Prosecutors Under Persecution: A Phenomenological Study of Black Women Prosecutors

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PROSECUTORS UNDER PERSECUTION: A PHENOMENOLOGICAL STUDY OF BLACK WOMEN PROSECUTORS

by

JOCILYN GILBERT

Under the Direction of Jonathan Gayles, PhD

ABSTRACT

In order to understand the experiences of Black women prosecutors, researchers have to understand the manner in which Black women experience oppression in their law careers. Intersectionality theory explores these unique layers of oppression Black women could experience. In this study, I desire to understand how Black women prosecutors navigate these oppressive factors within their law careers. Many Black women prosecutors have experiences in spaces where they are gender and/or racial minorities. The research explores how these women experience and respond to their experiences in their workplace and if they believe, as prosecutors that they can be advocates to the Black community. This study contributes to research on the perspectives of Black women in law careers and intersectionality theory to Black studies.

INDEX WORDS: Black women, Prosecutors, American Law, Intersectionality, Race and Gender
PROSECUTORS UNDER PERSECUTION: A PHENOMENOLOGICAL STUDY OF BLACK WOMEN PROSECUTORS

by

JOICLYN GILBERT

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Prosecutors Under Persecution: A Phenomenological Study of Black Women Prosecutors

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DEDICATION

I dedicate this project to my family; Mom, Dad and Jessica. Mom, thank you for your unwavering support. You never let me think for a second that I could not succeed. Dad, thank you for always keeping it real with me and making me laugh even when I am in a terrible mood. Jess, thank you for all the phone calls where we both would vent about school and then remind each other of what we want to achieve and get back to work. Without you three, there is no way I would be completing this project. Thank you. Love you.
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TABLE OF CONTENTS

ACKNOWLEDGEMENTS ........................................................................................................ V

1 INTRODUCTION .................................................................................................................. 4
  1.1 Background .................................................................................................................... 4
  1.2 Purpose of the Study ...................................................................................................... 6
  1.3 Significance .................................................................................................................... 6
  1.4 Methodology ................................................................................................................ 7
  1.5 Research Question ........................................................................................................ 7
  1.6 Theoretical Framework ............................................................................................... 8

2 LITERATURE REVIEW ....................................................................................................... 11
  2.1 Black Women and American Law .............................................................................. 11
    2.1.1 Black Women Lawyers within the Movements ....................................................... 11
    2.1.2 Alberta Jones ........................................................................................................ 14
  2.2 Workplace Discrimination .......................................................................................... 15
    2.2.1 Stereotypes Affecting Black Women Prosecutors ............................................... 16
  2.3 Whiteness and Professionalism ................................................................................ 20
  2.4 Workforce Today ........................................................................................................ 22
  2.5 Advocacy for the Black Community .......................................................................... 21
  2.6 Theoretical Framework ............................................................................................. 23
  2.7 Chapter Summary ....................................................................................................... 25
3 METHODOLOGY

3.1 Participants and Procedure

3.2 Data Collection

3.3 Setting

3.4 Data Analysis

3.5 Reliability and Validity

3.6 Limitations

3.7 Conclusion

4 FINDINGS

4.1 Research Interest and Background

4.2 The Participants

4.3 Overview of Themes

4.4 Data Collection Applied to Data Analysis

4.5 Data Presentation and Analysis

4.5.1 Intersection of Racism and Sexism

4.5.2 Support Systems

4.5.3 Determination

4.5.4 Recognition of Humanity

4.5.5 Responsibility to be Advocates for the Black Community

4.6 Conclusion
5 CONCLUSION ........................................................................................................54

REFERENCES........................................................................................................ 61
1 INTRODUCTION

Black women hold unique positions in American society. Although there is growing research focused on Black women, certain situations and experiences have not been thoroughly examined. The experiences of Black women prosecutors are different than any other racial or gender group of prosecutors because of a number of factors including historical stereotypes, their positionality in American society, and responsibility to the Black community to name a few. Black men and women are harassed by law enforcement, incarcerated more than any other racial group and historically marginalized by American laws. Prosecutors’ influence within the law has specific bearing on Black women because of sentencing disparities for people of color. The following chapter examines the background of Black women and the law in the US, the purpose of this research, the significance of studying Black women prosecutors to African-American studies and the nature of the current study. This chapter also contains the research question, theoretical framework and relevant definitions.

1.1 Background

Black women prosecutors are a part of an unrecognized group within American history. They are ultimately omitted or their experiences fabricated which normalizes the white experience as the only relevant one (Davis, 1986). Many scholars have made it a point to correct the fallacies of the past. In the 1970s, scholars such as Collins, Bambara, Davis, Shange, Morrison, Jordan, Walker and Lorde essentially opened the door for Black women to use their voices to share their experiences. By communicating how Black women experience unique forms of racialized and gendered oppression simultaneously, they laid the foundation for inquiry into the experiences and lives of Black women.
Like their historical erasure, Black women have been disregarded politically as well by being grouped with either white women or Black men (Kupenda, Johnson & Seabron-Williams, 2010). Although the experiences of Black women are similar to other oppressed groups, it is significant enough to be differentiated. Oppression is not solely gendered or racial but can be both simultaneously. However, Black women have been involved with law throughout American history whether they are recognized or not. For example, Charlotte E. Ray was the very first Black woman to graduate Harvard law school and be admitted to the Washington DC bar in 1872. She and others prove that being excluded from the history books does not mean she did not exist.

Black women in law endure unique experiences because of Black people’s positionality within American law, making up about 3% of all lawyers in the US and even fewer prosecutors, and experiencing dual oppressions. The law is one of the least diverse professions within the United States and being a minority within a profession not only literally but structurally as well can lead to feelings of isolation (Women Leaders within the Law, 2016). White male-dominated professions marginalize those who are different from themselves and set the standards in the workplace. Black women are held to unattainable Euromerican standards as employers have the power to regulate appearance (Caldwell, 1991). Many Black women in law never achieve leadership positions because their work environment is so unbearable that they leave after working in a firm for a short period of time (Pratt, 2012). Specifically, Black women prosecutors make up about 1% of the elected prosecutors in the United States mostly because they do not stay long enough in their initial positions. More Black women in the legal field such as prosecutors and judges can be seen as a possible remedy to injustices in the Black community such as racial disparities in sentencing (Farrell, Ward, & Rousseau, 2009).
Black women still struggle for political equality and face challenges in their legal careers. Even though they are the highest group enrolled in college, they have the lowest incomes when compared to Black men and white women (Scales-Trent, 1989). It is time to discuss and uncover the experiences of Black women prosecutors.

1.2 Purpose of the Study

The purpose of this study is to understand the experiences of Black women prosecutors who work in white male dominated spaces. This study explores workplace discrimination, stereotypes and unattainable Euromerican standards in the law profession. The researcher also explores how the prosecutors feel about working within a system that disproportionately affects African Americans and if they believe they can be advocates in any way. A qualitative research approach is used to understand what each participant experiences as a Black woman prosecutor. This is a phenomenological study attempting to understand the phenomenon experienced by being a Black woman prosecutor both within white male dominated work spaces and within a justice system that discriminates against Black people.

Black women are asked a series of questions. These questions guide the informal interviews but give the participants room to tell their personal stories. The phenomenon of being a Black woman is the focus of this study. There is no one experience for all Black women and each participant is able to use her voice to share their experience as a Black woman in the white, male dominated legal profession.

1.3 Significance

This study is significant because it contributes to the research on Black women and their experiences. It helps to explore assumptions and generalizations about the experience of Black
women lawyers and specifically prosecutors. This study can also give a voice to the women who tell their stories and give insight into what it means to be a Black woman prosecutor in America.

Black women have unique barriers to overcome in all facets of life including their jobs and prosecutors rarely have their voices head. There are studies that focus on the experiences Black women have as lawyers but not enough to fully understand their experience and few that focus of the experience of prosecutors (Kay, Alarie & Adjei, 2013, Farrell, Ward & Rousseau, 2009). Black women in law fare worse than other minorities in the less conservative fields due to discrimination in multiple forms (Pratt, 2012). Their voices and concerns need to be heard so the discrimination can begin to be eradicated.

1.4 Methodology
A qualitative research method is used for this study to understand the phenomenon of being a Black woman prosecutor. The goals of this study are consistent with Creswell’s description of qualitative research as a written report or presentation that “includes the voices of participants, the reflexivity of the researcher, and a complex description and interpretation of the problem, and it extends the literature or signals a call for action” (Creswell, 2007, p.37). The study is best conducted using a phenomenological qualitative method in order for the participants’ stories to be told and expand the research of Black women’s experiences. Phenomenological approaches are used when trying to understand the meaning of experiences and therefore contribute to the goals of this research project (Creswell,1989 & Lin, 2013).

1.5 Research Question
The primary research question for this study is: how do Black women prosecutors navigate their Blackness and womanhood in their law careers where they are gender and/or racial minorities? All interview questions are informed by this overarching question.
1.6 Theoretical Framework

Born from Critical Legal Studies, Critical Race Studies and Black Feminist studies, intersectionality theory was created by Kimberle Crenshaw in the late 1980s (Crenshaw, 1989, Nash, 2008). Critical legal studies (CLS) assert that the insignificance of seeking racial equality through the law and, although “energizing political struggle or producing apparent victories in the short run”, the struggle for social justice is “ultimately legitimating the very racial inequality and oppression that such extension purports to remedy” (Crenshaw. 1989, p. 1334). They draw from Gamsci, a neo-Marxist scholar whose description of hegemony can be applied to the American society. He asserts that “a system of attitudes and beliefs, permeating both popular consciousness and the ideology of elites, reinforces existing social arrangements and convinces the dominated classes that the existing order is inevitable” (Gramsci & Buttigieg, 2011). CLS scholars describe American law to be essential in this illusion and explain how people can essentially “consent to their own oppression” (Crenshaw, 1989, p. 1351).

