academic war veteran of 20 years.<sup>11</sup> I am grateful for all academic experiences I have had teaching over the years on a permanent faculty, on a visiting faculty, or as a scholar-in-residence. All these wonderful and challenging experiences inform my work. I appreciate my readers'

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<sup>8</sup> See Trina Grillo, *Anti-Essentialism and Intersectionality: Tools to Dismantle the Master's House*, 10 BERKELEY WOMEN'S L.J. 16 (1995) (quoting AUDRE LORDE, *SISTER OUTSIDER* 110, 11 (1984)).

<sup>9</sup> MARTIN LUTHER KING, JR., *WHY WE CAN'T WAIT* 21 (Signet Classic 1963) (2000).

<sup>10</sup> See, e.g., Marjorie Cohn, *Human Rights: Casualty of the War on Terror*, 25 T. JEFFERSON L. REV. 317 (2009); Jeffrey A. Botello, *Congressional Responsibility in Controlling the War Machine*, 21 ST. THOMAS L. REV. 305 (2009); John O. McGinnis, *Losing the Law War: The Bush Administration's Strategic Errors*, 25 GA. ST. U. L. REV. 377 (2008); Jeffrey D. Gram, *Aiding the Iraq Debate?*, 30 WM. MITCHELL L. REV. 379 (2003);

<sup>11</sup> I have had teaching and scholar experiences over the years on the faculty at: Mississippi College School of Law, Notre Dame Law School (Indiana), Boston College Law School (Massachusetts), Pierce Law (New Hampshire), Jackson State University-Business School (Mississippi), University of Mississippi-Business School, Pine Manor College-Scholar in Residence (Massachusetts), and Jackson State University-Hamer Institute-Scholar in Residence (Mississippi).

indulgence so that I may feel free to write with honesty and with due respect. Neither schools nor individuals will be named as I tell my personal “war-like” stories here.

This essay will propose enhanced war-like strategies for those deserving fighters in higher education, especially those in small armies and in an army of one. Although this war analogy fits, I did hesitate to use it. War and its casualties are not to be taken lightly. As one scholar said, “War, like a game of chess, is full of strategic planning, analysis, and outthinking your opponent’s next move. However, the similarities end there. Unlike chess, the consequences of war are brutal.”<sup>12</sup> The situation an academic warrior faces, which are admittedly far less dangerous than being a soldier in the Iraq War, are more serious and life threatening than a game of chess. Therefore, I use the war analogy but hopefully with sensitivity. With this disclaimer, the war-like strategies to be explored include: obtaining intelligence; defining goals of engagement; identifying and nurturing allies; identifying the non-allies and any enemies; making calculated power stands; using cost-benefit analysis; following through with public relations work which builds morale; and losing dispensable battles to win an ultimate victory.

#### I. OBTAINING INTELLIGENCE AS A CRITICAL FIRST STEP.

How can one wage a war in an environment that one does not understand? Some wars are problematic from the start since the fatal flaw was proceeding with a lack of intelligence of the war environment, including insufficient information on the cultural and religious terrain. For example, some scholars have criticized former President Bush for failing to get comprehensive intelligence on Iraq.<sup>13</sup>

An academic soldier must act without this flaw by gathering information about the history of her academic battleground, relevant departmental information, and the struggles of power present in the administration and faculty, including information hidden from sight like land mines. Most importantly, the academic soldier must really know herself and her strengths and weaknesses by entering heightened war preparedness training, working on her own self and any flaws such as lack of discipline, lack of

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<sup>12</sup> See Faith Joseph Jackson, *Whose War is it Anyway? The War in Iraq: Shared War Powers of the Executive Branch and the Congressional Branch and the 2008 Election*, 32 OKLA. CITY U. L. REV. 1, 35 (2007).

<sup>13</sup> See J.M. Spectar, *Beyond the Rubicon: Presidential Leadership, International Law & The Use of Force in the Long Hard Slog*, 22 CONN. J. INT’L L. 47,102 (2006).



confidence, lack of temperance, and impatience. She needs to be sure that she does not unconsciously interject heightened individual and unresolved personal drama into an already dramatic venture.

Having knowledge of the department's recent and historical battles, especially the bloody ones, is critical so that the academic soldier does not step unwittingly into traps waiting for the unwary. Obtaining this intelligence can be quite difficult. Gaining information does not mean getting wrapped up with the local nay-saying critics, who may then interject the academic soldier's name into a battle in which she does not presently desire to engage. Perhaps the easiest way to acquire some of this information is to critically and quietly read any available self-study reports (you do not need to tell everyone you are doing this, as it may arouse defensiveness) and faculty handbooks.

