On V. Stiviano, Donald Sterling's Companion: Exploring Whiteness as Property

Imani Jackson

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On V. Stiviano, Donald Sterling's Companion: Exploring Whiteness as Property

Cover Page Footnote
Imani extends gratitude to her parents, for the love of life and learning they modeled for Imani and her siblings. Additionally, Imani thanks her siblings: Malik, Kalif and Kya for being beacons of hope. This author is immensely grateful for Professor Deleso Alford, whose interdisciplinary scholarship inspires Imani’s dream of using journalism and law to help vulnerable groups. Imani also thanks Professor John Duncan, whose high academic standards, rigor, and compassion for students cause them to rise to the occasion. Finally, Imani thanks Mrs. Mildred Graham, whose journalistic integrity and Rattler pride ensure that the College of Law’s good news is recorded and disseminated.

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ON V. STIVIANO,
DONALD STERLING’S COMPANION:
EXPLORING WHITENESS AS PROPERTY

Imani Jackson

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INTRODUCTION

Much maligned billionaire and former Clippers owner Donald Sterling (hereinafter “Sterling”) ignited national race relations discourse after his companion, V. Stiviano (hereinafter “Stiviano”), was connected to the leak of a conversation in which Sterling made anti-black comments. During the conversation, Sterling told Stiviano she

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could have sex with black people and “do whatever” she wants. However, he added, “The little I ask you is not to promote it on that [social media] . . . and not to bring them to my games.” Sterling and Stiviano’s chat was called “the most disruptive audio recording of a private conversation unwillingly made public since Watergate.” In response to the tape’s release, the Clippers players, most of whom are black or of mixed race, staged a silent protest.

Although Sterling’s words to Stiviano were disgusting, his racist practices make anti-black quips seem innocuous. To this extent, Sterling’s statements highlight a continuing American legacy of racist othering. Further, National Public Radio reported that the wealthy Jewish man “made the largest-ever payout in a housing discrimination case involving rentals.” The publication further documented Sterling was routinely “accused of not renting to blacks, Latinos and people with children.” In 2003, Sterling was enjoined from using the word “Korean” in apartment building names and from asking tenants their national origin or place of birth on documents after black and Latino tenants brought suit alleging discrimination. In *Housing Rights Center v. Donald Sterling Corp.*, the plaintiffs alleged that Sterling, individually and along with his wife, treated black and Latino tenants

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FZ (last visited Apr. 14, 2015) (quoting Sterling, “Yeah, it bothers me a lot that you want to promo . . . broadcast that you’re associating with black people. Do you have to?”).

2. Id.

3. Id.


5. Ben Golliver, *Clippers Hold Silent Protest Against Owner Donald Sterling Before Game 4*, *Sports Illustrated* (Apr. 27, 2014), http://nba.si.com/2014/04/27/donald-sterling-clippers-silent-protest-game-4-warriors (“Clippers team took off their jackets and placed them at mid-court during warm-ups, revealing long-sleeved t-shirts that had been turned inside out so that the team’s logo and name were not visible.”).


8. Id.

disparately from Korean tenants, and that Koreans were invidiously preferred as tenants.\(^{10}\)

The Supreme Court addressed racially restrictive covenants in *Shelley v. Kraemer*.\(^{11}\) The *Shelley* Court determined that the Fourteenth Amendment’s Equal Protection clause applied, and could be used to bar enforcement of the fifty-year covenant against blacks and “Mongolian” people living in the neighborhood.\(^ {12}\) The Court also determined that the restrictive covenant was a deprivation of petitioners’ property.\(^ {13}\) As art often imitates life, Lorraine Hansberry penned the classic play *A Raisin in the Sun* after she experienced a racially restrictive covenant.\(^ {14}\)

Housing discrimination, like social discrimination, can be difficult to prove due to social norms. Consistent with this challenge, legal scholar Victoria Roberts addressed the difficulties with establishing housing discrimination. Roberts’ research conveyed that “housing discrimination is often practiced with a ‘handshake and a smile.’”\(^ {15}\) As a result, “there is tremendous difficulty in proving discrimination unless testers are available.”\(^ {16}\)

While *Shelley* highlighted overt racism, as evidenced by a discriminatory covenant, Sterling’s words to Stiviano and racist actions evince covert and overt racism. Racism is “a set of policies that is exhibited by a person or persons toward a group of people of a different race.”\(^ {17}\) When something is covert it is “not openly shown, engaged in, or avowed.”\(^ {18}\) Conversely, overt means “open to view or knowledge; not

\(^ {10}\) Id. (holding that disparately executed inspections and race-based signs were examples of discrimination).


\(^ {12}\) Id.

\(^ {13}\) Id. at 845 (holding “that freedom from discrimination by the States in the enjoyment of property rights was among the basic objectives sought to be effectuated by the framers . . .”).


\(^ {15}\) Roberts, supra note 6, at 276.