Crenshaw along with Derrick Bell were foundational in the creation of Critical Race Theory (CRT). CRT is based on Bell’s critique of “liberal integrationism and the law” and offers “new insights into the way law produces racial identity and how it functions to contain and condition racial politics” (Alexander-Floyd, 2010, p. 812). Through storytelling, American law is portrayed with the usage of metaphors, euphemisms and irony. CRT scholars attempt to expose American law’s “false presentation of itself as linear, objective, unyielding, and timeless” (Alexander-Floyd, 2010, p. 812).

Along with the critical examination of the Black experience in America. Black feminist studies similarly challenge the notions of hegemony and tradition within academia. According to Guy-Sheftall, Black feminist studies “probes the silences, erasures, distortions, and complexities
surrounding the experiences of peoples of African descent wherever they live” (Guy-Sheftall, 2009, p.11). This theory moves Black women to the center of research and engages all forms of identification.

Originally coined by Kimberle Crenshaw, intersectionality was formed from these theoretical frameworks. Its emergence began a more thorough examination into the intersections of race and gender. When attempting to understand the experiences of Black women, an accurate analysis is only possible when race and gender is considered simultaneously. Crenshaw proposes that race discrimination and gender discrimination are generally discussed as affecting the more privileged members of a marginalized group (Crenshaw, 1989). An intersectional framework would finally move Black women and their experience with multifaceted oppressions to the center of the conversation.

The original discussion of intersectionality brought to light Black women’s experiences with workplace discrimination on multiple levels and how the US court system fails to recognize the experience of racism and sexism simultaneously. Crenshaw’s 1989 article gives examples of instances where Black women’s experiences of workplace discrimination were only recognized in the eyes of the federal courts as either gender discrimination or racial discrimination; never both. Specifically, she refers to DeGraffenreid v General Motors of 1976. In this case, five Black women alleged that General Motors’ “seniority-based layoffs” of all Black women employees was motivated by a racist and sexist system within the company (Crenshaw, 1989). The courts decided that the plaintiffs could not experience both racism and sexism and that they could not “combine statutory remedies to create a new 'super-remedy'” (Crenshaw, 1989, 141). This further marginalized Black women whose particular intersection with racism and sexism goes unnoticed and unpunished. This particular study uses an intersectional framework to understand how Black
women prosecutors may be the victims of racism and sexism. It would not do the participants of this study justice to discuss their experiences without considering how some may be the product of multiple layers of oppression.

Intersectionality specifically applies to Black women prosecutors because being a prosecutor is an additional intersection within their identities. Prosecutors have a large amount of control in the direction a criminal case goes. They influence the sentencing, how cases are presented to a jury, interviews of appropriate witnesses, they negotiate pleas and decide accusations and indictments. All of which can be influenced by the ethnicity of defendants. Sentencing disparities and charging decisions are influenced by prosecutors and are profoundly detrimental to Black people. Black women use an intersectional approach “when understanding oppression based on race, class, gender, and a legacy of struggle against such oppression”, which can influence their standpoint as prosecutors (Harnios, 2010, p. 72). This research attempts to understand how these experiences have contributed to why they chose to be a prosecutor and the type of prosecutor they choose to be.
2 LITERATURE REVIEW

The purpose of this chapter is to provide an overview of current literature on Black women lawyers. Contents of this chapter include a brief examination of the early struggles of Black women in the American legal profession, specific examples and causes of discrimination Black women prosecutors endure and how law careers may have distinct forms of discrimination, and Euromeric standards Black women professionals are expected to achieve in their law careers. These sections examine the literature that considers the unique obstacles Black women within the law have overcome and still struggle to overcome today.

2.1 Black Women and American Law

Throughout the history of America, Black women have had unique barriers to overcome. The experiences of Black women in American law and specifically within the legal profession is unique and significant due to the positionality of Black people and women within American law historically (Pratt, 2012). 2018 statistics of Black lawyers reflect the inequalities of racial representation. From 2008 to 2018, Black lawyers have barely increased from 4% to 5% of the total lawyers in the US leaving white males and female the majority racial group at 85% (American Bar Association's National Lawyer Population Survey, 2018). Since America was developed from the colonization of indigenous peoples and the removal and enslavement of African peoples from their homeland, racism and sexism are deeply embedded into the foundation of this country and are still used to marginalize certain groups.

2.1.1 Black Women Lawyers within the Movements

For hundreds of years, Black women had to bear and witness their families undergo horrifying treatment under American laws (Smith Jr, 2000). The first Black women lawyers overcame a struggle like no other and their entry into the law field “introduced an unknown
‘colored gender’ into the profession (Smith Jr, 2000, p. 1). For women such as Lutie Lytle, Eunice Hunton Carter, Mary Ann Shadd Cary and Florynce Kennedy it was uncharted territory to be lawyers. Gender expectations of early years limited women from being professionals as it was believed it could hinder them from being good wives and mothers (Friedman, 1993).

The majority of Black women lawyers were educated at historically Black universities such as Howard. As mentioned earlier, Charlotte E. Ray was the first Black woman lawyer in the United States. Ray obtained her law degree from Howard University in 1872 and was the first Black woman and third woman admitted to the bar (Berry, 1997). The 19th century was a time when neither Blacks nor women had many rights so Ray used the name C. E. Ray on her application to the Washington DC bar in order for her gender to be assumed male (Smith, 1999). Ray continued to practice law in Washington DC. As she struggled to find employment due to racial and gender bias, she eventually gave up practicing law for teaching in 1879 (Cabiao, n.d.).

Black lawyers have been present in every era and American social movement for the advancement of rights for oppressed groups in society. Some view it as a responsibility for Black women lawyers to fight for the liberation of Black people. Some Black women lawyers “see law as an instrument to liberate themselves from the dominion and control of men and as a tool to protect women and their children” (Smith Jr., 2000, p. 9). Mary Ann Shadd Cary was an abolitionist, lawyer and suffragist who was the first Black newspaperwoman in the US. She was born in 1823 and obtained her Bachelor of Law from Howard University in 1883. She founded Canada’s first anti-slavery paper and held abolitionist meetings at her house (Yee, 1997). Her involvement in the early abolitionist and suffragist movements by publishing articles on slave rebellions, raids and women’s rights influenced later radical works during the reconstruction period.
The turn of the century brought new goals for Black women in law. The focus switched from emancipation from legally enforced bondage to an end to violence and lynchings. Nationalist movements began to gain momentum as well. Lutie Lytle was one of the first Black women lawyers and law professors in the United States. She taught at Central Tennessee College of Law and gained admission to the Tennessee and Kansas bars in 1897 (Finkleman, 1994). Lytle would speak to large audiences in Kansas about her experiences in the legal profession and politics. She also spoke about integrated schools, Marcus Garvey’s nationalist messages and the “United Negro Improvement Association (UNIA), and the Harlem Renaissance” (Watson, n.d.). Although Lytle’s story is rarely told, her impact in the Black community resonated.

As time goes on, struggles for Black women lawyers take a different shape. The Jim/Jane Crow era strictly enforced separation of Blacks and whites within public facilities. Segregation was legally defined as separate but equal, however it entailed unequal education, housing, and employment (Goldberg, 1998). Strictly enforced segregation made the historically Black institutions the only options for potential Black lawyers.

Valk and Brown examined the experiences of Black women living during the Jim/Jane Crow era. They found that education was the main focus of Blacks that “ensured individual and community survival” but was often met with class conflicts (Valk & Brown, 2012, p.486).

In those days, many women were limited to domestic jobs that helped sustain the community but some were required to leave their jobs when they got married in order to maintain their home and take care of their children (Valk & Brown, 2012). They were also held to strict standards enforced by men on how to dress, act and speak when able to obtain professional employment. Male-dominated society controlled multiple aspects of women’s lives restricting upward movement and causing gender divisions on the job (Valk & Brown, 2012).
It was very rare for Black women to attend college or become lawyers. Gender separations enforced by social norms restricted Black women within the law field because they were not originally permitted to hold professional occupations. In 1940, there were about 175,000 lawyers in the United States and only 75 were women of color (Smith Jr, 2000). Florynce Kennedy was one of the few Black women to break this barrier. After her entry into Columbia Law School was denied because of her gender, she threatened to sue the university and was eventually admitted. Kennedy was the second Black woman to graduate from Columbia, which was the beginning of her long career of activism with the women’s rights and Black power movements (Randolph, 2015). After the Civil Rights Act of 1964, it became illegal to discriminate against Black women job seekers and women began to obtain more diverse jobs outside of domestic work (Brown, 2012).

2.1.2 Alberta Jones

Aligning with the goals of this study, a voice must be given to one woman whose ultimate sacrifice is seldom told. The case of Alberta Jones, Louisville’s first Black woman prosecutor is an example of the sacrifices made by Black women who broke gender and color barriers within the legal profession. A graduate from Howard Law. Jones was the first Black woman admitted to the Kentucky bar in 1959 and became a prosecutor in 1964. She was involved in the Civil Rights Movement through the NAACP and the Urban League and was instrumental in registering Blacks to vote. Unfortunately, her life was cut short in 1965 when she was tragically murdered. Her case has not been solved to this day despite eye witness accounts and fingerprints lifted from the crime scene (Brown, 2017). Jones’ murder is a result of a hate crime committed during the Civil Rights Movement and despite her dedication to enforcing law, little legal action has been taken towards obtaining justice on her behalf.
2.2 Workplace Discrimination

Black women experience multiple forms of discrimination simultaneously as they survive at the bottom of society’s pyramid (Bambara, 2007). With the plantation being the earliest American site of institutionalized discrimination, discrimination in the workplace still persists for Black women in law offices, no matter the level of education, experience or pay (Davis, 1986, Alexander-Floyd, 2010). The majority of studies focus on either race, class or gender and neglect how they intertwine (Acker, 2006).

