EDITORS’ NOTE

I wish I could say that racism and prejudice were only distant memories. I wish I could say that this Nation had traveled far along the road to social justice and that liberty and equality were just around the bend. I wish I could say that America has come to appreciate diversity and to see and accept similarity . . . In the chill climate in which we live, we must go against the prevailing wind. We must dissent from the indifference. We must dissent from the apathy. We must dissent from the fear, the hatred and the mistrust . . . We must dissent because America can do better, because America has no choice but to do better.1

With the Supreme Court moving away from race-based affirmative action in institutions of higher learning, despite the continued underrepresentation of Blacks in higher education; the invalidation of what is arguably the heart of the Voting Rights Act; the emergence of stop-and-frisk laws targeting minorities; and the increased suspicion of young Black men in the last year alone, the members of the Berkeley Journal of African-American Law & Policy (“BJALP” or the “Journal”) are proud to continue to be a dissenting voice to mainstream society’s handling of the African-American community. In a time in which racial and ethnic misconceptions continue to linger, BJALP, as one of only a handful of law journals specifically dedicated to addressing African-American legal and policy issues, must continue to work toward improving conditions for the African-American community through provocative and innovative scholarship.

Volume XVI, like those that came before it, is devoted to connecting the state of the African-American community today with the complex racial histories of our past. First, in Securing Felons’ Voting Rights in America, Anthony Gray discusses the need for stronger American constitutional protection of voting rights for felons. Second, in A Father’s Race to Custody: An Argument for Multidimensional Masculinities for Black Men, Jennifer Sumi Kim argues against using stereotypes based on what it means to be a “Good Black Man” and a “Bad Black Man” in the decision-making process for child custody cases. Instead, she advocates for a multidimensional masculinities approach in determining whether a Black father should receive custody of his children.

1. THURGOOD MARSHALL, SUPREME JUSTICE SPEECHES AND WRITINGS 313-314 (J. Clay Smith, Jr., 2002).
Additionally, we are excited to publish three manuscripts written by our third-year Journal members through the return of our Notes and Comments program. First, in *On Mitigation: The Role of “Execution Impact” Evidence*, Jalem Peguero asserts that prohibiting execution impact evidence during capital sentencing proceedings violates the Constitution. Next, in *Law Firm Diversity Scholarships: Good Intentions, Incomplete Solutions*, Tyler Garvey argues that although law firm diversity scholarships were created with good intentions, the minority students intended to benefit from said scholarships still face stereotypes concerning their legal competence while law firms continue to face obstacles regarding perceptual diversity. Lastly, in *Expanding the Scholastic Circle of Belonging to Realize the Citizenship Promise of the Nation*, Sean Darling-Hammond argues for the empowerment and inclusion of Black youth in American society by improving our nation’s public schools through an affirmative obligation created by the Privileges and Immunities Clause of the Fourteenth Amendment of the United States Constitution.

Although the issues addressed in Volume XVI only represent a fragment of the numerous difficulties faced by the African-American community today, BJALP is fortunate and grateful to continue the conversation that our founders started in 1992. We are humbled by the opportunity to share the narratives of our community because as Kofi Annan so aptly stated, “education is the premise of progress, in every society.” As always, it is our hope that the discussions taking place in Volume XVI will only mark the beginning of this much-needed discourse.

We would like to thank everyone who submitted a manuscript to BJALP this year, the authors and students who contributed their thoughtful scholarship to this volume, our unparalleled faculty advisors, Kira Abrams and the Law Library, our hardworking Editorial Board and members, and most importantly, our loyal readers and subscribers. Words cannot express our gratitude for your continuous support of the Journal. Together, we can be the change we want to see in the world. With much enthusiasm and pride, we present to you Volume XVI.

Ruth Merisier and Danielle C. Pierre 
*Co-Editors-In-Chief*

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2. Press release, World Bank Conference Global Knowledge, “If Information and Knowledge are Central to Democracy, They are Conditions for Development,” Says Secretary General (June 23, 1997) (on file with author).