On one faculty, when I tried to acquire a faculty handbook, I was told, "The handbook is so old that we don't really use it. . . . We will give you the revised one later." I insisted on getting one. Perhaps I should have gone to a friendly colleague, as my insistence was later described as pushiness. In my case, this handbook became critical in one of my bids for promotion and tenure. After I joined this particular faculty, some faculty sought to dramatically increase the requirements for tenure and promotion. But the rules applicable to me, by administrative urging and decision, became the rules I came in under, which were the ones in the handbook that I had to struggle to get a copy of years earlier.

Also, examine the web pages and biographies of other faculty to see what they are, and are not, doing; especially study those of faculty recently promoted or tenured. When you meet faculty from other schools, listen to their stories and ask questions of those in other academic institutions and disciplines. Their issues are likely very similar to those in your institution or discipline. Another excellent way to acquire intelligence is to watch and listen in silence. Early in one's academic career is too premature to wage vocal battles, so just listen in faculty meetings, listen to nuances of conversations, and watch for what is said, and what is not said, within the institution.

## II. DEFINING GOALS OF ENGAGEMENT.

As stated earlier, perhaps the most important intelligence to acquire is about the academic soldier herself. This information will be a key in this next step: defining goals of engagement. For the long-term future, have some positive goals. For example, President

Bush's goals have been questioned.<sup>14</sup> Moreover, President Bush disregarded advice of international lawyers and others as he reportedly yelled, "we are going to kick some ass."<sup>15</sup> Such a proclamation does not suggest a positive goal, nor a measurable one.

For each academic year, have positive goals, not goals designed to defensively inflict injury. Then as you accept or decline certain invitations, participate in or lead activities related to scholarship, and teach and provide service at your institution, you will have a framework from which to act. In my initial years, I kept my goals taped in an inconspicuous place on my desk, readily within my view.

Now, I keep my semester and year goals in a journal on my desk. I often refer to it, giving myself regular reminders to stay on target.<sup>16</sup> In academics, it is easy for well-meaning administrators to burden white female faculty or faculty of color to the point where they are too laden to run with their scholarship.

In this battle a soldier can sprint up a hill more quickly if her backpack is not weighing her down. Other people may try to fill your backpack with an inordinate amount of service, an inordinate amount of required attendance at events related to the bar and other organizations, an inordinate teaching load of new preparations in disjointed areas where you do not have the time to prepare sufficiently for your classes, or an inordinate negativity that makes it difficult to have the optimism needed to advance a scholarly agenda and build a scholarly national reputation.

One thing I noticed early in my career, and continue to notice even now, is that I face a lot of pressure to render service work, while many of my male colleagues do not. Therefore, they more readily advance their professional goals or get the necessary rest to advance their goals and stay on target. An ally gave me great advice during my early years of teaching. She suggested I get three large expandable folders and label them "scholarship," "teaching," and "service." In those folders you can place notes and information about any possible research ideas, any congratulatory thank you notes received from students or others for any contributions made, etc. These folders will give you ideas for future work and help you when it comes time to prepare annual reports, or a dossier for promotion or tenure. Keep these folders in a very convenient location, such as a file drawer next to your desk, so that you can

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<sup>14</sup> Cf. Spectar, *supra* note 12, at 66-68.

<sup>15</sup> *Id.* at 61.

<sup>16</sup> Cf. U.S. Rep. Mark Udall, *Keynote Address: Collective Security and the United Nations*, *University of Denver College of Law, February 28, 2004*, 33 *DENV. J. INT'L L. & POL'Y* 1, 3 (2004).



easily drop in materials. Periodically, review the materials to consider your future directions. These folders also give you ongoing intelligence about your progress to date.

As you gain this intelligence about yourself, be realistic about any personal or family circumstances that must be factored into how you fight this war. And, adhering to basic ethical principles, do not allow the enormity of the war to influence you to compromise principles of integrity, for this often results in a loss of due respect for yourself and others. Unfortunately, President Bush disregarded international principles,<sup>17</sup> the United Nations,<sup>18</sup> the warnings of Secretary of State and former military officer Colin Powell,<sup>19</sup> and advice of key members of congress and crucial allies.<sup>20</sup>

### III. IDENTIFYING AND NURTURING SUPPORTIVE ALLY RELATIONSHIPS.

This academic war is an impossible task to undertake solo; therefore, it is critical to have allies. Learning from President Bush, one congressman argued the magnitude of the error of Bush's strategy, saying that "winning the war" was one goal, but "win[ning] the peace" could not be accomplished without support of the United Nations.<sup>21</sup>

A dangerous mistake is to think that an ally will be an ally for all purposes. As President Bush learned, some allies are not supportive of all purposes.<sup>22</sup> And if the ally is not an ally for all purposes, a similarly dangerous mistake is to reject the potential ally almost completely. This is a mistake with injurious consequences, and one that I made several times before I finally started to learn my lesson.