Hall, Everett and Hamilton-Mason examined how discrimination may be one of the main stressors for Black women. In this study the participants indicated that racism and sexism as stressors in the workplace were “primarily based on stereotypes held by their employers and coworkers that hampered their ability to secure employment or be promoted” (Hall, Everett & Hamilton-Mason, 2012 p. 220). They suffered from institutional discrimination which is defined as “policies and procedures of that organization that unfairly restrict their opportunities or benefit the majority group in some way” (Hall et al., 2012). On the job discrimination is initiated by interpersonal prejudices which are “negative beliefs, attitudes and feelings” people feel for others even before they have met them (Hall et al., 2012, p. 211). One participant described how she had to deal with “not being recognized, being discriminated against, and being treated in a way that’s not right” along with the regular stresses of work (Hall et al., 2012 p. 218). Since 85% of all lawyers are white, most supervisors are white as well and control the hiring, firing and promotions of their subordinates. According to Ortiz and Roscigno, many of those employers also harbor racist beliefs (Ortiz & Roscigno, 2009, p.339). This leaves opportunities for discrimination (Reid, 2002). Lately, the number of Black women in law careers is dropping due to how they are being treated at their law offices. In 2015, 17% of Black women left their law
firms because the work environment is not conducive or welcoming for Black women (Brown, 2017). “Discrimination by coworkers or clients can create an unpleasant work environment that could lead Black women to exit employment more often than white women” and specifically could inhibit Black women lawyers from advancing in corporate law (Reid, 2009, p. 730). Black women are more likely to leave the white male-dominated firms for more diverse ones (Pratt, 2012).

2.2.1 Stereotypes Affecting Black Women Prosecutors

Black women often fall victim to stereotypes. Collins describes Black women stereotypes as controlling images that reflect ways the dominant group maintains other groups’ subordinate roles (Collins, 1991). This definition is specific to Black women because it demonstrates how stereotypes are racist and sexist in order to justify the dehumanization and cruelty of this specific group. Black women “constitute a large segment of the working poor, and face occupational choices that are restricted by their race and gender” (Branch & Hanley, 2013, p. 204). Discrimination through stereotype influences Black women in the workforce by effecting their employment and upward mobility. This illustrates why their perspectives are so important to understand. More research into the experiences of Black women can begin to eradicate assumptions and stereotypes.

Acker discusses “inequality regimes” which are “interrelated practices, processes, actions, and meanings that result in and maintain class, gender, and racial inequalities within particular organizations” (Acker, 2006 p.443). This term proposes that no matter the job, there is always some form of discrimination in white dominated spaces. This is an attempt to keep the hierarchy intact and keep Black women, who are a double minority, at the bottom. In her 2006 article, she discussed how workplaces composed exclusively of white women still found ways to
divide each other because of class. Since most workplaces have a hierarchical system, class discrimination is almost always present. Wage differences are the most apparent forms of discrimination (Acker, 2006). Acker examined intricate and deliberate gender discrimination in her research where she saw women handling the everyday behind the scenes business and the men handling the lucrative business. She argues that when big accomplishments were made for the company, the men in leadership would get all the credit when it was the women in the background that contributed the most to achieving the goal (Acker, 2006). Moreover, women experience discrimination for being pregnant on the job as well. According to the Pregnancy Discrimination Act which amends Title VII of the Civil Rights Act, the term “because of sex” was included to specify that women cannot be discriminated against due to a pregnancy, childbirth or other medical conditions related to them (Branson, 2007).

Inequalities at law offices can stem from stereotypes and some racist stereotypes of Blacks are specifically gendered. The reasoning behind these stereotypes originates from opposing ideas of womanhood (Wingfield, 2007, Collins, 1991). The white western definition being pure, docile or submissive is inversely opposed to images of Black women and help to justify their oppression (Collins, 1991). Collins’ comparison of Black male stereotypes to Black female stereotypes asserts how “controlling images” separate Black women from the ideals of society when it comes to sexuality or motherhood, stripping them of very specific aspects of womanhood (Harvey-Wingfield, 2007). “Controlling images” are used by the dominant group to define aspects of Black women’s identities to make forms of injustice such as poverty, sexism or racism seem like a normal occurrence (Collins, 1991, p. 69).

Three specific stereotypes may affect Black prosecutors; the first being the Mammy stereotype. In the workplace, the Mammy stereotype can be observed in a Black woman who has
a leadership role or may be older. She is looked at as the support system at work and often her “emotional and nurturing qualities may overshadow her professional strengths” (Reynolds-
Dobbs, Thomas & Harrison, 2008, p.9). Wingfield (2007, p. 198) found the “modern Mammy” to be the most experienced gendered stereotype by women in her study. The participants reported that they were expected to perform extra work, handle disrespectful treatment and be incredibly loyal to the boss (Wingfield, 2007). Since the Mammy stereotype is an image that “distorts the notion of caregiver” this gendered stereotype can inform how Black women do their jobs and even how long they decide to stay at that job (Ladson-Billings, 2009, p.89). Collins argues that while mammy signifies the role in a white dominated area, the matriarch stereotype describes the stereotype within Black space (Collins, 1991). Both roles are imposed, assumed and expected of Black women who fit the description of a caregiver in any space leaving no room for self-
determination.

The Sapphire stereotypes may be the most likely to impact Black women prosecutors. The sapphire stereotype can be described as a Black woman who is intense or domineering; words that would not be as negative if referring to another racial group. The modern Sapphire would contrast with the idea of white women who are viewed as passive or reserved (Reynolds-
Dobbs et. al., 2008). For example, a strong Black woman prosecutor, whose job may require assertiveness, may become victim to the Sapphire stereotype who is seen as the “angry Black woman” (Pratt, 2012 p.1785-1786). Another person who is driven and assertive most likely has those characteristics work in their favor in the workplace. Black prosecutors however are not immune to the Sapphire stereotype despite their work environment requiring assertiveness. They can sometimes feel the need to subdue aspects of their personality in order to invalidate this stereotype and feel that they “cannot afford to lose their temper” (Pratt, 2012, p.1786).
A Jezebel, another “controlling image,” is a hypersexualized Black woman who uses her sexuality to manipulate men, particularly white men, in order to exploit them in some way (Collins, 1991, Yarbrough & Bennett, 2000). This stereotype is historically entrenched in control over Black women’s sexuality. It was originally used as justification of white men’s sexual relations with enslaved African women (Reynolds-Dobbs et. al, 2008). The performance of the Jezebel stereotype is actively avoided by Black women in law professions because it is “inconsistent with the professional identity” prosecutors need to create (Pratt, 2012 p.1786).

Since the Jezebel stereotype’s purpose is to position all Black women as “sexually aggressive,” it can become dangerous because it can make women susceptible to sexual harassment at work (Collins, 1991, Pratt, 2012). Psychologists even say that “stereotypes fuel sexual harassment” and that Black women may be at a higher risk of experiencing sexual harassment and “greater negative outcomes associated with harassment” (Pratt, p.1786). Furthermore, Black women within the law field may suffer in silence after harassment in order to avoid being labeled the Jezebel after offending the male co-worker or because they cannot afford to lose their jobs.

The reality of stereotypes creates a fear of fitting those stereotypes within the workplace. Stereotype threat exists when anything someone does or any part of their features that conform to a stereotype make it “more plausible as a self-characterization in the eyes of others” (Steele & Aronson, 1995 p. 797). When working in white male-dominated spaces Black women may be subject to stereotype threat. Pratt describes Black women as an “ability stereotyped” group that functions under the stereotype of being both unintelligent and lazy (p. 1789). Therefore, when doing intellectually challenging tasks, they are forced to think about disproving these negative stereotypes and consequently may hinder their performance. Parker also discusses how trying to disprove stereotypes can be emotionally draining. In her book What it Takes, she recounts a
study where multiple women of color were asked about their experiences in their law firms. One participant said that she often felt like she had to tone down her personality in order to not seem like the “big, Black angry woman” that she is (Parker, 2010, p. 67).

Discrimination on the job for Black women prosecutors can reach a personal level as well. Best and Kreiger (2011) assert that “employers hold discrete stereotypes for various intersectional categories” (Best & Kreiger, 2011 p.994). Black women can be stereotyped by employers for almost anything including being single mothers, responsible mothers, inner city residents, or suburb residents (Best & Kreiger, 2011). Employers also “associated Black women with a negative image of the single mother who is routinely tardy or absent” (Reid, 2002, p. 731). Since lawyers, juries, and judges are subject to the same institutionalized stereotypes as other employees, these stereotypes can impact outcomes in court if introduced into legal decision making (Best & Kreiger, 2011 p.994). Since what constitutes workplace discrimination is usually decided by courts, it can be very difficult for victims to prove. The assaulter who is a law professional can possibly find ways around it or avoid leaving evidence of it. (Antecol, Cobb-Clark & Helland, 2014). Modern racism and sexism at work is not always as blatant as intentional exclusion but can be found in the “everyday interactions and workplace structure” (Hirsh & Lyons, 2010, p. 270).

2.3 Whiteness and Professionalism

The dominant group sets the standards for professionalism. This group attempts to generalize and normalize the white experience, as being normal or representative of all groups in order to minimize other experiences (Cross, 2009). One of the most prevalent obstacles for Black prosecutors and all women of color with careers in law is professional appearance expectations. Euromerican beauty standards that align with professional appearance are unattainable and
therefore set Black women up to be prejudged before showing their abilities. Studies have found that most of the professional and work attire standards are based on Euromerican beauty standards. Pratt discussed how Black women struggle to “present the image of the ideal female worker in order to satisfy employers’ desire for all female workers to approximate the normative image of the ideal female worker;” which is a white slender woman with straight hair (Pratt, 2012 p. 1777).

