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Aishah Shahidah Simmons: Words on the Duke Rape Case



Aishah Shahidah Simmons has lots to say about the Duke rape case. Based in Philadelphia, Penn, Aishah is the producer, writer, and director of the film *NO! The Rape Documentary* (<http://www.notherapedocumentary.org/>). She finished *No!* last August. Its world premiere was in February. And she's been on tour with it ever since. She's also the founder and president of AfroLez Productions, LLC, a multimedia arts company.

I spoke with Aishah on the phone in April, on a Friday morning. At that point in the case, there was no DNA evidence. But Friday, May 12th, the defense attorney for the accused Duke rapists, Joe Cheshire, said the semen obtained from vaginal swabs of the accuser indicates that she had sex with a man who is not a Duke student that night.

According to Cheshire, DNA was also found on a plastic press-on fingernail. The fingernail was taken from a trash can by two Duke players who rented the house where the rape is alleged to have occurred. The players were said to have volunteered the fingernail to the Durham, North Carolina police department after the players learned of the rape allegations. The genetic material found on the fingernail does not belong to either of the players who have been indicted.

I'll withhold my comments.

I caught up with Aishah while she was in L.A., before another screening of *No!*. Here's Aishah...

What kinds of comments or questions have you received after your screenings of *NO!* in light of the Duke rape case?

First, I just want to say the documentary is not about interracial rape. It's about rape in the Black community. The Duke case is interracial [the accuser is Black and the accused are White].

But it's interesting. People are really upset. I think they're upset because the alleged perpetrators are White. I would be curious of what would have happened if [the perpetrators] were Black

men. But it [then] becomes, ‘Well, what was she doing in the room?’ You know, those kinds of conversations where I find myself saying, ‘Wait a minute, she was working! And even if she wasn’t working, she doesn’t deserve to be raped! She was hired to do a job.’ So those are the kinds of dialogues that I’ve been experiencing.

In some ways, people will say it is wrong. That it’s definitely wrong. But underneath it all, there’s some way in which the woman gets blamed.

They qualify her rape.

Yeah, qualify. Like why did she have to be a stripper. I’m like, that’s not even the issue!

Who’s making these comments usually? Are women in general saying this? White women? Men? Etc?

Black women. It’s this issue—you know the scholar, Elizabeth Higginbotham? She uses this term, the ‘politics of respectability.’ It’s kind of this shame or embarrassment that [the victim] was a stripper. I think Black women...well, women of color, but I’m speaking about Black women. Black women, I think, struggle with this so much. I see this happening in terms of my screenings of *No!* It’s all this having to contextualize in order to understand why this person was in the room. It’s like, they have a right! If you say no, they can’t penetrate you. It’s like women can’t say yes to one form of sexual activity, and no to another form.

That’s not exactly what we know about Duke. We just know that she was hired to do a job. But I do think all of this comes up.

What about class differences?

I definitely think class affects this case. Apparently, here in L.A., the head of the Women’s Studies department at Claremont University heard Jesse Jackson say that he was going to give her a scholarship so she wouldn’t have to strip. It’s like, what the hell?! Again, that’s *not* the issue!

Why? Because stripping is not considered a legitimate form of working and so is not protected by certain labor rights?

Yeah, it’s legal. [And the job was] in the evenings, so it might [have been] convenient because she’s a single mom. She could get someone to watch the kids at night, and she could go to school during the day or be home when they get out of school. Many people don’t think about stuff like that.

What about those comments that have been playing around a lot in mainstream media: ‘Oh, you know guys can get out of hand.’ ‘Sometimes those parties get out of control.’ ‘Beer.’?

Again, yeah! Star Jones on “The View” said, ‘When you’re in a room with a bunch of men, what do you expect?’ And you know, my friend and colleague saw that show and she was like, on the one hand, we’re supposed to trust men. And then on the other hand, we’re supposed to know better. It’s like we can’t have it both ways! If I cannot assume a man is not going to rape me—that he’s so uncontrollable—then if I’m in a room with a whole bunch of them, why should I expect to be raped?