When I joined a faculty, I wanted my allies to welcome me vocally and wholeheartedly, support my personal and institutional advancement, and to be supportive with open minds and open mouths about gender, race, and class. To the contrary, I encountered faculty and administrators who seemed to have little understanding about dynamics of underrepresented groups other than their own racial, gender, or class dynamic and experience. Some of these, though, could be precious allies. Although some did not care to discuss the plight of black female faculty in

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<sup>17</sup> See Spectar, *supra* note 12, at 47.

<sup>18</sup> See *id.* at 109-10.

<sup>19</sup> See *id.* at 110-14.

<sup>20</sup> See *id.* at 102.

<sup>21</sup> Udall, *supra* note 15, at 3.

<sup>22</sup> Cf. generally Dakota S. Rudesill, *Foreign Public Opinion and National Security*, 36 WM. MITCHELL L. REV. 5233, 5233 (2010).

predominantly large white male-dominated classrooms and faculties, these same colleagues cheerfully offered to take my place on time-intensive committees while I worked to establish a scholarship agenda, and they offered to fill in for me with my committee duties if I had a family crisis or health crisis, or provided critical assistance to me when I was chair of a committee. I encountered faculty who would not vocally support me when some expressed disagreement with my scholarly agenda on race and gender, but who readily and consistently delivered more than the votes I needed for promotion and tenure. Some of this faculty told me that they thought I was out of my mind for considering going to work at a historically black school, yet they gave me careful, strategic advice on negotiating with the administration. Some were reserved, especially about their political ties and identities, but they handled some of the glaring racial issues so I would not have to get involved as a junior woman of color.

Some allies are allies for specific causes; few institutional allies are allies for all purposes, especially for faculty from underrepresented groups. This is where, someone once told me, your community is bigger than your law school. So, if no one on the faculty can handle a conversation about prevalent racial or gender bias, it becomes even more critical to locate allies external to one's school, including those who are waging, or have waged, similar institutional wars valiantly. So identify and cultivate ally relationships through conferences, make presentations at other institutions, etc.

Early in my career, the school where I was on the faculty was evaluating whether I should receive a promotion. The number of people of color on the faculty was scarce, and I was the first one to write about race and gender. We had a faculty retreat to address two issues: scholarship and post-tenure review. I was not concerned with the issue of post-tenure review. I did not even have tenure! But many faculty members were more troubled about this point. The school retained several outside faculty to moderate our retreat. One was Joan Howarth,<sup>23</sup> an esteemed and kind scholar whom I had met at a previous conference. The day before the retreat started, Joan made a point to locate and talk to me. I shared with her that I thought the first issue for the retreat could really be paraphrased as, "Should Angela be promoted?" She agreed, but wanted me to promise her one thing. She said that if the discussions got to a point where I felt like throwing up my hands and fleeing both from the retreat and the institution, I should signal

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<sup>23</sup> Joan Howarth is now Dean of Michigan State University College of Law. See her profile at [http://www.law.msu.edu/faculty\\_staff/profile.php?prof=602](http://www.law.msu.edu/faculty_staff/profile.php?prof=602) (last visited April 9, 2011).



her that I needed to talk privately before I decided to give up the war and surrender the flag. We agreed on a discreet signal I would use if needed. If Joan saw my signal, she would call for a break so that she could privately give me her take on where the discussion was at.

As the retreat progressed into the evening, several of our recognized scholars on the faculty argued, “scholarship was not scholarship, unless the majority agreed with the reasoning and premises of the scholarship.” I tried to reason with those faculty members that this could not be so, because if that were the case, change and advancement would never occur. Surely academics have a greater responsibility to promote new ideas and fuller equality, I argued. Much of the faculty remained silent, while these persuasive few were vocal and continued by saying that our school was small and therefore could not afford to have scholars who wrote on anything that the majority of people did not agree with or who wrote with nontraditional styles or in new areas. Becoming utterly frustrated, I quipped that if the majority had its way it would probably put people who looked like me back into slavery. After more specifically targeted conversation toward me was had, I prepared to throw up my hands and say “forget this.” Fortunately, I remembered to signal Joan, the moderator. She called for a break and then stepped down the hall with me.