Of these unattainable beauty standards, the most improbable is hair. Black women have a variety of hair textures but the ones that are deemed professional or conservative for law professions are styles that are best suited for this straight hair. Depending on the law firm, positionality within the firm and relationship with partners, wearing braids or natural styles may be an issue (Parker, 2010). Many Black women go to extreme methods to straighten their hair with heat, chemicals or extensions. Black women in the law profession are aware of the bias against women who wear their natural hair and that they can be overlooked for jobs or even fired if they refuse to change their styles to what is understood as professional. Pratt argues that hair can be the boundary that separates normal Black women from those accepted into “the mainstream of American life” and that untidy hair is subconsciously viewed “as evidence of a Black woman’s inability or unwillingness to assimilate into the conservative profession of law” (Pratt, 2012, p.1783). The unwillingness to conform can sometimes impede upward movement in the legal profession because employers question the “judgment and competency” of Black women who are willing to “risk negative assessment” to wear their natural hair (Pratt, 2012, p.1784). Black women have wide variations in appearance and therefore have different experiences with Euromerican beauty standards. “Black women bear the brunt of racist intimidation resulting from western standards of physical beauty” and therefore Black women
with more Euromerican like features have different experiences for (Caldwell, 1991, 384). Because every Black woman can have unique experiences depending on how they look, each experience should be considered and valued.

2.4 Workforce Today

Today there are more Black women in law schools than Black men but to see a Black woman as a partner in a law firm is rare. “In 2016, Black women made up 0.64 percent of law firm partners and 2.32 percent of law firm associates” (Brown, 2017). Their intersections of race and gender are not being accounted for and they still experience double the amount of biases other people of color or women would experience (Chen, 2018). 95% of prosecutors in America are white and less than 1% are Black women (Justice for all?, 2014). Black women prospectors’ voices need to be heard because they make up such a small number of the law profession.

2.5 Advocacy for the Black Community

There is little research discussing the possibility of Black women prosecutors being advocates for the Black community in the legal system. The subject of this segment of the research is not diminishing the fact that people do actually commit crimes that should be punished in some form. It instead intends to understand if there is an aspect within the work of Black women prosecutors that consider charging and sentencing disparities in hopes of preventing them. Farrell, Ward and Rousseau discuss how representation “in criminal justice decision making, for example, is advocated as a means to advance symbolic and substantive interests of underrepresented groups, including equitable court outcomes” (Farrell, Ward and Rousseau, 2009). This statement means that if there is a Black decision maker within the courtroom, the Black defendant has a better chance at having a fair trial. Representation can lead
to advocacy. It is possible that prosecutors can be more effective if there is an understanding of the defendants and their experiences (Hudson, 2017).

2.5 Theoretical Framework

In attempting to understand the experiences of Black women prosecutors, it is important to discuss the unique situations Black women experience in the workplace. Most studies explore racism, sexism and classist behaviors as separately occurring phenomena which neglects people who experience them simultaneously. It is important to understand the intersection of different aspects of identity because with each intersection comes a unique experience. Black women in particular are a double minority and experience more stress due to their “marginal position in the social structure” (Norris & Mitchell, 2014). Researchers note that women-centered networks are “instrumental in Black women's day-to-day survival and a vital element when faced with life's stressors” implying that only others who experience similar forms of oppression can truly understand it (Norris & Mitchell, 2014). Intersectionality attempts to bring Black women into the center of the research in order to properly frame their experiences.

Race and gender are “complex, mutually reinforcing or contradicting processes” (Acker, 2006, p.442). Black women cannot choose which ways they are discriminated against in the workplace nor can they choose how discrimination impacts their careers. It is the intersection of their race, class, and gender within their chosen law careers that makes Black women prosecutors’ experiences worthy of conversation and acknowledgement. Acknowledging the differences between people and not generalizing everyone as similar is a major step in combating racism and sexism. Crenshaw also explains the necessity of an intersectional outlook because of the neglect Black women and other women of color experience in antiracist movements meant for Black men and feminist movements meant for white women (Crenshaw, 1991). Nash
concludes that a “theoretical reliance” might generalize Black women’s experience and disregard important differences like class or sexual orientation (Nash, 2012, p.8-9). She explains that “centering Black women’s experiences makes feminism and anti-racist work’s systemic inattention to Black women apparent and demonstrates the necessity of deepening feminist and anti-racist conversations” (Nash, 2012, p.8). While intersectionality theory “positions itself as a theoretical advance from Black feminism,” its theorization of identity brings to light all aspects and experiences unique to Black women (Nash, 2012, p.9). Simultaneous oppression means that feminism and antiracism are not enough for Black women. Crenshaw argues that “feminist efforts to politicize experiences of women and anti-racists’ efforts to politicize experiences of people of color have frequently proceeded as though the issues and experiences they each detail occur on mutually exclusive terrains” (Crenshaw, 1991, p.1).

The increasing usage of intersectionality creates a generalization or the idea that it can be universally applied to any facet of research which weakens the theory. Alexander- Floyd argues that intersectionality is becoming more and more misused referencing a conversation in which Crenshaw claims she can no longer recognize intersectionality in literature because scholars fail to recognize the “structural sources of inequality” (Alexander-Floyd, 2010, p.4) meaning there is a deeper structural issue that is outside the realms of intersectionality’s definition.Intersectionality is essential to understanding Black women’s experiences. The fluidity that breaks the gender or race dichotomy promotes an “understanding of how the actual mechanisms of institutional power can change dramatically even while they reproduce long-standing group inequalities” (Collins, 1998, p.206). I urge that intersectionality applies to this study because of the target research population and their involvement in the law. Since prosecutors make up such a small number of all prosecutors in the United States, they are further marginalized than they would be in other
careers. Also prosecutors have a large influence on the proceedings of a court case often deciding the charges and sentences. The intersecting forms of oppression the participants experience as Black women prosecutors may affect how they work as advocates for the Black community.

Intersectionality theory is not merely the intersection of race and gender but the intersections of all facets of Black women’s identity that could be used against them in this society. It is a means to give women a voice to tell their stories about their experiences. In this study, the participants have the opportunity to tell their own truths about how their experiences helped shape who they are in their careers as prosecutors.

2.6 Chapter Summary

This chapter is a review of current and historical literature on Black women in American law. Its purpose is to connect Black women experiences with American laws to a Black woman prosecutors’ experiences working inside the law. Additionally, intersectionality theory is used to elaborate the importance of understanding race and gender as mutually occurring aspects of Black women’s identities that may contribute to their oppression separately or simultaneously.
3 METHODOLOGY

Black women have unique views of the realities of American law. More specifically, Black women prosecutors are conflicted even more with balancing identity and career in the historically oppressive law. The purpose of this study is to affirm the voices of Black women prosecutors by understanding their experiences as a racial and gender minority in predominantly white spaces. Through meticulously-crafted interview questions, the participants are able to contribute their voices and stories. The researcher uses one research question to frame the interview questions and understand participants’ experiences:

“How do Black women prosecutors navigate their Blackness and womanhood in their law careers where they are gender and/or racial minorities?”

3.1 Participants and Procedure

The current study takes place in Georgia and informal interviews with 6 prosecutors who identify as Black women between the ages of 25 and 55 are conducted. Only women who identify as African American or Black are eligible for this study. All participants are prosecutors. Participants are recruited by way of convenience sampling through a personal connection I have made. This person contacted the prosecutors on my behalf and provided them my contact information if they are interested in participating. Interviews are conducted in the participants’ offices or a location mutually agreed upon. Since the participants are selected via convenience sample, the researcher does not intend to generalize the findings within this study to be the experiences of Black women prosecutors in other locations. Additionally, these participants are not all in white male dominated offices but rare a part of this white male dominated profession.
A pilot interview is conducted prior to the data collection in order to determine if these particular questions would gather data pertinent to the study. The pilot interview is conducted with a Black woman lawyer who is also a student at the researcher’s university. Feedback is given in context of an email. The only suggested alterations to the questions were to ask about biographical information and careers goals. The wording and organization of the questions were appropriate according to the pilot interview participant. The thesis committee chair of this research project also contributed to the question selection.

3.2 Data Collection

The method of data collection is informal interviews. The interviews are guided by a series of questions. At the beginning of the interview, the participants are provided a consent form where the purpose and expectations of the study are outlined. After the participant signs the form and agrees to the terms of the study, the audio recording device is turned on and the interview begins. The participant is informed that if they become uncomfortable that they may discontinue the interview at any time. Interviews are no longer than one hour. After the interview is complete, the participant is informed that they will be contacted to verify the transcription of the interview and that they can contact the researcher at any time after the study.

The questions are divided into two sections. The first is a biographical section where the participants tell the researcher about their background. This section was added as a suggestion during the pilot study because it may act as an icebreaker for the participants to feel comfortable answering more difficult questions. This section also contains information about intersectionality theory, the theoretical framework of the study. The second section asks questions about their experiences as Black women who are also prosecutors. The researcher wants the participants to
feel completely comfortable during the duration of the interview and if any of the questions make them uncomfortable, they are welcome to discontinue the interview.

3.3 Setting

The only method of data collection is the informal interviews. The interviews are conducted in spaces where the participants feel comfortable. All interviews are conducted in the prosecutor's either their office or a location mutually agreed upon. The interviews begin with a brief introduction of the researcher to the participants and then their introduction to the researcher. The first questions are facilitating introductions. After the questions where the participants disclose information about their childhood, the research questions begin. Interviews last no longer than an hour and a half and are recorded with the participants’ consent.

3.4 Data Analysis

The data is coded using structural coding methods. Structural coding is the chosen method of coding because each interview question is framed from the overall research question. The transcribed interviews are analyzed for common themes. Once those common themes are extracted, pattern coding is used for a more detailed analysis. Pattern coding sorts the emerging themes into “a more meaningful or parsimonious unit of analysis” (Saldana, 2009, 159). An additional coder participates in the coding process.

3.5 Reliability and Validity

When discussing the validity of a qualitative research study, many researchers prefer to replace the term with one more specific to the study such as trustworthiness. The idea of trustworthiness is defensible and establishes “confidence in the findings” (Golafshani, 2003, p.602). The researcher is transparent with participants about the questions and the goals of the study. In addition, the participants have an opportunity to ask the researcher about the study to
clarify any confusion they may have. To ensure the trustworthiness of this study, the researcher allows the questions to guide conversation and does not ask any new questions or the previously determined questions differently than they are written originally. The pilot study confirms that the questions yield answers necessary for this study. An additional coder assists in the coding process as well. These questions were also written to have a section at the beginning where the researcher got to know the participants. This built a rapport and making the participant comfortable enough to be completely honest to ensure respondent validation. Respondent validation is when the research participant responds to their initial transcript to make sure they are accurate and to also “interpret the claims being made” (Torrance, 2012, p.5). The participants feel comfortable enough to give detailed answers to questions leaving little room for misinterpretation. For this study, reliability is ensured through respondent validation, multiple coders and no deviation from the interview questions confirmed during the pilot study.