Again, it's a way of letting men off the hook. 'Boys will be boys.' 'Well, you know they get out of hand.' How about [rape] is against the law! It's like saying a bunch of White people, you know sometimes they get drunk and they go out and lynch somebody. It's not acceptable! Or when race riots happened in L.A. and Black people started looting. We just don't understand why Black people, when they're upset about racism, they start riots. That's unacceptable behavior.

Do you remember when the Central Park jogger case was going on? The group of boys—they were assumed to be boys of color—were often described as “a pack,” or “thugs,” or “predators.”

Exactly, as opposed to these Duke students. That's not what they're getting. They're not a pack, they're not thugs. And that's what I'm saying! These are the things that complicate the issue when we're dealing with sexual assault in communities of color.

What I think many of us do is look at it from a masculine point of view. Definitely, men of color are under seige with racism, but somehow Black women—Black, Brown, Asian—we get told that we're not part of the equation. Racism doesn't impact us. We struggle with that stereotype that Black men are rapists, but we don't struggle with the stereotype of the Black woman whore.

So because this woman is a stripper, it just makes it even more complicated. I hear people. I think it would have been much easier if she was a student [at the school] who just happened to hang out with friends at a party. But because she was a stripper... My heart goes out to her for the fact that she even pressed charges. I hope she's getting intense psychological support. Because for her to go forward, it's a whole—whoof!

I read that one of *Essence* Magazine's reporters—during an interview with CNN—said that the woman is not living with her parents. She's living day by day in different places because she is getting death threats. And leaflets were thrown in her parents' front lawn.

I don't even know what's going on. They said there weren't any fingerprints or anything. It's like somebody cleaned it, that's what it sounds like. Like it was a sweep! Because how could that be, come on. It doesn't make any sense.

Much of the mainstream media has avoided connecting this case to racism. What do you think about that?

Yes, it's very interesting. Like I said, racism is something Black men experience. It's not something that Black women experience. And so it does become this interesting reality. It's really interesting how it's not really part of the discourse.

You can't look at these cases without the intersections. And I think the media doesn't want to look at it, and it is not equipped to look at them. First of all, people don't value women's lives, period. White women aren't having a picnic either.

But there are 911 calls that document that there were racist epithets being used that night. Right. That's definitely what I heard and read. What makes this interesting for me is that this is an interracial rape, and seeing how people deal with that. In some ways, I think it's easier for communities of color because it's all White men. Again, I really, really question if this had been

an all Black basketball team, football team—would it have gotten a national outcry? And how would the Black community have responded? Currently, the Black community is doing its thing because [the perpetrators are] White—I'm convinced. I can't even imagine if she accused a group of Black men of raping her!

Because then it would be, oh, you're making us look bad?

Yes, because she's a stripper. What was she doing?

What are other things people should keep in mind? What are things the mainstream media is not touching on before this story is forgotten?

I hear you. I think that what we need to talk about—because the discourse has been women going into a room with a billion men and what the effects are. I think we need to talk about this woman as an employee who was there to do a job. And her job was to be a stripper. That was her *job*. She did not go there to be raped. And even if she said yes to two, and no to one—she was still raped. She was there to work.

She didn't go there to have racial epithets thrown at her, and definitely not to be raped. I think we need to get out of—it's the same way we view all women—what was she doing there? Blah. Blah. This type of discussion—well, if you're going to be around a group of men to provide entertainment for them, what do you expect? I think we just need to say, if you're going to do a job, you should not expect to be raped.

And death threats because she accused. This woman has been violated in the most intimate, personal, psychological way, and just to have to come forward...I'm a rape survivor, but I've never testified...and to go through the rape kit. That stuff is not easy to do! But people still think, oh, she's crying, 'Rape! Rape!'