\(^ {16}\) Id.


concealed or secret.”\textsuperscript{19} As applied to Sterling and Stiviano’s relationship, one could argue that Sterling’s racist words and actions connote a longstanding white interest in proprietary hoarding. As one writer noted, historically “whites used the idea of race to advance their own interests on the assumption that the more rights and property blacks gained, the less whites themselves would possess.”\textsuperscript{20}

This author posits that Sterling’s command that his companion Stiviano disassociate with people of color, particularly black people, is covertly and overtly racist. Covert racism is implicit in the nature of their conversation. Sterling likely believed the notions he espoused would be confined to the two parties who participated in the discussion. Overt racism is inherent in commanding a woman, who is self-described as Mexican and black, to distance herself from people with whom her race and ethnicity align. During the conversation, Stiviano reminded Sterling of her ancestry by asking, “Do you know that I’m mixed?” Sterling later told her that she is “supposed to be a delicate white or delicate Latina girl.”\textsuperscript{21}

Embattled Stiviano faced personal attacks after the scandalous conversation leaked. Talk show host Sharon Osbourne even called Stiviano a “young street rat” and a “ho” on the television show The Talk. The video of Osbourne’s statements was later pulled from the Web.\textsuperscript{22} Despite other people’s assessments of her, Stiviano describes herself, via her Instagram page, as an “[a]rtist, [l]over, [w]riter, [c]hef, [p]oet, [s]tylist, [and] [p]hilanthropist.”\textsuperscript{23} Further, Stiviano and Sterling’s story has not come without counterpoints. One writer lambasted popular culture’s willingness to place culpability on Stiviano and absolve Sterling.\textsuperscript{24}

\textsuperscript{21.} Id.
\textsuperscript{22.} The Talk (CBS television broadcast May 22, 2014) (Co-host Sharon Osbourne described Stiviano as a gold-digger who was “dripping” new money. Audience members of The Talk applauded her statements.).
\textsuperscript{24.} Christina Majaski, V. Stiviano Didn’t Trick Sterling with Her Magic Vagina, He’s Racist All on His Own, XOJANE (Apr. 30, 2014), http://www.xojane.com/issues/v-stiviano-didnt-trick-sterling-with-her-magic-vagina-hes-racist-all-on-his-own (”For some reason, men are so easily tricked that they sometimes forget they are married and carry on long term relationships with women who are not their wives.”).
Reporters, bloggers, and everyday people know Stiviano as a highly compensated “side chick” who was investigated on possible extortion charges. Then, critics maligned Stiviano once the media discovered that she was recorded making anti-black comments. What is lesser known is that Stiviano is a foster mother to two adolescent males of color and working toward adoption of the boys.

Media reports and a buzzing blogosphere were not the only issues Stiviano confronted. She was punched in the face by two men after leaving a restaurant in the Meatpacking District and called racial epithets by another. The Daily Mail published pictures of her injuries. Stiviano’s life and portrayal appear consistent with tropes black and Latina women have historically faced and continue to face in the United States.

The “Jezebel” is a “bad-black-girl, who is depicted as alluring and seductive as she either indiscriminately mesmerizes men and lures them into her bed, or very deliberately lures into her snares” people who have something of value that she could obtain. Similarly, the “gold-digger” has been chronicled in pop culture, including rapper


27. V. Stiviano Mocking Black People on Tape ‘They Do Stupid S*** Like Buy Rims’, TMZ (May 31, 2014), http://www.tmz.com/2014/05/31/v-stiviano-racist-black-people-reality-show-video/ (discussing the tape that was released of Stiviano making stereotypical comments and criticizing black people for making expensive purchases). This author notes that while Stiviano’s comments are in poor taste, she lacks the societal power as a black Mexican woman to be racist and deny groups substantial economic opportunities. Also, her rants are an improper comparison to Sterling’s denial of housing to black and Latino tenants.


Kanye West’s song of the same name.\textsuperscript{32} These stereotypes take on a racial nature when applied to women of color. Women of color are more likely to be “stereotyped as sexually available,” “and in the case of black and Latina women, [are] the most economically vulnerable.”\textsuperscript{33} The “mamacita” or “harlot” is a Latina stereotype for a woman who is “lusty and hot-tempered; a slave to her passions.”\textsuperscript{34} Additional Latina stereotypes include “The Mexican Spitfire” and “The Hot Pepper.”\textsuperscript{35} Because Stiviano is a black Latina with a scrutinized life, black woman and Latina stereotypes are attributed to her. Admittedly, Stiviano played into racist and ethnic stereotypes of her personhood by dodging claims of being a mistress, while calling herself Sterling’s “silly rabbit.”\textsuperscript{36}

This paper will not address morality and matrimony. Instead, the focus is on Stiviano’s identity and the violence white men inflicted upon her because of her race and the circumstances surrounding her relationship with Sterling. This author contends that Stiviano attempted to distance herself from being racially identifiable due to at least a cursory understanding of the subjugation accompanying being a woman of color, particularly a black woman.\textsuperscript{37} While Stiviano’s story includes name changes and plastic surgery to establish an ethnically ambiguous beauty and exotic existence, when she was demonized in the media, punched in the face, maligned in the media, and called racist and sexist slurs, historical racial and gender hierarchies were reinforced. Thus, this research suggests that America’s white supremacist, misogynistic classifications of women of color should be replaced with critical race feminist self-identification and severe hate crime penalties.