Golafshani also states that trustworthiness of the research report is one of the most important aspects to the reliability of a qualitative study (Golafshani, 2003). Since consistency is a key for a reliable qualitative study, the researcher uses member checking to ensure the transcripts are accurate (Leung, 2015). Member checking is when “interpretations and conclusions are tested with members of those groups from whom the data were originally obtained” (Cohen, 2006, p. 1). Within a month of the interview, participants are contacted to confirm the accuracy of their interview transcriptions. Lines of communication remain open for participants to contact the researcher at any time after the interview to clarify anything said within the interview section of this study. Validity is ensured for this study through member checking and consistency in the research report.
Similar methods are found in Dickens and Chavez’ 2017 study which consisted of 10 semi-structured interviews with Black women early in their careers who were asked about code switching in the workplace. The researches ensured accuracy in transcriptions by sending the complete transcribed interview to the participant. They gave the participant an opportunity to clarify or add to anything they said in the initial interview. Dickens and Chavez communicate that participant input to be an important part of a phenomenological study (Dickens & Chavez, 2017). This means that data collected primarily through participants’ answers to questions is the most important part of this type of study.

3.6 Limitations

The limitations to this study are that this small group is not an adequate representation of the experiences of all Black women or prosecutors. Since the sample is from Georgia and there is a very small number of Black women prosecutors in the state, the specific city where the sample is obtained is not be identified. The location of these participants in Georgia may affect the outcome of this study since different places have different work environments.

3.7 Conclusion

This chapter discussed the methods of the current research. The qualitative informal interviews promoted an atmosphere where participants are reluctant to share their stories. With the personal anecdotes guided by the interview questions, similar themes that emerge are analyzed.
4 FINDINGS

4.1 Research Interest and Background

The purpose of this study is to understand the experiences of Black women prosecutors as racial and gender minorities within the law. Through questions that inquire about their upbringing, racism and sexism at work, and advocacy and responsibility to the Black community, the researcher hopes to gain insight on the full experience of being a Black woman prosecutor. The research question guiding this study is:

1. How do Black women prosecutors navigate their Blackness and womanhood in their law careers where they are gender and/or racial minorities?

This study intends to explore the experiences of Black women prosecutors through a qualitative approach. A phenomenological approach was used to analyze the data collected. A phenomenological study “describes the common meaning for several individuals of their lived experiences of a concept of phenomenon” (Creswell & Poth, 2018, 75). For this study, the phenomenon experienced is being a Black woman prosecutor within a justice system that discriminates against Black people. Data was collected through informal interviews that created a safe space for participants to communicate their experiences. Intersectionality theory was utilized as the theoretical framework of this study to understand the multiple layers of oppression Black women experience that may influence how they do their job as prosecutors. Six prosecutors who identify as Black women contributed their experiences to this study. All of the participants reside in Georgia and work as full time prosecutors. These women were between the ages of 30 and 55. The participants were recruited via email. A third party informed Black women prosecutors who contacted the researcher if they chose to participate. These participants were selected through convenience sampling.
The following chapter attempts to demonstrate the data collected in this study. The first section consists of descriptions of the participants with details pertinent to this research. Any identifying details are omitted from this study. Also, a number was assigned to the participants to keep their identities completely confidential. The next section is a presentation of the data and themes that emerged across all of the interviews. The final section is the conclusion to this chapter.

4.2 The Participants

The participants of this study are six Black women prosecutors who all reside and practice within the state of Georgia. The participants varied in age ranging from 30 to mid-50s. They also varied in stages in their careers from first year to almost 20 years experience. All the participants identified as Black or African American women.

Each participant attended law school and was admitted to the Georgia Bar. Three of the six participants are admitted to multiple state bars. All participants communicated that their experience within the law has been impacted by racism or sexism at some level. The participants often had difficulty describing racism or sexism but would refer to their intersection as a racial and gender minority within the legal profession as the underlying cause to any type of oppression they experienced.

Since Black women prosecutors make up less than 1% of the entire population of prosecutors in the US and this study is within the state of Georgia, no identifying information is provided. For the protection of the identities of the participants of this study, only a brief description is given. The participants are also assigned pseudonyms.

The participants of this study were so frank and outspoken often giving more information than the question asked. They were all so kind and understanding if the researcher asked for
additional elaboration or reiterated a previous question. Additionally, with each participant an unspoken bond, a subtle look or candid laughter made the interview feel like two friends sharing stories instead of research. The purpose of this study was to place Black women prosecutors at the center of research and give them the focus. These particular women made this study what it is.

_Sandra_ has been prosecuting cases in Georgia for two years but has been an attorney twelve years. She is not originally from Georgia but moved here for this job. She has no children but is married and has many siblings. She did not hold back during our discussion as curse words riddled her sentences. This just showed her unwavering genuineness even in first time situations.

Sandra works in an office where there are other Black women prosecutors and it is not a rarity to see them. She seemed to be comfortable at her office but knew there were some people she could not get close to.

_Kelly_ has worked in prosecution since law school and has been a prosecutor for five years. She got into prosecution because she believes it can have a positive influence on the Black community. Her outlook has since changed as she considers other ways to help the Black community through law. She dedicates her career to improving the Black community and is a part of organizations with the same purpose. Kelly reports to a supervisor but her particular office is remote and not in a building with other prosecutors.

_Susan_ has been prosecuting cases in Georgia for a little over a year but an attorney for over 9 years. She credits her daughter to be her main motivator to continue to do her job despite frustrations concerning upward mobility. She strives to set a good example for her and disprove stereotypes. She says that she does not recommend being a lawyer to her daughter because it is so conservative.
Wanda has been prosecuting in Georgia for almost 18 years but worked in corporate law before her current position. Along with being a very passionate prosecutor, she is a proud mom and wife. She takes time to describe her family and is very proud of who and where she came from because it made her who she is today. In her position she gets to work with various different prosecutors and insists she does not experience any type of racism or sexism in her office.

Erica has been an attorney for two years and a prosecutor for both years. She has a particular fire and authenticity that confirmed her efficiency as a prosecutor. She was very young but very stern. It is apparent that she takes her job seriously, does not cut any corners and strives to be as fair as she can. Erica attended a historically Black college for law school and is aware of the racial inequalities in law offices as it was one of the first things she had to learn when looking for work.

Tracy has been a prosecutor 9 years. She has two children, a husband and multiple commitments outside of work. She values her time more than anything and says her days start at 4am and sometimes do not end until midnight. She is eloquent with her words and she communicates her sincerity in every phrase. Her supervisors are white men but she works with other Black women prosecutors in her particular department.

4.3 Overview of Themes

The purpose of this study was to understand more about the experiences of Black women prosecutors. The data analysis revealed many patterns within all of the participants’ experiences. All of the women reported instances of racism and sexism within their careers at some point which was the main focus of some of the interview questions. Additional themes emerged revealing similarities in support systems, determination, recognition of humanity and a responsibility to be advocates for the Black community.
In regards to experiences with racism and sexism, participants experienced oppression starting in law school. Of course, depending on where they attended school, where they interned and where they currently practice, the degree and persistence of racist and sexist experiences varied. Nonetheless, all participants reported at least one occurrence if not multiple either with other attorneys or within the courtroom. Participants felt it important to mention how racism and sexism has caused them to miss out on job opportunities or promotions. They also discussed how they had to maintain professional appearances that were based on Euromerican beauty standards and controlled by the men in the office who were usually supervisors. The final emerging theme was stereotypes. There was a specific interview question that asked about stereotypes but participants mentioned them before the question was asked so it was a recurring topic of conversation.

All participants reported having strong support systems that help them deal with racism and sexism on the job. Most of the participants were married and mentioned their spouse and children as their biggest supporters. Others mentioned other Black attorney or professional women who experience similar racist and sexist behaviors as being their reliable sources of support.

Despite reporting how discouraging racism and sexism that limits upward mobility can be, most participants felt encouraged to keep pushing to be great prosecutors. This was emotionally taxing to some participants who gave multiple instances of being demeaned or made to feel unimportant. Some participants actually mentioned an interest in leaving prosecution for other specializations.

Every participant mentioned respect for defendants and their families being a key aspect in her decision making process. They all vowed to uphold the Constitution and of course do their
jobs but it is not about winning cases for these prosecutors; it is about doing what is right.

Participants indicated in multiple instances how they recognize defendants are humans too and sometimes a simple mistake can be detrimental to people’s lives forever. They consider who all is involved; not only the victim but the perpetrator who may have a family or could have been at the wrong place at the wrong time. It is this approach to every case as being distinct that sets these prosecutors apart. They all mentioned something about their intersectional identity enabling them to see the humanity in defendants who are mostly of the Black community or minorities.

A part of this research and linking it to the discipline of African American Studies was to inquire if these prosecutors consider their work to a form of advocacy for the Black community. The majority of participants believed they could be advocates for Black people in some form. Whether it be taking dangerous people who victimize other Black people off the streets or recommending community service instead of jail time for first offenders, each participant mentioned a way in which she makes sure people are being treated fairly in the eyes of the law. In addition to being advocates in the courtroom, some participants mentioned work done within communities that positively affects the Black community so therefore community service became a frequent theme. Some participants mentioned in some way that more Black people in legal profession could help the Black community in that defendants could get more fair trials and youth could see Black attorneys and law makers as role models.