For me, it's so clear that something happened, at a bare minimum. I believe that she was raped. It's so clear to me because who would go through all of that? I mean Duke is an elitist institution. She's a Black woman, they were White men. She's a single-parent. This is not your 'ideal' case here! So that alone makes me feel that she is not lying as far as I'm concerned.

Do you think it was wise of her to press charges so quickly because if she didn't, then everyone would be accusing her of waiting too long, and so of course lying?

Exactly. I'm really upset. As a Black woman, I am upset for plenty of reasons. Where are the voices of the Black women's organizations? Even mainstream White women? I don't hear *Ms*? Where is the feminist movement? What's going on? There is no major outcry for feminist support. Nobody is supporting this woman. Nobody is saying 'Not in my name!' Nobody is doing that.

You're right. I haven't heard anything from NOW. Or the NAACP.

Not at a national level. And then what's really pissing me off is the people who are talking, or at least getting the media's attention, are Black men and I'm *sick* of it! I don't know if Black women aren't saying anything. It's like if a tree falls down in the woods and nobody sees it, did it happen? I'm sure there are Black women saying something, but who gets the voice?

Do you think it's like Black men speaking for 'their women' thing, because White men violated 'their women'?

On some level. Like Jesse Jackson saying he's going to give her a scholarship. It's like, what the hell?! That's not going to help her! The issue isn't that she shouldn't be stripping! The issue is she shouldn't be raped!

And what's next? Are people going to start advocating that women can't work at night now?

Yeah, I saw something that they're trying to do an escort service. Sorry, I don't want all of that! I don't want an escort service. I just want the ability to be safe. I want men to be kept in check, and men to keep themselves in check. And particularly for me, as a lesbian, I don't want *men's* protection. I don't need that. No, that's not really what I'm looking for. I just want to live in a world where I am safe. Again, I think it goes back to the discussion about sex work.

Have sex worker organizations stepped up to the plate in support of her? I haven't heard anything.

Yeah. It's just an interesting thing. I get so many emails from people about the case. But in terms of who's doing what, nothing. It's just interesting. Unlike Anita Hill for instance, you know—legal scholar, Ivy League grad. Everybody came by her. She was the acceptable victim. She was a respectable Black woman. But this woman isn't.

What other comments have you heard while screening *NO!*? Have they been mostly around the Duke case? Or are they a mix between the case and the documentary?

There's one woman in the documentary who talks about agreeing to oral sex and not wanting to be penetrated. So I think that kind of opens up the door to women giving mixed messages. 'So is it my fault if that woman gives me mixed messages?' Wait a minute, that's still that woman's body. So I don't care if she's giving you mixed messages. It's her body. And if it's a mixed message, then accept it as a No. If you're not clear, it's No.

So for many men, a woman's body is still their possession. And society plays into it. Come on! Any other thing—if I leave my G4 Mac computer at Starbucks, leave it, go home and blah blah, and somebody steals it—they're a thief. And I could press charges on them for stealing my computer. People might say, 'What the hell are you doing leaving your G4 there? That was stupid.' But I can still press charges. It's just not the Duke case. It's the rape of women, and the rape of Black women. I think we've gotten worse in terms of our view of women's rights. I don't even think we're there anymore.

I've read that some Black female Duke students have said that the White guys on campus look at them as if they're one of the women in the hip hop videos. Do you think that's part of this—Black women dress like that so what do they expect? Many of 'Middle America's' interaction with people of color is usually not that often, so their perceptions usually revolve around what they see in the media.

I think that's true. But the thing is that it's almost ahistorical in a sense because I feel that from the time Black people were brought over here, that that was always used against us as a reason for being raped over and over again in enslavement.

Definitely the hip hop videos...I have my whole perspective on that, don't get me wrong. But it's a part of a continuum, an ongoing legacy. White men have created and bought into it. And I would argue that Black men have also bought into it. It's across the board. I think as a result of popular culture—it's much more acceptable. Everybody has cable—from Des Moines, Iowa to Harlem, New York—they all see the same video practically. It's part of a continuum. It's almost as if we should go back to Victorian-style clothing to prove our purity, chastity. And for me, that's what I want to dissect and pull apart.