Joan understood my reasonable frustration, but she assured me that I had a lot of allies in the room. And, as she pointed out, other people on the faculty engaged in nontraditional scholarship too, and had similar concerns as to the value of their work under post-tenure review. But why weren’t they speaking up, I questioned. She explained that she did not really know, but obviously they were not going to speak up for me or for themselves. Her sense was that these silent allies did not generally feel empowered, or perhaps compelled to speak up, but that at the vote they would be heard and I would be OK. She said if I could ride this out for a few more minutes, it would be time for the conversation to shift to post-tenure review. And as she laughed a little, she said then they would never get back to the topic of implicating me. She was right on all counts. The ensuing post-tenure review battle at the retreat was a gory one.

Then, a few weeks later, my promotion vote went well, very well I was told by a confidential ally. Later, my tenure vote also went well as another confidential ally told me, although it was wrapped in a similar battle to that in my promotion. Immediately before my tenure vote, the then-administrator (as one of his last acts of office, before he subsequently resigned) made an administrative decision that the present faculty tenure rules (the rules in that same, old faculty handbook that they did not want to

give me when I was first hired because they had planned to revise the requirements) would apply to me, but none of the revisions that they were contemplating would apply. Subsequent to my tenure vote, revising the tenure rules was put off for many years.

Joan was definitely my external ally. But who were these silent allies I had on the inside? My guess is that some of them were the same people who would never engage in a conversation about racial problems at the school, or even attend the diversity and teaching workshop I had chaired. They are not allies for all purposes, but they are allies just the same. The moderator was not from my school, but she was an ally for diversity in the academy.

Don't wait to learn this lesson; instead learn to nurture allies for specific purposes and develop relationships with allies external to your school. Then you will experience fewer moments of feeling alone in your academic war. Ideally, you will have allies as related to all aspects of the academic war and occasionally an ally for all purposes.

Years ago, frustrated over several academic matters, I attended a conference for women in legal education hosted by Mills College. It was a wonderful event, but I still had a lot on my mind. On a bus ride from the hotel to the college, a beautifully dignified, pleasant black woman, named Professor Ruth-Arlene W. Howe, asked to sit with me. I really did not feel like being friendly, but she was so graceful and gracious. She was an established scholar, a more senior faculty member and a full professor, and I had been taught to always be respectful. I had heard of Professor Howe<sup>24</sup> so, I gave her a weak smile and slid over to make room for her. On that bus ride, she taught me so much. She prodded gently and instructed me immensely. From scholarship, to teaching, to service, to balancing work and life issues, to eating my oatmeal, she mentored me on maintaining my best self and how to be happy and accomplished as a black female professor. On all of the subsequent conference bus rides, I saved her a seat. Since those bus rides, she has been a constant, caring external ally and mentor to me. As just one example of her kind support, for a publication where it seemed that a law journal was trying to change my voice and premises, she spent over four hours on the telephone, long distance, going over every comment from the journal, teaching me how to compromise on some points, modify others, and decline other suggestions. After we finished, she had taught me how to use the journal comments to make my work better. And to think, all of

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<sup>24</sup> See, e.g., Ruth-Arlene W. Howe, *Race Matters in Adoption*, 42 FAM. L.Q. 465 (2008); Ruth-Arlene W. Howe, *Redefining the Transracial Adoption Controversy*, 2 DUKE J. GENDER L. & POL'Y 131 (1995).



this came about because I was at a conference of women, and respectfully shared my seat on the bus that day with her. As my older brother always said, if you want a friend, show yourself friendly. To let the stress of academics make one sour and unfriendly is a surefire way to lose the academic war, or any war—just ask President Bush. There was Iraqi sympathy for the Iraq journalist who threw his shoes at President Bush.<sup>25</sup> And, President Bush admitted in his final interview as president that some of his divisive rhetoric was a mistake.<sup>26</sup>

To have an ally then, one must also be a good ally. A seemingly great contradiction is that I believe in being an independent thinker, and an independent voter on faculty matters. I do not generally engage in block voting, as I want to analyze issues for myself. However, to be an ally, if there is an issue on which I could vote conscientiously either way, why not vote with an ally who definitely believes a certain outcome is better? Similarly, if an ally asks me to do “X” and I prefer not to, based on my own goals, conscience, and rules of engagement, perhaps I can assure my ally that “I cannot do ‘X’ for you, but I will do ‘Y’ for you,” which will still offer some support. Generally, how do I repay my allies and mentors? I can repay them by graciously saying “thank you,” by patiently mentoring junior faculty, and by being an ally to someone else, especially someone from an underrepresented group. This will also help to increase the community of likeminded allies in the academy.