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\begin{itemize}
\item \textsuperscript{32} \textit{Gold Digger Lyrics}, \textit{GENIUS}, \url{http://rapgenius.com/Kanye-west-gold-digger-lyrics} (last visited Apr. 14, 2015) (including the following lyrics: “She take my money, when I’m in need” and “Yeah she’s a trill friend indeed”).
\item \textsuperscript{34} Ken Padgett, \textit{Racist Latino Stereotypes}, \textit{BROWN FACE}, \url{http://brown-face.com} (last visited Apr. 14, 2015).
\item \textsuperscript{35} Lupe Velez, \textit{TURNER CLASSIC MOVIES}, \url{http://www.tcm.com/tcmdb/person/197936?7C102616/Lupe-Velez} (last visited Apr. 14, 2015).
\item \textsuperscript{36} Gillian Mohney, Why V. Stiviano is Donald Sterling’s ‘Silly Rabbit’, \textit{ABC NEWS} (May 3, 2014), \url{http://abcnews.go.com/US/stiviano-donald-sterlings-silly-rabbit/story?id=23576240}.
\end{itemize}}
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This author argues three main points. First, the master’s conduit has no associative freedom—demonstrated when Sterling perpetuated the system used by white men and white male institutions to exert control over black women in the United States. Second, if blackness is property, then black men own larger shares than black women. Patriarchy affords black men more societal value than black women. Finally, pretty canvases cannot escape bigotry and violence. Though Stiviano actively constructed a Eurocentric and materialistic identity, she was still subjected to bigotry and violence.

I. THE PROBLEM: WHITE MALE INSTITUTIONS AND INDIVIDUALS HAVE HISTORICALLY ESTABLISHED BLACK AND LATINA WOMEN’S IDENTITY, WHICH POSITIONS THESE WOMEN AT RISK OF PHYSICAL AND REPUTATIONAL HARMs

Trans-Atlantic slavery was a largely white male institution. Slavery also included differences between how enslaved men and women were treated. After female slaves were put up for sale, “the most highly prized women” were determined. Women who fit this bill were in their childbearing years, and “looked” like they could have many children without complications. Oftentimes, purchasers subjected highly prized women to additional examinations, thus “degrading the woman even further.” Similarly, black enslaved women were expected to be sub-human superwomen. Slave owners expected them to work the fields, be concubines for male slaves, and toil as “nurses, midwives, seamstresses, house cooks, children’s cooks, overseer’s cooks, [and] overseer’s girls.”

Slavery was a harsh business that included dehumanizing behavioral enforcement tactics and punishments. For black women who were enslaved, punishments included gender-neutral whippings with plaited cow-skin, in addition to sexual exploitation. One scholar even

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38. Maciej Konieczny & Ugyen Sass, Slavery and Gender, Colo. C., http://www2.coloradocollege.edu/Dept/HV/HV243Ruiz/Research/gender.html (last visited Apr. 14, 2015) (explaining that black female slaves “were allowed to walk around the quarterdeck without shackles” to increase their sexual accessibility for seamen).
39. Id.
40. Id.
41. Id.
42. Id.
noted overseer sadism with regard to punishing slaves. Frequently, it seemed “that the overseer or master or other white person responsible for inflicting pain would experience some form of sexual excitement.”

Racist white relationships with blackness extend back to the United States’ creation. American founding father Benjamin Franklin spoke to the decidedly anti-black perspective of early America. He asked, “[W]hy should we in the sight of Superior Beings, darken its People? Why increase the Sons of Africa, by Planting them in America, where we have so fair an Opportunity, by excluding Blacks and Tawn- eys . . . ?” Franklin added that he was “partial to the Complexion of [his] Country, for such kind of Partiality is natural to Mankind.” In a nation whose history includes well-documented hierarchical race stratification, as evidenced by Franklin’s writings, in addition to enslaved black people, disharmony between black and white people continues. As historical records demonstrate, and powerful white men blatantly convey, white supremacy such as Sterling’s thrives, whether from slave-masters or billionaires.

Because Stiviano’s life and identity are focal points of this paper, analysis of Latinos’ condition in America is necessary. In a narrative of this black Latina, intersectional issues merit exploration. Perceptions of the black-white binary paradigm likely contributed to the othering Stiviano experienced. Racial scholars have grappled with the limitations of the black-white binary paradigm.

According to Juan Perea, myopic historical representations of only black people and white people (i.e. the black-white binary paradigm) in America further the othering of Latinos. Perea wrote,

44. Id.
45. Id.
47. Id.
“Omitting important history from the narrative of civil rights history becomes extraordinarily damaging, since it distorts history and contributes to the marginalization of non-Black peoples of color.”\textsuperscript{51} Perea also argued American society lacks the “social technique for handling partly colored races.”\textsuperscript{52} What results is “a place for the Negro and a place for the white man: [yet] the Mexican is not a Negro, and the white man refuses him an equal status.”\textsuperscript{53}

Nevertheless, colonialism imparted difficulties on Latinos, whose history includes repercussions of “struggle, conquest and the ramifications of conquest.”\textsuperscript{54} Mexican Americans, Stiviano’s ancestors, specifically “endured a double conquest, an early conquest and governance by the Spanish, followed by conquest and government by the United States.”\textsuperscript{55} Historian Patricia Limerick said, “Like slavery, conquest tested the ideals of the United States. Conquest deeply affected both the conqueror and the conquered, just as slavery shaped slaveholder and slave.”\textsuperscript{56} While Latino is an ethnicity, not a race, racial or color-based classifications exist within Latinos. This author contends that Stiviano’s dual identity as a black woman and a Latina intensified the violence she endured.