No. I don't care what you're doing. You could have sex with 100 people, and at 101 be like—'Eh, eh. No'. And that's NO. It doesn't matter. And that's the kind of stuff that trips everybody up. I think it trips everybody up across the board, but within this context, in America, with Black people, that's become a problem.

And with Black men—there's this way that patriarchy unifies men. Yeah, Black men are victims in a white supremacist society. But they're perpetrators in a male patriarchal sexist society. And it's this way that Black and White men can bond in some way.

In terms of films—these *Boys in the Hood*-type films—that's because the White gatekeepers of Hollywood live vicariously through Black men. They're not interested in Black women's stories. So with these music videos, yeah, White men can live out their sick fantasies and with our racist, sexist history, play in it. So the music videos play a role, but I think it's part of a continuum.

The current movement of the Religious Right, do you think it has any affect on this case?

Yes. My thing with the Religious Right is people often think White, Right Wing. But the Religious Right is alive and well in the African American community in churches and mega churches. Not to say the churches were not sexist back in the 60s—but gone are the days of liberation [theology]. I think it now reinforces patriarchy—reinforcing women's place. And so what happens is, these mega churches acknowledge women's pain—'I know you've been raped. I know you've been abused. You've been sleeping around. But now God is your father, your husband.' People kind of reinforce it. And many women are wounded and looking for something. And you've got these men in pastor's clothing who are basically revictimizing them and reblaming them. And definitely, with all this morality, the stripper thing makes her not an acceptable "victim."

I also think there's this move—as gays and lesbians get more active—there's this move to control women's sexuality. And I think that's what the religious movement is doing. It's sick. It's very much a way of controlling. So when you step out of line, this is what happens—this is what you get.

Do you want to talk about NO!?

I started working on *NO!* in October of 1994 and didn't complete it until August 2005. The reason it took so damn long was because I couldn't get funding about the rape and sexual assault of Black women as a Black woman. And this is from the mainstream funders. And I'm an out lesbian, so that's a whole other—that's probably worse than being a stripper, actually. (Laughs).

Even in terms of getting impact. I have big-time African American women experts with PhDs, and scholars—and a lot of people, big time cable people, have a lot of resistance to that. ‘Where did you get all these smart Black women from?’ ‘Let’s face it nobody cares about Black women and girls, so we’re not going to fund this project.’ And I had this Black funder say in writing, ‘The fact can’t be denied, the moral point of view is that a woman shouldn’t be in a man’s room at 2 am in the morning.’ This was in a grant rejection letter! So it was really a Black feminist grassroots movement that made *NO!* I got support from smaller women’s foundations and definitely from lesbian and gay foundations. But I couldn’t get those big grants you need to make a film.

It’s filmed all across the country. There’s music and dance and poetry. Practically everyone who worked on *No!* was a woman. I would say 95 percent women of color. And I was committed to paying everybody. So for me, what was going on in front of the camera was as important as what was going on behind the camera. How we were treating women, paying women, women of color technicians—that was important to me.

So [in *NO!*] I was trying to tease out this notion, challenging this notion. I feel it’s a myth that we’ve accepted: rejecting the myth of the Black male rapist and willingly accepting the myth of the Black female whore. They’re two sides to the same coin! It’s the same thing: Black male rapists—that’s why they were lynched. Black female whores—that’s why we were raped. But yet we don’t look at that. We don’t pull that apart!

For me, I see talking about the rape and sexual assault of Black women as feminizing Black history. Because there’s this way when we come forward that we’re betrayers of the race. So really, I start from enslavement. Talking about women, and what we had to go through. In addition to being beat and picking cotton—Black women were also being raped. And the lynching of Black men, and how we, Black women, were at the forefront of the anti-lynching movement. So this kind of notion that we don’t support Black men—I really wanted to challenge that. I show in the 60s with the Black power movement, and the Black Panther party, how Black women were part of those movements and still being assaulted. So, and we couldn’t stop it because who was going to call the cops in 1964? Ha! Who wants to call them in 2006?