#### IV. IDENTIFYING THE NON-ALLIES AND ANY ENEMIES.

Just as your allies come from different places, and it takes discernment to see them, so do your enemies on the battlefield. I do not like using terms such as “the enemy,” but unfortunately there are people who will be amused by your predicaments and struggles, and there are people who will sabotage you for their own advancement or amusement. The enemy is not always who you think it is. So be sure that the one approaching is an enemy before you act. Hold off on action until you see the whites of their eyes. And before attacking, conduct a cost-benefit analysis. Do expect to

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<sup>25</sup> See Sean Foley, *The Iraq Status-of-Forces Agreement, Iran, and Guantanamo Bay*, 34 RUTGERS L. REC. 39, 44 (2009).

<sup>26</sup> *Bush: ‘Some of my Rhetoric has Been a Mistake’*, DEADLINE USABLOG, <http://www.guardian.co.uk/world/deadlineusa/2009/jan/12/georgebush-republicans?INTCMP=SRCH> (last visited April 9, 2011).

receive some battle wounds in embracing your integrity. Even former Secretary of State Powell was wounded while trying to work with the Bush administration from the inside and also from trying to challenge President Bush on some points critical to the country's well being.<sup>27</sup> Later, in the 2008 presidential campaign, Powell—a Republican—publicly announced his support for Democratic Presidential candidate Barack Obama.<sup>28</sup>

#### V. MAKING CALCULATED POWER STANDS, USING COST-BENEFIT ANALYSIS.

Conduct cost-benefit analysis as you proceed to realize your goals, just as Secretary of State Powell cautioned President Bush that a war in Iraq would be quite challenging.<sup>29</sup> President Bush did not heed his warning. Some say, therefore, that the Bush administration's "errors were ones of prudence and judgment."<sup>30</sup>

This analysis is critical, for example, if one must depart from the authority in the chain of command. When I first started teaching at one job, I was hired to teach substantive courses. But one of the white, middle-aged, male administrators tried to situate by course as reporting to a young, white female friend of his on the non-permanent faculty. I checked with the chief administrator as to the scope of my hiring. Having confirmed that this female instructor was nowhere within my chain of command, I declined to follow her instructions as well as his instructions for me to follow her instructions, and asserted my academic freedom. Now, this step was necessary, but for many years this insubordination to the administrator created a tension between us. So be careful and be a critical thinker, even if you suffer some wounds along the way.

#### VI. FOLLOWING THROUGH WITH PUBLIC RELATIONS WORK, WHICH BUILDS MORALE, AS MORALE IS ESSENTIAL FOR THE TROOP(S).

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<sup>27</sup> See, e.g., *Colin Powell on Iraq, Race, and Hurricane Relief*, ABC NEWS 20/20, Sept. 8, 2005, <http://abcnews.go.com/2020/Politics/story?id=1105979&page=1> (last visited Nov. 16, 2010).

<sup>28</sup> See *Powell Endorses Obama for President*, MEET THE PRESS, Oct. 10, 2008, [http://www.msnbc.msn.com/id/27265369/NS/meet\\_the\\_press](http://www.msnbc.msn.com/id/27265369/NS/meet_the_press) (last visited Nov. 16, 2010).

<sup>29</sup> Jackson, *supra* note 11, at 35.

<sup>30</sup> McInnis, *supra* note 9, at 379. See generally Joseph Betz, *America's 2003 War of Aggression Against Iraq*, 9 NEXUS 145 (2004).



Another error exists in making a miscalculation to the effect that an extended war, without victory in sight, will have on troop morale.<sup>31</sup> Discreet self-promotion is critical, especially if you do not have an ally/mentor to do the public relations work—promoting your accomplishments to the school—for you. This means you must promote yourself. This also means that some colleagues may resent your public relations work and your accomplishments, making this a difficult choice. If you promote your work, colleagues may resent you; if you don't promote your work, colleagues may still resent you and say you are not doing anything.