The themes that emerged from the interview questions are indicated below in Table 2.1. These interview questions stemmed from the main research question which was: How do Black women prosecutors navigate their Blackness and womanhood in their law careers where they are gender and/or racial minorities?
<table>
<thead>
<tr>
<th>Research Question</th>
<th>Emerging Theme</th>
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<tbody>
<tr>
<td>How have distinct oppressive factors such as racism or sexism impacted your career as a prosecutor?</td>
<td>Racism and Sexism</td>
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<td></td>
<td>• Impacts on their Career</td>
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<td>• White Professional Expectations</td>
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<td>• Stereotypes</td>
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<td>Determination</td>
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<td>Support System</td>
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<tr>
<td>Do you see your involvement with the law as a liberatory agent for the Black community?</td>
<td>Respect as a Human</td>
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<td></td>
<td>Advocacy</td>
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<td></td>
<td>• Need for more Black people in the Law</td>
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<td></td>
<td>• Community Work</td>
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</tbody>
</table>
4.4 Data Collection and Data Analysis

All participants were asked to sign an interview consent form that gave the researcher permission to record the interviews along with note taking. The participants also were required to sign an informed consent form that informed them about the purpose of the study along with any possible risk. Interviews lasted about an hour. The research questions guided the interviews. Some participants were detailed in responses and therefore asking every question would have been redundant. Participants were read every question and clarification was given upon request. The interviews were informal and semi-structured in locations of the participants’ choosing. All interviews were transcribed and returned to participants so they could look over them and make sure their words were correctly interpreted. After the interviews were confirmed to be correct, the voice recordings were deleted.

This phenomenological study centers around the “individual experiences and the context of those experiences” (Creswell & Poth, 2018, 193). Saldana describes structural coding as “a content-based or conceptual phrase representing a topic of inquiry to a segment of data that relates to a specific research question used to frame the interview” (Saldana, 2009, 66). The direct quotes from transcribed interviews were explored during first cycle structural coding for common themes related to the goal of the study. During second cycle pattern coding, these quotes were analyzed again to further categorize the data. Pattern coding is meant to group summaries into “a smaller number of sets, themes or constructs” (Saldana, 2009, 152). Interview questions that stemmed from the initial research question produced the themes that were then broken down into common themes that were consistent through the interviews.
4.5 Data Presentation and Analysis

4.5.1 Intersection of Racism and Sexism

Each participant identified a time where they noticed racism at their job. It came in different forms and is difficult to prove in some cases. Each participant had a story of when they felt they were treated unfairly or discriminated against in some way. Some participants mentioned how white and conservative the legal profession is and how they felt they did not belong at some points in their careers. Most examples were intersections of oppression and could not be distinguished as solely racism or sexism.

Impacts on their Career

Many participants indicated times where they missed out on job opportunities because of their race and gender. Some also mentioned how upward mobility at their current offices is limited because of race and gender. Participant 6 recalls a time she went for a job interview in an office where most of the attorneys and staff were white men. She indicated that she “didn’t feel welcomed” in that work environment.

“The interviewing panel was all white. I think there might have been one white female. They walked me around the office after the interview to just put a face and introduce me to some folks and let them know I’d interviewed.”

Despite being highly qualified; she did not get a call from the office concerning her interview. There was no tangible evidence of racism but she describes the feeling she had during and after the interview. Other participants identified moments when racism or sexism has prohibited career moves. Erica recalls being highly qualified for a position and not getting the job.
“I was actually overqualified and they picked people who were unqualified. They would rather pick unqualified people than hire a qualified black person.”

She describes that it had to be about race because the people hired in her place were underqualified white people. She goes on to say how impossible it is to prove its racism:

“The racial thing is always there. It's never just in your face like something that you can pin down. The other issue is, being a lawyer, you know that you have certain things or certain elements you have to prove. And so it's like you know it's racism and you know people are being discriminatory towards you based on your race, but you have no tangible evidence of it.”

Susan believes that promotions at her workplace are solely based on race.

“I'm going to say I've navigated cautiously. Because that's something that you always have to be aware of. You can't forget for one minute that you are different, not once, but twice. Because when you forget it, other people haven't because they're staring right at it. And if you allow them they will use it to your detriment.”

As difficult as it may seem to prove racism or sexism, it is evident in positions held by Black women. These participants described distinct ways in which their careers have been halted by racist and sexist beliefs held by employers.

*White Professional Appearance Expectations*

Racism and sexism is often hard to distinguish and separate for black women who are victims of both. Kelly who has been prosecuting for 5 years describes a more outward expression of racism and sexism by a supervisor in regards to the conservative beauty standards expected in law offices.
“So my hair has been like a point of contention as a black woman lawyer. It's like I'm already a black woman so you expect me to look a certain way. But then like the times I would straighten it, people would be like, ‘Oh, my god, you're so pretty. Why don't you wear it like this more often?’ Just feeling like it's okay in my professional settings to constantly comment on my hair. I even had my boss, her executive assistant one time, I had just gotten braids. And she came in and she was like, ‘I don't know about all that hair on your head. It just looks hot.’ And I was just like, ‘Why do you feel like it's appropriate to say these things to me?’"

This participant indicated many times that unprofessional things have been said to her when she is expected to uphold a certain amount of professionalism at all times. Susan also had an experience here she had to uphold more conservative or white professional standards.

“I knew, tread softly. So, I do. For example, I have natural hair. It is extremely rare that I wear it in a natural hairstyle outside of pressing it straight because people perceive that. I wore my hair in twists once during a very easy trial. I mean, I knew what the outcome was going to be, but when I tell you those jurors looked at me like they had never seen something like that before and I knew going into that trial, this normally isn't something that I do. But there is nothing about this case that can surprise me, I know what the outcome is going to be. So I felt free to be myself. Normally because I don't want to offend people, I don't want to look out of turn, because I know that people are going to judge me based mostly on what they see when they initially meet me. Before a word comes out of my mouth, I will be judged. And I know that so I have to prepare for it. So I have to look as traditional as expected.”
She expressed that when she is not at work she wears her hair differently. These adjustments make a difference for Kelly who believes there are two types of Black women in the Law.

“One is, they try to mirror the aesthetic as much possible so conservative hair, which means straight hair, no color in it, heels, skirts, pantyhose. And then the other school of thought which is the one probably I'm most closely aligned to is I'm just going to be myself just because it's so much to already have to deal with anyway. And so it's like I'm just going to be myself and if there's some backlash then I'll just take it and deal with it. So I think those are the two sort of ways that I've seen it dealt with. And, to be quite honest, I think the ones who do best and get further are the ones who mirror the aesthetic the most, and that's just being honest.”

The participants who chose to talk about beauty standards as forms of racism and sexism handle them in their ways. Some rebelled to make a statement while others conformed to make the workplace a more pleasant place. Those who rebelled understood that their choices in appearance could affect treatment by superiors and decisions by judges in the courtrooms.

*Stereotypes*

The next section was guided by the interview question: Describe the manner in which you have experienced stereotypes about Black women or black women prosecutors? Participants had more than likely already mentioned a stereotype they experienced but this gave them an opportunity to elaborate. As the literature describes, the angry Black woman stereotype is experienced the most by prosecutors and was supported by the participants of this study. Sandra describes her experience:
“Angry black woman all day, every day. And that's the thing that pisses me off. When a white man or white woman is I mean shouting, doing the whole law and order dramatic thing, she's as zealous out here for a client. When I do that, I'm the angry black woman in the room. Or if a black man does that, angry black man in the room. And don’t I try to be the angry black woman, but sometimes you have to.”

Kelly:

“Mean, bitchy, argumentative, all of those. The angry black woman. I've been labeled the angry black woman because I talk about police brutality and I talk about racism.”

Susan:

“Well, as a black female prosecutor, what I have learned is that people see you and initially – especially if they are not another black female they may assume that you are going to be a lot more harsh or attitudy and you kinda have to tell people “look you just need to relax, we are just going to do this case, this is just work, I don’t know who you have dealt with before but I’m not that person let’s just get these cases resolved.”

Wanda:

“I will say that you may have these stereotypes in your head about, this is the way a black person should come across, this is the way a female should come across, and this is the way a black female should come across. And you can do whatever you want to do, but when you put 12 people on a jury, you cannot tell them to leave those expectations away. You cannot do that and expect for them to follow.”

Erica communicated how she tries to ignore the stereotype and be herself but either way she has had negative feedback.
“I am a very calm person and I am a very modest person to a certain degree. So I don't buck myself up, I'm not boisterous, I'm not loud. And that comes off to some people as not being strong and not having a stance on things. And so it's very interesting to me that people believe that because you're a black woman, you're supposed to be loud. And because I'm not loud, that means that I'm not aggressive, I'm not strong and it equates to me being weak basically. And I just don't feel that I have to be loud and boisterous to be stern. I can say what I need to say and I don't have to be all in your face about it.”

Nonetheless, the male-dominated profession sets standards for what is acceptable professionally. Erica continues:

“It's still a male-dominated field and women make great prosecutors but it's still a lot of masculinity that's pushed and those characteristics are pushed in order for you to be a successful prosecutor. They feel that you have to be overly aggressive and it's just the desired characteristic.”

By being outnumbered at work and in the Law overall, Black women prosecutors experience biases every day in different forms depending on their location and office they work in.

4.5.2 Support Systems

In order to handle the stress of being a prosecutor and everything that comes with it along with the stress of life, participants had a chance to describe their support groups. Susan described the importance of her support group.

“There's no way that I could come home at the end of the day and deal with all of these by myself. There has to somebody that I can call, that I can lean on because this will kill you. Walking around with other people's problems all day and your own, it would kill
me. And not only am I walking around with your issues, I'm walking around with your issues relative to my issues. I don't want to walk around that all day.”

Most participants have a group of Black women attorneys who have similar experiences in their work places. Others said they have a group of girl friends who are professionals in other fields yet still experience a degree of racism and sexism at their jobs. Kelly who has been prosecuting for five years describes how she sees a therapist.