According to Los Angeles’ first census in 1781, the city’s Mexicans were mixed-race. Most Mexicans in Los Angeles at that time were “mulatto/a, mestizo/a, Indian, and Black.”\textsuperscript{57} Consistent with the multiracial makeup of Mexicans, an 1823 estimate of South and Central America revealed whites “were only about 20 percent of the population, with far larger proportions of mestizos and Indians and a smaller number of blacks.”\textsuperscript{58} And while anti-black sentiments are well-documented, manifest destiny supporters marginalized and othered Mexicans. On February 14, 1845, James Buchanan, former U.S. President, said, “The Anglo-Saxon blood could never be subdued by anything that claimed Mexican origin.”\textsuperscript{59} These dominant-subordinate relationships between white men and blacks and Latinos — and by extension, the powerful

\textsuperscript{51.} Id.
\textsuperscript{52.} Id.
\textsuperscript{53.} Id.
\textsuperscript{54.} \textsc{Juan Perea et. al.}, \textit{Race and Races Cases and Resources for a Diverse America} 285 (2nd ed., 2007).
\textsuperscript{55.} Id.
\textsuperscript{56.} Id.
\textsuperscript{57.} Id. at 286.
\textsuperscript{58.} Id.
\textsuperscript{59.} Perea, \textit{supra} note 54.
institutions white men control — contribute to subjugation of women of color.60

Racial and ethnic stereotypes, as aforementioned, “have been used to justify gender-based violence against African American women and girls and devalue them as victims deserving of empathy.”61 Stereotypes of Latinas include early marital ages and highly sexual lives.62 Sexualized Latina caricatures are points of contention for some Latinas. In that vein, an NBC Latino writer critiqued Columbian actress Sofia Vergara and Vergara’s heavily accented and physically revealing on-screen persona. Esther Cepeda wrote, “I just hate that she so expertly works the dreaded, overdone ‘sexy, ditzy, bombshell Latina stereotype’ that many [Latinas] have worked their whole lives to overcome.”63 Whether black women or Latinas are at issue, respectability politics and a desire to not be reduced to money-hungry sexpots prevail. Once women of color are reduced to objects, their marginalization becomes easier. In an intersectionality article, one legal scholar wrote, “If the media portrays Black women as unworthy victims, it is likely that these lopsided depictions produce behavioral consequences.”64

It appears that Sterling perceived Stiviano as Latina, which made her good enough for association with him and his whiteness. However, that perception did not prevent race-based violence against Stiviano. Stiviano’s attorney, Mac Nehoray, told the publication Radar Online that Stiviano was badly beaten up by two white men as she left a hotel in New York City.65 Nehoray said, “[t]wo white men descended on her.”66 According to the lawyer, the men “knew exactly who she was. They began to hit her and called her the N word. Other dis-

60. The scope of this research of female identity is black women and Latinas, per Stiviano’s ancestry. Other women of color are of note; however, their condition is beyond this paper’s ambit.
64. Tonessen, supra note 61, at 23.
66. Id.
gusting slurs were made against her. She was able to run away and several onlookers then began attempting to apprehend the two men.”

Moreover, Stiviano’s reputation was diminished when various publications continuously published content degrading her character. Sharon Osbourne’s comments were addressed previously. However, hip-hop publication *Hip-Hop Wired* contributed to anti-Stiviano sentiments when it ran a story entitled “The Lost Thot: Who Is V. Stiviano?” Thot, to be clear, is a misogynistic insult. According to Kiara Johnson, also known as rapper Katie Got Bandz, “‘Thot’ stands for ‘That Ho Out There.’” Thot, which is often used in its plural form (“thots”), also means those hoes over there. Johnson continued her explanation to a *Complex* writer by saying, “So, a slut, a ho, a tramp, you know.”

Online publication *Madame Noire*, which caters to black women, addressed the term “thot” and its implications. According to writer Veronica Wells, “As you may imagine the term was originally used to describe sexually promiscuous women. Of course that’s problematic and misogynistic because, once again, women are being punished for being sexually expressive while men, who behave similarly, are given a pass and a pat on the back.” This author contends that black and Latina women’s complex histories in the United States intensify the effects of sexist terms. To that end, casual racism and sexual microaggressions contribute to a culture that can rationalize violent attacks against dehumanized women.

II. WHY THE MASTER’S CONDUIT LACKS ASSOCIATIVE FREEDOM

A conduit is “someone . . . that is used as a way of sending something (such as information or money) from one place or person to another.” For the purposes of this research, Stiviano was a conduit. Stiviano’s lawyer alleged that she was Sterling’s archivist who man-

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67. Id.
71. Id.
72. Id.
aged Sterling’s charities. Conversely, Stiviano was widely reported as Sterling’s girlfriend or mistress. Whether she worked for Sterling in a purely professional capacity, purely sexual capacity, or in some combination thereof is beyond the scope of this paper. However, the fact remains that Stiviano and Sterling were close.

One result of that closeness and their divergent societal standing, as predetermined by race and gender and complicated by wealth and position, is the obviousness that Stiviano acted under Sterling’s guidance and financial support. A woman acting under a man’s pocket and, by extension, subject to his approval, is consistent with social gender and power norms. According to University of Chicago Legal Forum writer Mary Becker, modern society is “male-centered, male-identified, male-dominated, and . . . valorizes qualities narrowly defined as masculine.” Moreover, monetization is assigned a masculine character. Sterling reportedly gave Stiviano luxury cars, a $1.8 million condo and a salary, thus solidifying his power over Stiviano and her life.