All in all while listening to these testimonies where, with the exception of one, everybody knew their perpetrator. They were either lovers, professors, comrades or friends. I did that on purpose because that’s rape—you’re not going to be yanked out of the street. Somebody’s not going to break into your house. You have a higher probability of being raped by somebody you know. So really pushing that [in the film].

And so I think pertaining to the Duke case, it’s forced people to start thinking differently, or at least interrogate themselves. I’ve got really good, good people who are opposed to rape but are like, ‘Yeah, but we have to take responsibility, too. We can’t go into a man’s room and not know what’s going to happen.’ Again, it’s like what are we saying? Are we saying men are uncontrollable animals? Nobody wants to say it that way. That the brain is on the woman.

And how can you walk out every day with that reality in your head?

Right. So it's on us. We should dress more properly. Be covered up. But what about women who get raped by their dads? Muslim women get raped. All women get raped!

The other thing that is interesting to think about, in the Kobe Bryant case, she did agree upon a certain sexual activity. She did not want to be penetrated anally. That really didn't come up. She didn't say she didn't want to have [vaginal] sex—she said she didn't want to be penetrated anally. Kobe wrote a letter to her after the case was settled basically apologizing. Basically admitting to, 'I wanted you to want it.' So it's this interesting dichotomy that happens.

So how long can you have consent? If I spend the night with my boyfriend. Let's say a woman is going to spend the night with her boyfriend, and she said yes that night, but in the morning changes her mind—is that rape? There's this notion that men have unlimited access to women's bodies and she never really has the right to say no.

I had a man at a screening say, 'Where I come from, if you take a woman out on a date, you're supposed to rape her.' 'Or I had sex with a lot of women, at first they said no, but at the end they said yes.' Straight face, calm, cool and collective.

Or like the White woman who said prior to seeing *NO!*, she didn't know Black women could be raped. I have a very good friend Mark Anthony Neal at Duke. I've heard that in some of the classes, that some students have said, 'Why should we believe some Black whore over Duke students?' The Black women Duke students in the class said, 'Well what does that make us?'

In terms of law—for women of color—is it race or gender? The laws are not set up to deal with the intersections on our lives. I mean, I still can't believe how long it took for people to give a shit about what was going on in Lourdes. I mean mainly the mainstream White feminist movement. Again if you go to the NOW website, or to *Ms.*, nobody is saying anything. There's no big outcry here. But Laci Peterson! We're so inundated with all these White women. And I'm not saying we shouldn't be. The problem is it's not across the board. Black, Brown, Yellow, Red—women of color are not valued.

It became very clear to me, people who were making these [movie-funding] decisions, that most of them are definitely White and male, and they don't care. But what happens is—there's all this space. There's a lot of space for hip hop films and documentaries on sexism and misogyny—which are important. This is not coming from an 'either or' at all. But it's very interesting how that can get promoted and talked about. But a documentary that looks at Black women herstory in this country from slavery to present day, and rape and sexual assault—having prominent African American women scholars, many of whom, people don't even know who they are—that's not viewed as worthy. So I had to kind of step back—and was like who has been my audience, who has been the backbone? No, it hasn't been these mainstream White folks. It's been Black people, people of color, queer. So I had to step back and be like who do I want this for?

But as a filmmaker you want to win the Academy Award. And it was a personal dream to have my film at Sundance. But I had to take a step back and say wait, why are you doing this film? Because I see myself as an activist who uses film and video to evoke change. I call myself a

filmmaker. I definitely am that. So I had to take a step back and see why am I seeking affirmation from these people who are perpetuating the same stereotypes I'm trying to battle.

I know the video is technically sound. That's why it took so long because I paid a lot of money over years to do it. And I've seen stuff that these festivals have accepted. And there are only a handful of women of color who get selected. Our voices are not being heard in the media. No one's really interested in a radical woman of color's perspective.