“So I talk to my therapist about a lot of the stuff that I experience in terms of the oppressive things. I have a great network of friends that I can talk to about it because they're black women and they experience similar things in their own professional fields that are a result of them being black women. So we talk about that a lot. About how we may be in different fields, but sometimes the experiences are so much the same just because we're all black women.”

Most participants have family members that they lean on like their mother, father, spouse and children. These support groups were mentioned throughout the study as inspiration or motivation to not let these negative experiences deter them from their purpose.

4.5.3 Determination

One of the research questions asked how these racist or sexist experiences at work encouraged or discouraged the participant in their careers. This question proved to be emotionally moving on many occasions. From these answers, the researcher identified consistent forms of intense determination. Tracy thinks she is the only one who can limit herself.

“There's not a limit for me unless I decide to put it there, unless I decide, ‘You know what? That's more of a commitment than I want to make when I know I'm going to have to sacrifice family.’”
As mentioned earlier, Susan uses her daughter as motivation.

“I keep my head up mostly because I have a daughter. I don't want her to see me down on myself because, "Somebody has said something to Mommy because she's black and it's affecting Mommy now." I'd want her to see, "Somebody says something to Mommy and it rolled off of Mommy so it needs to roll off of me and hopefully, by the time she reaches my age, this issue won't be an issue. But I'm sure my mom taught the exact same thing, so I try to let those things roll off of me. They get to me. Of course, they do. They would get to anybody.”

Sandra discussed instances of police brutality that motivated her; specifically, the case of Freddie Gray in Baltimore Maryland.

“The interesting about it, the Freddie Gray case kind of reactivated my sense of doing it because when she decided to charge those officers even though the case went straight down the toilet because officers were mad at her for going after them.”

She goes on to say how she knows there are bad cops along with bad lawyers and that bad people are everywhere but from a social justice standpoint, it motivates her. Similarly, Kelly uses her opportunity to advocate for the Black community as motivation. When asked if the oppressive factors she has experienced encourage her at all she replied:

“It has. I will say it definitely has made me a stronger advocate for people of color. People on the margins. Because I know how difficult it is for us because I've seen at every aspect where the roadblocks, where the stumbling blocks are. So it is absolutely made me want to advocate for us even more. More than ever.”
Each participant uses their experiences to motivate them to keep going despite being mistreated because of their skin color or sex. Whether that be their family or blatant injustices, each distinct situation can be used to prompt action.

4.5.4 Recognition of Humanity

Another theme that emerged was the recognition of humanity in the defendants. When asked about charging and sentencing disparities specifically, most participants emphasized the respect they have for people and how they understand, as humans, that we all make mistakes. Respect was a word that was used in most interviews at some point. Tracy says that she is respectful to defendants although sometimes it may be difficult. She understands that their decisions will most likely impact their families as well.

“I'm respectful to their attorneys. But I'm respectful of families. A lot of times, none of these defendants and victims are usually in a circle by themselves. They're coming to court with families. They got children, they got mothers, they got sisters, they got boyfriends and girlfriends that they come to court with, people who are just as concerned about them as the victim's family.”

Participant 4 was motivated by the need to be fair to everyone.

“I absolutely believe in the fact that everybody should be treated fairly. And I would say that's why I chose this profession, I think more than anything. I would not look at a victim and say, "I'm in this profession because I want to make sure that Blacks are treated fairly." I'm like, "I'm in this profession because I want to make sure that people who may not be able to fight for themselves, I can fight for them."

Sandra believes in second chances for first offenders.
“I feel like everybody needs a second chance. I always look at it like-- I mean; your criminal history says a lot about you. But at the same time, there has to be other circumstances. And I always ask that when I'm dealing with defense attorneys because I'm like, "Well, what's going on here?"

Erica thinks her intersectional identity contributes to a better understanding of Black defendants’ situations which allows her to be more fair in proposed sentences and charges.

“Because I have the experiences as far as being black that other people don't have, white people, don't have, you don't know. And even with my personal experience, I have to also concede that I have not that I have not had the same experiences, I have not lived that life so I cannot even really understand what it is to live in an environment like that. So I don't say that because I'm black I know everything it is to be black, I know all the experiences, but I do think that I'm a little bit more open-minded when it comes to considering those things because I'm black.”

Overall, the participants believed that them being both black and women allowed them to see the human in the defendants who had families just like they do. They also are more understanding to Black defendants who are more likely to serve time than white defendants causing sentencing disparities. However, mandatory minimums persist and frequently leave prosecutors powerless. Tracy communicated her experience.

“Some things we have discretion in, others we do not. I don't see as much of it now because a lot of the cases that I work have mandatory minimums. And so the discretion that there might be on a case of aggravated assault where there's a sentencing range that can be probated or suspended anywhere from 1 to 20 years depending on the degree of injury to the victim, criminal history, and all of that.”
The participants used their position to consider the humanity in people who have committed crimes and would be perceived as unimportant to the rest of society because of their mistake. It should be noted that not all defendants were met with equal amounts of sympathy. It mostly depended on the offense, the age of the defendant and who the victim was. The prosecutors indicated that they have seen some heinous crimes but always remember that the defendant’s actions impacted their families as well and that, if they could not overlook the offense, they remembered the family.

4.5.5 Responsibility to be Advocates for the Black Community

This study gave participants an opportunity to discuss how they think being a prosecutor can make them advocates for the Black community. All of the participants communicated that they work on behalf of the victims whether they be Black or not and that they are only trying to be as fair as possible. Specifically, themes concerning community service and Black representation emerged.

Community Work

Wanda described ways she gives back to the community.

“I've been invited to a lot of different schools to speak to different children. I'm a part of a lot of programs and my goal is to try to take a proactive approach because I think people think as prosecutors we're always about prosecuting and just reactive, reactive, reactive. But I actually try to do the opposite.”

Similarly, Susan who has been prosecuting for a little over a year volunteers her time by giving legal advice in local communities.

“There are people there that don't know what rights they have, that don't have wheels, that don't know that their landlord can't do certain things, that don't know that their
employers can't do certain things. And they're afraid or they can't afford to go and talk to a lawyer. So whenever I get the call that we're doing-- we're putting on a legal program, I go down to the church and I sit there from 8:00 in the morning to 6:00 in the evening giving people free consultations because they are my community and they don't know that people like me exist. And they don't know or they can't normally afford it. And that is my way of trying to help. Because those people, even if they don't talk to me, when they're standing in line waiting to talk to an attorney, they see me. And they know that I'm here to help them. And for those people, just seeing me can have an effect on how they perceive attorneys and how they perceive black attorneys. But I want to know that I can help somebody. Even though I'm a prosecutor right now, it is in my job description inherently that I'm helping the community. But I'm doing it one person at a time.”

Kelly describes how she uses her profession to better the Black community. She along with another participant addressed the prison system briefly and if prison is always the best punishment for the entire community.

“Like, what's the resolution that's going to best serve the community? Is it putting somebody in prison for 20 years? Because for me, 20 years doesn't serve the community. Because you take this person from the community and then you place them in prison, where we know the conditions are terrible, and we know that they are not given much opportunity for educational advancement. We know if you're suffering from mental health issues, you're going to deteriorate because there's not much opportunity for treatment. And then in 20 years, what do you do? You put them back on the street or reintroduce them into the community without any resources, with 20 years of not addressing their underlying issues of the causes of what brought them there. And then
you're going to have a person who's just as bad as the day you incarcerated them, or
worse. With significantly less resources and significantly less ability to understand the
technology in the world that we're living in currently. Who does that service? What does
that do for the community in the long run?

In saying this, Kelly does work for the community by deciding what is best for
those who have wronged it.

Other prosecutors mentioned pro-bono work and volunteering they do within their
communities. This community service is how these prosecutors believe they help the public and
prevent people from seeing them inside the courtroom or serving time.

Need for more Black people in the Law

A few of the participants mentioned how they think more Black prosecutors and
attorneys in general can help people get fair trials because most of the people they prosecute are
Black. Sandra mentioned that her background and upbringing inside the Black community make
her more sensitive to issues that impact the choices people make.

“But I think that comes with somebody from a background like mine. They'd be more
prone to do that as opposed to somebody who's never worked with black people; who
don't know the issues in the black communities. So it makes it a little easier for me to
kind of look through cases, and look at people with a little bit of empathy. So even
though it may not be publicized as much, but I think you do need black people in
prosecutor positions. You need black people or people like themselves as officers. Not all
officers are created equal. Not all prosecutors are created equal.”
Kelly said Black people were her motivation to become a prosecutor. She also commented that she believes every lawyer should take a course in Critical Race Theory just to have an idea of how American law impacts Black Americans.

“That's one of the reasons why I wanted to become a prosecutor because I felt like black people needed a fair shake. We needed somebody other than public defenders because public defenders are wonderful and incredible but they needed somebody on the other side who cared, who could listen and say, ‘All right, what led this person here? What are the circumstances that created this?’ And then in consideration of all those things, then make a decision about what to do with the person. And I felt like that was important. So that's sort of why I even got into this.”

Sandra believes there has to be major changes outside of the current system in order for Black people to get an actual fair shot.

“Our entire system needs an overhaul. I don't know that in its current state, that what we do is making any kind of dent in social justice. There is a need and a growing call for criminal justice reform, which I think is necessary. Right now we're working in the system that we have, but I don't know that we will get to the point of being able to affect the type of change that we need, the way the system is. So we're working case by case, but not really bringing reform to the system, because the system is not set up, the rules are not set up for us to bring reform. And the white people don't care, because it's a system that advantages them [laughter]. We're working with what we have, and with what we have now, the rules are not set up to allow us to bring about the type of change that we need.”
Ultimately, it was obvious that all of these prosecutors do what they can to control the disparities within sentencing and charging in order to advocate for Black defendants but most of the time it is out of their control. Another way the Black community is advocated for was by taking someone who victimizes the Black people off of the streets. Tracy continues:

“But I also look at it from the perspective that a lot of times, the community that we're looking to protect is the one that they are victimizing.”