By subsidizing Stiviano’s lifestyle, Sterling maintained a proprietary interest in Stiviano, and, in his mind, her associations. This proprietary interest is analogous to a corporate entity’s expectations of company workers. As reported in the New York Times, “While some states place some limit on such agreements in their labor codes, for the most part, employers can demand ownership over almost all aspects of our cognitive ability — from their products to their uses — long after we have moved on to different endeavors.” Moreover, when an em-

75. Maria Elena Fernandez, V. Stiviano on ‘Dr. Phil’: Donald Sterling’s ‘Assistant’ Speaks out, NBC News (May 21, 2014), http://www.nbcnews.com/pop-culture/tv/v-stiviano-dr-phil-donald-sterlings-assistant-speaks-out-a111466 (reporting Stiviano as saying she had no set title while working for Sterling: “One day it was a real estate business meeting, the next day it was a board meeting with the NBA, the next day it was a dinner meeting with a potential sponsor, the next day Mr. Sterling wanted to go shopping.”).
76. Id.
79. Id.
ployee is not specifically hired as a designer or inventor, but does develop an invention during work hours with company materials and equipment, the employer is granted an irrevocable, non-exclusive right to use of the invention under the shop right rule. Although a shop right holder has a possessory right to use, the holder cannot assign his right to another person because the right is a limited and personal one that can be utilized only by employer. If Stiviano’s role with Sterling was partially based upon her looks and socialization with others, then it follows that Sterling would expect Stiviano to comply with his requests about image by way of public fraternization. It is as if Sterling also had a shop right to Stiviano.

Since Stiviano was one of Sterling’s employees, Sterling felt entitled to limit her exposure to others, i.e., black people. Pushing Sterling’s logic to its next level, it follows that Stiviano, while working for Sterling, was not truly free and was instead another asset. As an asset of Sterling’s with responsibilities of her own, Stiviano’s relationship with Sterling gained nuance with her plan to adopt two teen males with special needs.

One should note that Stiviano has immediate plans to become a mother. While motherhood can increase women’s vulnerability to men, the relationship between mothers and men results in financial exchanges between the two leading to a dominant-subservient relationship. Economic sociologist Viviana Zelizer posited, “Contrary to widespread belief... it was not the money involved that determined the relationship’s quality, but the relationship that defined the appropriateness of one sort of payment or another.” Zelizer asked, “Under

83. Ashley Collman, I Love Him Like a Father: V. Stiviano DENIES She had a Sexual Relationship with Donald Sterling in Emotional Sit down with Dr. Phil, Mail Online (May 22, 2014), http://www.dailymail.co.uk/news/article-2636256/I-love-like-father-V-Stiviano-DENIES-sexual-relationship-Donald-Sterling-sit-Dr-Phil.html (noting Sterling’s comments on Stiviano: “I’m telling you she was hot.”). His comments on her appearance connote the value that her looks carried to him.
84. Jones, supra note 20.
86. Id.
89. Id. at 818.
what conditions, how, and with what consequences do people combine monetary transfers with intimate relationships? She determined that three answers prevail.

First, she argued a “Hostile Worlds” theory. Under this theory, “[a] profound contradiction exists between intimate social relations and monetary transfers that any contact between the two spheres inevitably leads to moral contamination and degradation.”

Second was the “Nothing But” theory. This theory holds that, “[i]ntimate relations involving monetary transfers are (a) nothing but another rationally conducted exchange, indistinguishable from equivalent price-making markets; (b) nothing but another expression of prevailing cultural values; or (c) nothing but coercion.”

Third was the “Differentiated Ties” theory, which argues that “[i]ntimate relations involving monetary transfers include a variety of social relations, each marked by a distinctive pattern of payment.”

Sterling and Stiviano’s relationship is most in line with the differentiated ties theory. Intimacy is not solely sexual. Running errands, managing charities, and keeping up appearances, as Stiviano did, can be intimate work. Gifts and payments from Sterling contributed to a social dynamic that encouraged Stiviano to deny a “sugar daddy” relationship. However, control was present. Sterling’s payments to Stiviano align with restrictive covenants. Sterling, by giving gifts and housing to Stiviano while affording her access to whiteness, and wealth, simultaneously imposed a restrictive covenant on her associations.

90. Id.
91. Id.
92. Id.
93. Id.
94. Steve Gorman, V. Stiviano Denies Sexual Relationship with Clippers Owner, Toronto Sun (May 21, 2014), http://www.torontosun.com/2014/05/21/v-stiviano-denies-sexual-relationship-with-clippers-owner (quoting Stiviano as saying their relationship “was not a sugar daddy relationship” and that Sterling gave her so much “because he cares about me, and I’m a good human being”).
95. Esther Terry, Class, Race, or Ethnicity Apart? Changing Whiteness and Counting People of Mexican Descent, U.S. Hist. Scene (Oct. 9, 2013), http://www.ushistoryscene.com/uncategorized/changingwhiteness/ (“U.S. citizens of Mexican descent lobbied to have this category removed. They wanted to be considered legally White which, in racially exclusive Jim Crow America, allowed access to full citizenship.”). This author notes that some Mexicans fought for whiteness, which is part of Stiviano’s identity as a self-identified mixed-race woman of Mexican descent.
96. Cheryl I. Harris, Whiteness as Property, 106 Harv. L. Rev. 1709, 1711 (1993) (writing that her white-passing grandmother “[c]ould thus enter the white world, albeit on a false passport, not merely passing, but trespassing”). Stiviano, through racial ambiguity and association with Sterling, similarly trespassed into white worlds.
White men and white male institutions have historically controlled black women in the United States. Slavery is perhaps the most prominent example.\textsuperscript{97} Black women were not viewed independently.\textsuperscript{98} Instead, they were perceived as the opposite of chaste white women.\textsuperscript{99} Sterling continued this historically familiar hyper-sexualization when describing Stiviano.\textsuperscript{100} Ultimately, their relationship evinced a desire for control from the top, with Sterling, a white man, positioned at the apex.\textsuperscript{101}