One strategy is to tie your work in with the goals of the institution. Study the mission statement, the self-study and any information from the administration as to what it sees as being of value. I know some faculty dread completing their annual or semester reports of scholarship, teaching, and service activities. Completing these reports dutifully, however, can help in several ways. First, it can help promote you to you, improving your morale, as you know the value you bring to the institution. Second, it can let the decision-maker know of your work quality and quantity for raises, course assignments, and so on. Third, it can help others see your value. This is critical for underrepresented groups. Others may not presume your value the way they may presume that of white male faculty, unless you can put on the evidence to prove it. Good public relations of your work in school promotional materials can also help an academic soldier in generating support from outside the institution, as allies can also be found in the practicing bar, among judges, and in other disciplines.

#### VII. LOSING DISPENSABLE BATTLES TO WIN AN ULTIMATE VICTORY.

Some battle loss is inevitable. However, one can afford to lose dispensable battles to win the war. It is critical for a faculty member to know what winning is and how it feels ethically, morally, and personally.

Many years ago, I was engaged in lengthy negotiations with several different administrations about salary inequity. Finally, an administrator promised much more than a slightly higher percentage raise, as such raises were barely affecting the inequities I experienced. When the administrator met with me to present my new contract, he opened my letter marked personal and slid the

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<sup>31</sup> See, e.g., Thomas Hafemeister & Nicole A. Stuckey, *Last Stand? The Criminal Responsibility of War Veterans Returning from Iran and Afghanistan with Posttraumatic Stress Disorder*, 85 IND. L.J. 87, 106 & n.116 (2010).

contract letter across the desk to me. I looked at it and was appalled. It was not nearly what had been implied to me during the negotiations. I was rendered disappointed, angry and speechless. I asked for an explanation. The one I got was not acceptable to me, and I told him so. He responded by saying that he was going to make a military analogy. He said that there are officers in the military and there are sergeants. He continued by stating that a sergeant would never be more than a sergeant and all a sergeant can do for more money is to get a different job with a different unit.

I thought I understood what he said, but I was still shocked speechless. My sister, who was on the United States Army Science Board, later posed this to some of the military officers she knew to get a better understanding for me. They disagreed with the meaning behind this analogy, too. They insisted that sergeants do become generals, and they pondered as to how someone could just look at a person and label that person's future accomplishments. As for me, I know the work of sergeants is important, too, but I was so angry that an administrator would label me in his mind and place a concrete ceiling, even one of perception, to block my passage to heights I believe I definitely deserved. And I was certainly angry that an administrator would renege on prior understandings. I also felt hurt and wounded, as I had been so hopeful that this new commander would be different from my earlier experiences with others.

I am embarrassed to admit what I did in response, but will do so anyway. After I left work, still angry from losing this battle for financial equity, I drove my car to visit with my mother. The rain was pouring down as I drove along the interstate. I was still angry and deep in thought. In a split second, I allowed myself to mentally entertain unpleasant wishes toward that administrator. As I completed that five-second thought, a horrible accident almost happened on that rainy day. I nearly drove into the back of an 18-wheeler, and a vehicle almost ran into the back of me. I managed to avoid this disaster by quickly pulling over to the side of the interstate, where the speed bumps helped stop my vehicle. After collecting myself, I decided that I had to replace those immoral and retaliatory thoughts with more positive thoughts and tactical, strategic plans for my future. When I arrived safely at my mother's house, I told her this entire story.

She, my ally for all purposes, gave me a good talking to, telling me that I should never let someone lead me into thinking immorally about another. "Don't let another steal your joy and your good-hearted nature," she chastised. "I didn't raise you like that." She was right, I acknowledged. But then, she continued more slowly and explained more tenderly, "The administrator is right.



You are not an officer in this administrator’s army. You are not even in his army. The only army you are in is the army of the One, the army of God.”

This chastisement and encouragement helped me to refocus. A year later as I applied for other jobs, the same administrator asked why I was doing so and what my problems with the institution were. I explained that I was following his instructions. This led to a fruitful discussion and I slowly reaped, still not all, but more of what I was entitled to for my deserving work on that faculty.

For a minute, though, I almost lost the war as a result of angst over a dispensable battle. I learned a valuable lesson that day: If we don’t sacrifice our integrity, even white women, even people of color, and especially black women like me, can successfully wage an academic war. As an army of One, do not lose sight that the ultimate victory necessarily means you fight valiantly, morally, and with integrity intact. This is a lesson that I momentarily forgot at least once and, in my opinion, at least one president forgot often.<sup>32</sup>

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<sup>32</sup> Cf. Cohn, *supra* note 9, at 363-64 (stating that the Bush administration war effort led to America losing its “moral authority to criticize human rights abuses abroad”).