The participants had varying comments about how Blacks within the law may impact Blacks who are in the system. Most discussed that Black prosecutors can do no good if they are not all on the same page when it comes to understanding how the system works. This could point to the need for good prosecutors whether they be Black or not.

4.6 Conclusion

The current chapter outlined the data that was collected during this study. All semi-structured interviews produced data pertinent to the goal of this study which was to understand the experiences of Black women prosecutors. Each participant had different experiences with astounding similarities. All participants had different childhood experiences and attended different universities but all were lead to practice here in Georgia. Data was collected and analyzed using the methods described in chapter 4.

The following chapter is the conclusion to this study. It includes a discussion, implications of the findings and recommendations to future similar research with Black women prosecutors of Black women within the Law.
5 CONCLUSION

This qualitative study seeks to elaborate on the experiences of Black women prosecutors as minorities within the law through an intersectional framework that considers how multiple facets of identity can generate multiple oppressions. The research question guiding this study is:

1. How do Black women prosecutors navigate their Blackness and womanhood in their law careers where they are gender and/or racial minorities?

Six self-identified Black women prosecutors agreed to participate in this study. All six reside and practice within the state of Georgia at multiple stages in their careers. Their ages ranged from 30 to mid-50s. Each participant had unique upbringings but shared similarities in other areas such as motivation to become a prosecutor. All participants were interviewed separately in a location of their choosing. The interviews lasted from 47 to 76 minutes and permission was obtained for them all to be recorded. The researcher asked the participants a series of questions that guided the conversation. Each interview was distinct and shed light on how unique each prosecutor’s experience was. The goal of this study was to use an intersectional framework to understand the experiences of Black women prosecutors within the law where they may be a gender or racial minority at work.

5.1 Conclusions and Discussion

All participants had experiences with racism and sexism during their career and navigate their white male dominated spaces through advocacy within the Black community and support groups. Each participant described an experience with racism or sexism that occurred when they were the only Black woman in the space. One of the main forms of racism and sexism experienced by the participants was through comments about appearance. As the research suggests, the prosecutors
have to comply with Euroamerican professional appearance standards. Pratt (2012) discussed how much appearance matters in professional settings and the participants’ responses supported this with examples. As Kelly communicated, “So my hair has been like a point of contention as a black woman lawyer. It’s like I’m already a black woman so you expect me to look a certain way.” There were different reactions to the professional standards set at their offices. Some participants opted to changing their appearance to avoid looks or comments from white counter parts or superiors. Others embraced them altogether by wearing braids and natural hair looks. A few prosecutors discussed how they believe some Black lawyers go further in their careers if they change their appearance in ways acceptable to white people such as straightening their hair.

Participants like Erica discussed discrimination and how she was limited in offices because she is a black woman: “I was actually overqualified and they picked people who were unqualified. They would rather pick unqualified people than hire a qualified black person.” As Ortiz and Roscigno’s (2009) research illustrates, stereotypes from white superiors can block Black women from upward mobility in the workplace which all the participants mentioned. Additionally, Black women stereotyped as being incompetent and/or intellectually inferior can cause their white superiors to deny them promotions (Hall et al. 2012). The research encountered did not address the unwavering motivation Black women prosecutors feel to succeed at their jobs despite the mistreatment they endure. It does however support the notion of disproving the stereotypes mentioned by many participants.

The women did cope with these experiences in their support groups. As mentioned earlier when asserting the importance of an intersectional framework, the women-centered groups created by Black women are pivotal in their stress reduction (Norris & Mitchell, 2014). Kelly’s statement reflects this fact: “I have a great network of friends that I can talk to about it because
they're black women and they experience similar things in their own professional fields that are a result of them being black women.” For these participants, the groups could have been their family at home, parents or groups of other Black women professionals who have similar experiences. They also used their positions to do give free legal advice in communities, volunteer with children or other hands on pro-bono work. Even though in some cases, they had to suffer at work, they all found ways to cope.

The other conclusion drawn from this research is that all participants use their position to advocate for the Black community in some way. Black women prosecutors are uniquely placed within society and the law. They are a part of the oppressed group that is disproportionately affected by the law. Some grew up in neighborhoods that were over policed, some have family members who are incarcerated, or some could have easily been on the other side of the law themselves. Within the intertwined identity of a Black woman prosecutor emerges a person who has some of the same experiences of the Black defendants they are prosecuting. Erika stated that being a Black woman helps her to be more open-minded to other Blacks; “I don't say that because I'm black I know everything it is to be black, I know all the experiences, but I do think that I'm a little bit more open-minded when it comes to considering those things because I'm black.” Crenshaw describes how courts interpret and frame Black women plaintiffs’ stories and how decisions of their cases are dependent on the interpretation of jury and judge.

Intersectionality challenges the “single-issue analysis” meaning that there can be discrimination experienced in multiple facets, multiple ways (Crenshaw, 1989, 149). The participants used their intersections to understand the respect the defendants and their families deserve as humans because they understand different factors can impact how a defendant got into that court room.
As the research suggests, representation within the courtroom can be a form of advocacy. A few of the participants discussed how they could relate to the Black defendants and would try to understand their situations. The participants all communicated ways they use their knowledge of the law to give back to their communities outside of the courtrooms. This was the main form of advocacy used by the participants. Additionally, some participants mentioned that it may be beneficial to have more Black prosecutors when others said that Black does not always mean they are for Black people. Sandra discussed the need for more Black prosecutors because there has to be someone thinking of the defendants other than the public defenders; “We needed somebody other than public defenders because public defenders are wonderful and incredible but they needed somebody on the other side who cared, who could listen and say, ‘All right, what led this person here? What are the circumstances that created this?’” As research shows, “racially representative courts may mitigate inequality in the administration of justice” meaning that a racially diverse courtroom could benefit defendants of color (Farrell Ward, and Rousseau, 2009, 125). In summation, a fair trial could depend on the amount of minorities within the courtroom.

There is little research focused on the experiences of Black women lawyers and even less on prosecutors specifically. Previous research, when centering Black women lawyers, examines their experiences with workplace discrimination within the conservative law. This research attempts to center their experiences and also determine if there is a form of advocacy that plays a part in their work as prosecutors.

5.2 Implications for African American Studies and Intersectionality Theory

This study gave six Black women prosecutors the chance to share their experiences. The participants could discuss anything they wanted in the safe space we created. This particular research gave these participants a voice within the research to tell about their experiences of
being Black and a woman and working in the law. This was an opportunity for Black prosecutors to have a voice within the academy as they were centered in this research.

Intersectionality intends to center Black women who are usually marginalized in antiracist and feminist rhetoric (Crenshaw, 1989). Since focus is more on the privileged of the oppressed groups Black men and white women, the experiences of Black women may become distorted. It is for this reason Black women are centered in this study. Additionally, the intersections of race and sex Black prosecutors experience contribute to how they make decisions that affect other marginalized groups in the criminal justice system.

The participants described how they use their intersections of race and gender to better understand defendants. They often mentioned how they saw the families of the defendants as all being impacted by the actions of the defendants and would always be mindful of how the participant got into that situation. They could understand more about defendants who they may share some experiences with (Hudson, 2017).

5.3 Limitations of the Study

The main limitation to this study was the number of participants. Many prosecutors could not find the extra time in their schedule to participate. There was also a time limit for this project which impacted how quickly participants had to be gathered and interviewed. These findings may have been impacted by all the participants practicing in Georgia. Although there were similarities with the experiences of the participants, the experience of being a Black woman prosecutor cannot be generalized. Some Black women prosecutors may work in offices who are all Black women or they could have very pleasant interactions with non-Black co-workers. Each experience is unique and valuable and it cannot be assumed any two are the same. The goals of
this study were to begin to understand the experiences of Black women prosecutors indicating the importance and distinctiveness of every experience.

Recruitment was a limitation as well. The participants could only be recruited from a certain area in Georgia, which affected the types of offices they worked in, and ultimately their experiences. If there were more diverse areas available to the researcher, there may have be a wider array of responses to the research questions.

Another limitation was that not all participants were currently working in offices as a racial and gender minority. Each participant spoke of instances where they were the only Black woman in a space and usually referred to that experience when talking about racism or sexism at work.

5.4 Recommendations for Future Research

1. The data for this project would have given more support for the hypothesis if there were more than six participants. Time constraints with both participants and researcher limited the amount of participants available for this study.

2. Future research could be comparative studies of the experiences of Black women prosecutors in other states; alternatively, on a broader spectrum, comparing the experiences of Black women to other minority groups.

3. Most participants did not work in offices where they were both the gender and racial minority. A future study could compare the experiences of women who work with other Black women prosecutors compared to those who are the only woman or the only Black person in the office.

4. An additional recommendation would be a study following the growth of a Black prosecutor through her career beginning in law school until she retires. This could give detailed insight of the unknown and distinct perils she experiences throughout her career.
5.5 Conclusion

This study intends to explore the experiences of Black woman prosecutors and how they navigate their blackness and womanhood in predominately white spaces at work. This study adds to the growing body of knowledge that centers Black women in the research. Through an intersectional framework, this study enables a clearer understanding of how the Black women prosecutors use their intersecting identities to understand the situations of defendants, their families and victims in order to do their jobs effectively. Their intersections allowed them to be advocates to the Black community both inside and outside the courtroom. This qualitative study gave Black women prosecutors to tell about their experiences first hand giving them a voice within academia. This study makes it possible to better understand the phenomenon of being a Black woman prosecutor in a career where they are a gender and racial minority.

The two main conclusions obtained from this study are 1. All participants had experiences with racism and sexism during their career and 2. All participants use their position to advocate for the Black community in some way. This section included the conclusions and a discussion, the implications for African American Studies and Intersectionality theory, study limitations and recommendations for future research.
REFERENCES


doi:10.5323/jafriamerhist.97.4.0485 and


Cross, B., Jr. (2009, Spring). Publisher’s Perspective: Isn’t it time to stop using the term “minority” to describe all individuals, racial and ethnic groups who are not White?


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http://www.jstor.org/stable/23215207


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