III. \textbf{IF BLACKNESS IS PROPERTY, THEN BLACK MEN OWN LARGER SHARES THAN BLACK WOMEN}

Patriarchy\textsuperscript{102} lends black men more societal value than black women.\textsuperscript{103} This gender privilege and power causes black women’s issues to take a backseat to black men’s.\textsuperscript{104} According to legal scholar

\begin{itemize}
    \item \textsuperscript{97} \textsuperscript{97} Jennifer Hallam, \textit{The Slave Experience: Men, Women & Gender}, PBS (2004), http://www.pbs.org/wnet/slavery/experience/gender/history2.html (“The slave owner’s exploitation of the black woman’s sexuality was one of the most significant factors differentiating the experience of slavery for males and females.”). By regulating a slave’s sexuality, which is part and parcel to the act of sex and continuation of humanity, masters regulated females’ personhood.
    \item \textsuperscript{98} \textsuperscript{98} Mitchell F. Crusto, \textit{Blackness as Property: Sex, Race, Status, and Wealth}, 1 STAN. J. CIV. RTS. & CIV. LIBERTIES 51, 52 (2005) (“For a black woman, enslavement meant white men owned and controlled your sexuality, often using you to bear their children. White masters also owned the racially mixed children they fathered with their enslaved black women.”). White men rendered black women property.
    \item \textsuperscript{99} \textsuperscript{99} Hallam, \textit{supra} note 97 (“Because the ideal white woman was pure and, in the nineteenth century, modest to the degree of prudishness, the perception of the African woman as hyper-sexual made her both the object of white man’s abhorrence and his fantasy.”).
    \item \textsuperscript{100} \textsuperscript{100} Bob Fredericks, \textit{Stiviano ‘Was an Animal’ in Bed, says Sterling}, N.Y. Post (May 14, 2014) http://nypost.com/2014105/14/sterling-stiviano-was-an-animal-in-bed/ (quoting Sterling: “I’m paying a very high price for trying to get a girl hot and make it with her.”).
    \item \textsuperscript{101} \textsuperscript{101} Crusto, \textit{supra} note 98 (“Sometimes, female slaves acquiesced to advances hoping that such relationships would increase the chances that they or their children would be liberated by the master.”).
    \item \textsuperscript{102} \textsuperscript{102} Patriarchy is a “social organization marked by the supremacy of the father in the clan or family, the legal dependence of wives and children, and the reckoning of descent and inheritance in the male line; broadly: control by men of a disproportionately large share of power.” Patriarchy, MERRIAM-WEBSTER, http://www.merriam-webster.com/dictionary/patriarchy (last visited Apr. 15, 2015).
    \item \textsuperscript{103} \textsuperscript{103} Theodore R. Johnson, \textit{The Reality of Black Male Privilege}, THE GRIo (Aug. 30, 2013), http://thegrio.com/2013/08/30/the-reality-of-black-male-privilege/ (“Since men enjoy more privilege than women, and blacks less than whites, black men consider themselves men first because it affords privilege.”).
    \item \textsuperscript{104} \textsuperscript{104} ANN DEXTER GORDON ET. AL, \textit{AFRICAN AMERICAN WOMEN AND THE VOTE, 1837-1965} 49 (1997) (stating white feminist reform activists and black men “frequently subsumed black women in the espousal of their causes, without addressing the important issue of their status as black women”).
\end{itemize}
Kimberle Crenshaw, “Black feminism has challenged the long-standing pattern of deferring concerns about patriarchy . . . Yet such efforts are stymied by definitions of racial solidarity that are so rehearsed to become clichés.”\textsuperscript{105} Suppressing and glossing over black women’s issues yields rampant myopia.\textsuperscript{106} Even popular culture debates perpetuate limiting, flat, and anti-woman of color reasoning.\textsuperscript{107} While black men are undoubtedly oppressed, their gender gives them access to opportunities that are more difficult for black women.

When applied to Stiviano and Sterling’s relationship, it is apparent that Sterling profited from black men as athletes while disparaging and entertaining sexual fantasies about a black woman. The black man as immediate laborer and black woman as pleasure vessel dichotomies indicate age-old white supremacist objectification. A racist can increase his wealth, and potentially obtain sexual satisfaction, at the expense of people he believes are beneath him. In the seminal race and law article “Whiteness as Property,” Harris wrote, “The hyper-exploitation of Black labor was accomplished by treating Black people themselves as objects of property.”\textsuperscript{108} The overarching dehumanization of black people generally, and black women specifically, increases the women’s vulnerability.

Financial and institutional gender discrepancies contribute to alternate realities for black women and men. Monetarily, black men fare better than black women.\textsuperscript{109} Black women only make sixty-four

\textsuperscript{105} Kimberle Crenshaw, Foreword to Devon W. Carbado, Black Men on Race, Gender, and Sexuality: A Critical Reader xiv (1999).

\textsuperscript{106} Jamila Aisha Brown, If Trayvon Martin had Been a Woman . . ., THE GUARDIAN (July 12, 2013), http://www.theguardian.com/commentisfree/2013/jul/12/trayvon-martin-female (“A look through history proves that from lynchings, to intimate partner violence, to police brutality, the murders of black women in the United States have rarely evoked much empathy.”).

\textsuperscript{107} Spectra, In Honor of Nina Simone: Why Black Women Must Re-Frame the Conversation about Racism in Hollywood, SPECTRA SPEAKS (Sep. 18, 2012), http://www.spectraspeaks.com/2012/09/black-women-responses-nina-simone-zoe-saldana-biopic-media-diversity-solutions/ (referencing Nigerian queer writer Spectra on an intra-racial debate over whether Zoe Saldana, a black Latina actress, should be allowed to portray darker skinned African American icon Nina Simone: “It’s one thing to criticize the white supremacist media machine that is Hollywood; it’s another thing entirely for us to let that criticism distract us from seeing how that machine is designed to keep us fighting each other over scraps . . . more often than we brainstorm how we can work together to grow and harvest enough seeds to keep nourishing us all.”).

\textsuperscript{108} Harris, supra note 96, at 1717.

\textsuperscript{109} Bryce Covert, Black Women are Breaking Barriers but Still Not Getting Compensated for It, THINK PROGRESS (Apr. 3, 2014), http://thinkprogress.org/economy/2014/04/03/3422550/black-women-education-work/ (“But even as black women have been working harder on their educations and starting more businesses, black women aren’t seeing higher returns.”).
percent of what white men make.\textsuperscript{110} Black men make about seventy-one percent of what white men make.\textsuperscript{111} Of the forty-three black members in Congress, less than half are black women.\textsuperscript{112} While current American president Barack Obama is a biracial black man, a black woman has not yet been elected commander in chief.

Despite white men’s historical view of black males simultaneously as chattel and threats to white women,\textsuperscript{113} white men looked at women of color as incubators and hired help, instead of people. In a contemporary sense, this means that when a woman of color acts outside of society’s prescribed bounds, some white men succumb to privileged group identification and take matters into their own hands. Others create racist fables about black women.\textsuperscript{114} If Stiviano, as a black Latina, is viewed as some combination of a Jezebel\textsuperscript{115} and Mamacita,\textsuperscript{116} then intersectional issues arose when she was attacked via her person and reputation after the tape leaked. Stiviano is not the first or only person to have unconventional ties to a married person.\textsuperscript{117} However, no recent stories have made the news showing black men involved with married white women and the black men having attacks made on their person.

\begin{footnotes}
\item[110] Id.
\item[115] Ramakrishnan, supra note 33.
\item[116] Mohney, supra note 36.
\end{footnotes}
IV. Projections: Pretty Canvases Cannot Escape Bigotry and Violence

Stiviano actively constructed a Eurocentric and materialistic identity.\textsuperscript{118} Her materialistic identity, wit, and personality traits were remembered by people she encountered as a student at Roosevelt High School. A former teacher said Stiviano was smart, enthusiastic, and mature.\textsuperscript{119} Despite these redeeming internal qualities, Stiviano’s aesthetic capital is noted more often than personality traits or intellect.\textsuperscript{120} Whittling Stiviano down to a black Barbie flattens her identity. Identity flattening, particularly of a black and Mexican woman, supports whiteness as property.\textsuperscript{121}

Racist reductivism has a long domestic history. During slavery, a notion of playing the lady emerged.\textsuperscript{122} The idea is that women of color are not and cannot be ladies because they are savages. Even as Trans-Atlantic slavery ended in the U.S., these longstanding notions impacted contemporary black women’s identities. The “black female sexuality has been represented in racist/sexist iconography as more free and liberated . . . [causing some black women entertainers to cultivate] an image which suggests they are sexually available and licentious.”\textsuperscript{123} While Stiviano maintained in interviews that she and Sterling never had a sexual relationship, despite his statements to the

\textsuperscript{118} Kevin Manahan, Donald Sterling’s Girlfriend: V. Stiviano was Known as ‘Barbie’ in High School, NJ.com (May 1, 2014), http://www nj com/nets/index ssff2014/05/donald ster ling girlfriend_v_stiviano_was_known_as_barbie_in_high_school.html (reporting the source of Stiviano’s nickname “Barbie” in school as her wearing $800 jeans, having a breast augmentation, and dressing up).

\textsuperscript{119} Josh Peter, V. Stiviano was Nicknamed ‘Barbie’ in High School for Her Expensive Taste, USA Today (May 1, 2014), http://ftw.usatoday.com/2014105/v-stiviano-barbie-ster ling-clippers-high-school.


\textsuperscript{121} Harris, supra note 96, at 1724 (“Only whites possessed whiteness, a highly valued and exclusive form of property.”). This author posits that the white men who attacked Stiviano while using racist and sexist slurs did so because of a group identification with Sterling, a powerful white man, and with white exclusivity.

\textsuperscript{122} Annie Nakao, Her Tale was Brutal, Sexual. No One Believed a Slave Woman Could be so Literate. But Now Harriet Jacobs has Reclaimed Her Name, SF Gate (June 23, 2004), http://www.sfgate com/entertainment/article/Her-tale-was-brutal-sexual-No-one-believed-a-2747114.php (“The brutalization of black girls and women by white slave-masters, who justified their dehumanizing treatment by viewing them as ‘sexual savages,’ was a daily fact of life under slavery.”).

\textsuperscript{123} bell hooks, Black Looks Race And Representation 65 (1992).
contrary, she publically toys with her sexuality. In an interview with Dr. Phil she commented on her fabulous body. On social media, she is photographed often and in suggestive poses. Sex appeal is often double-edged for black women because mainstream culture perceives black female sexuality as troubling and worthy of punishment. This author contends that Stiviano, while savvier than she is given credit for, attempted to portray a black bimbo. She adopted the persona of an attractive woman whose intellect is non-threatening. Conversely, this persona increased people’s likelihood to see her as a beautiful object. While beauty has value, Stiviano’s racial and ethnic ambiguity did not insulate her from racist and sexist violence. Furthermore, her identity seems more the result of doctors than ancestry. Stiviano is believed to have altered her face, and more specifically, a racial signifier of blackness, her nose.

Although Stiviano might have been exotic and exciting to Sterling, she was a “n*gger” to aggressors who beat her up in New York. The man charged in connection with Stiviano’s attack was middle aged and living with his parents, but he felt more in common with billionaire Sterling than Stiviano. This kind of race-based identification is familiar in the United States.

124. Id. at 75 (citing Vanessa Williams’ “disgrace” after Miss America pageant officials discovered Williams had posed nude with a white woman, and Williams’ subsequent typecasting as a “sexualized vamp” in films; she was also stripped of her Miss America crown).

125. Sue Shellenbarger, On the Job, Beauty is More Than Skin Deep, The Wall St. J. (Oct. 27, 2011), http://online.wsj.com/news/articles/SB100014240529702036687505457655331418204842 (reporting that “attractive people are likely to earn an average of 3% to 4% more than a person with below-average looks,” causing an estimated $230,000 more for an attractive person).


127. Friend Details the Humble Roots of V. Stiviano, Inside Edition (May 1, 2014), http://www.insideedition.com/headlines/8213-friend-details-the-humble-roots-of-v-stiviano (“I have heard she has had plastic surgery. Even members of her family have made comments about her nose as if it is not her original nose. So, she may have had plastic surgery in the past.”).

128. This author is referring to the previously addressed physical attack on Stiviano in New York.

129. Gary Younge, Working Class Voters: Why America’s Poor are Willing to Vote Republican, The Guardian (Oct. 29, 2012), http://www.theguardian.com/world/2012/oct/29/working-class-voters-america-republican (“The question of why poor people vote Republican is not simply an issue of income but primarily race and partly region and gender. Poor people may be more likely to vote Democrat; poor white people are not.”).

130. Harris, supra note 96, at 1741 (“White workers perceived that they had more in common with the bourgeoisie than with fellow workers who were Black.”).
V. RECOMMENDATIONS FOR AUTONOMOUS WOMEN OF COLOR AND IMPLEMENTING INCREASED PUNISHMENTS FOR HATE CRIMES

Stiviano’s media vilification and physical attack highlight an established desire for some to confine black and Latina female identity. Instead of widespread subscription to “Jezebel” and “Mamacita” stereotypes, society should embrace a critical race feminist conception of womanhood. Such an identity is not about separating good and bad women from each other. Instead, it is about black and Latina women’s autonomy and freedom to establish their identities, despite how they look and live. Consistent with this critical race feminist identity, others should respect the rights of women to live as they see fit.

To counter racist and sexist confinement and objectification of black women, black women must also build alliances and spread knowledge with each other. According to feminist scholar bell hooks, “[c]ritical pedagogy, the sharing of information and knowledge by black women with black women, is crucial for the development of radical black female subjectivity.” Yet, Stiviano kowtowed to mainstream ideals by altering her physical appearance and broadcasting her expensive possessions. Stiviano also pursued motherhood. She renamed and identified herself, which can indicate autonomy. In light of America’s history with slavery and slaves losing their names to gain markers of their masters, name choice matters.

From a punishment perspective, hate crimes such as the racist and sexist physical attack against Stiviano should yield severe consequences because “America, on the whole, has been a staunch defender of the right to be the same or different.” Moreover, statutes and penalty guidelines allow “significantly greater punishment when a crime is committed by someone motivated by racism.” Stiviano’s attackers were not convicted. Despite this, the point that a woman’s racial identity and personal choices do not create grounds for acts of violence remains.

131. Hooks, supra note 123, at 56.
133. Crockett, Jr., supra note 28.
134. Josh Peter, Records Reveal Why Sterling, V. Stiviano Changed Names, USA TODAY (May 2, 2014), http://www.usatoday.com/story/sports/nba/2014/05/02/v-stiviano-donald-sterling-name-changes/8621245/.
135. Media reports have also conveyed Stiviano’s adoption of aliases to distance herself from charges filed against her in her teens and early twenties.
CONCLUSION

Women of color deserve the freedom to live according to personal convictions, while free of disparate reputational and physical harms. In light of American history and contemporary events, modern society needs open-minded identity perceptions and severe legal punishments for hate-based crimes. The combination of pedagogy and punishment would leave Stiviano and other women freer to be their multi-faceted selves. On top of this combination, American populations of color continually increase. More women of color live in America, and their identification and personhood maintain significance. Regardless of the masses’ perceptions and misperceptions, women of color should be allowed to live as they see fit, without ill repute. For Stiviano, this means she is free to live parallel to the protagonist in Gwendolyn Brooks’ poem “A Song in the Front Yard.” Brooks wrote: “But I say it’s fine/ Honest I do./ And I’d like to be a bad woman too, and wear the brave stockings of night-black lace./And strut down the streets with paint on my face.”
