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Editor's Note Redux - Mario L. Barnes & (and) Angela Nicole Brown

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Editors’ Note Redux
Mario L. Barnes & Angela Nicole Brown

“IT’S A BLACK THING... WE WANT EVERYBODY TO UNDERSTAND.”

The above phrase—split by the ellipsis—appeared on the front and back of the first t-shirt created by the African-American Law and Policy Report (“ALPR” or the “Report”), now known as the Berkeley Journal of African-American Law and Policy (“BJALP” or the “Journal”). On one level, the phrase was intended as a clever spin on the then popular phrase: “It’s A Black Thing, You Wouldn’t Understand.” On another level, it was a message relevant to our purpose and an answer to those from the Boalt community who questioned why we needed to exist. The why question, while legitimate in a general sense, seemed curious to us in 1994. At the time, the end of affirmative action—first through a UC Regent’s policy, then by way of a statewide initiative (Proposition 209)—was just about to descend upon the University of California. And more personally, during that year, certain students of color at Boalt received racist fliers in their mailboxes claiming, in part, that these students did not deserve to be there. As excited as we were to be part of the creation and premiere publication of ALPR, it should be understood that the Report was born in trying times for students of color. In our first issue, we included an Editors’ Note, which was not a standard section in most journals at the time, to describe our somewhat troubled journey and convey our large sense of accomplishment.

We understand that the troubles we faced as Boalt students and founding journal members are not precisely the same as those faced by today’s students. On this fifteenth anniversary of the publication of the first issue, we are mindful, however, that in the post-209 world, challenges do, in fact, remain.

1. As an historical point of reference, not only does the Journal’s recent name change reflect the commitment of current students to define their enterprises for themselves, it also is consistent with the wishes of some of the founding members. During one of the first meetings of the Report, several of us supported a more recognizable, if not limited name, such as the Berkeley Black Law Journal. The third-year organizers, however, impressed upon us that the Report’s name should emphasize the breadth of the Report’s mission.

2. In part, the flier indicated: “When I see you in class, it bugs the hell out of me because your [sic] taking the seat of someone qualified.” See Anita Selin, Hate Mail Incident’s at Berkeley’s Boalt Hall School Singles Out Minority Students, BLACK ISSUES IN HIGHER EDUCATION 12, 24-25 (1995).

Moreover, notwithstanding the historical significance of electing the first black president of the United States of America, our nation is in the midst of a deep economic crisis and communities of all hues are in need of more help than ever. It is our hope now, as it was when the Journal was created, that your work will continue to provide that help in the form of diverse dialogue about and continued exploration of critical issues affecting African Americans. We are immensely proud of the Journal and are pleased to once again join other contributors' to that very first issue in briefly reflecting upon the Journal's history, which is, in fact, our history, and celebrating its continued bright future.

As an initial matter, we must congratulate the Journal on two significant accomplishments we hoped would come to pass. First, we commend you for continuing to add to the production of knowledge about the condition of African Americans and the law. Knowledge production is a primary reason for a journal to exist, and with eleven volumes over fifteen years, you have meaningfully covered both longstanding and burgeoning issues for African-American communities.

Second, you belong to a very small and select group of specialty journals dedicated to race scholarship—African Americans in particular—that have persisted for this amount of time. To the world outside of Boalt, the Journal has been and remains a role model, demonstrating to the identity-focused, anti-subordination journals that followed that, despite overwhelming challenges—including one year that saw the enrollment of only one African-American student at Boalt—with commitment, you can persevere and thrive. Inside Boalt, you carry forth the tradition that helped to establish this publication in the first place: collaboration. We certainly could not have produced the first issue without the help of our sister journals. To prepare to be Co-Editors-in-Chief, we trained as members of the Ecology Law Quarterly. Our supportive neighbors, the Berkeley Journal of Employment and Labor Law (BJELL), indulged our every question about managing a journal and our occasional overrunning of our shared (and cramped) work spaces. In addition, the Berkeley Women's Law Journal (BWlj), now Berkeley Journal of Gender Law (2008) (describing the post-209 struggles that have confronted the Journal).


and Justice (BJGLJ), was especially helpful. Boalt Jurisprudence and Social Policy and Law Professor Catherine Albiston and Northwestern Sociology and Law Professor Laura Beth Nielsen, both BWLJ editors, were tireless in their encouragement and support, including performing a complete read-through of the final edit of the first issue. Professor Nielsen was additionally instrumental in initiating the collaboration between BWLJ and ALPR, which became Volume 2. We see that you have continued these important traditions of collaboration and support for new journals of color. Since the joint issue with then BWLJ, you have published a joint issue with the Berkeley La Raza Law Journal⁶ and consistently supported timely symposia, some of which have been co-sponsored with other journals and Boalt organizations.⁷ This work on symposia is important not only for the pressing matters you continue to address, but also because a symposium was the source of the Journal’s inaugural issue.⁸ Additionally, it appears that you have been willing to share with new law and identity journals the same type of support that was provided to BJALP.⁹

We would be remiss if we did not comment on the opportunities BJALP has provided both its former and current members. You have served not only as a training ground for your members but also a community gathering place. Like the Law Students of African Descent (LSAD) and the bookstore when it was managed by Ms. Joyce Hall—a selfless and nurturing soul—the Journal, for us, represented that part of Boalt which was always safe and welcoming. We hope it remains such a place.

Additionally, before there was an ALPR/BJALP, with the exception of working at the Berkeley Community Law Center (now East Bay Community

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8. The first issue published pieces from the spring 1994 symposium: Beyond the Civil Rights Agenda: Defining African-American Empowerment for the 21st Century. The idea for the symposium was proposed by the Co-Editors-in-Chief that preceded us: George L. Washington, Jr. and Amber Hartgens.
Law Center) or receiving a Berkeley Law Foundation grant to do public interest work, students struggled to find opportunities to advance their anti-discrimination/anti-subordination principles and to raise the issues of the troubled but supportive communities that produced so many of us. The Journal provided an avenue not only for this type of advocacy but also for intellectual exploration, especially for those of us whose minds were opened by Visiting Professor Jerome Culp's course on Race and the Law,¹¹ and Professor Angela Harris's courses on Feminist & Critical Race Theory and Law & Identity. Your contribution to the lives of Boalt students and the profession is reflected in the success of your past members. From the editors of the first issue, alone, we see successful law partners in prominent firms,¹² in-house counsel,¹³ dedicated public interest lawyers,¹⁴ and legal academics.¹⁵

While we never imagined the breadth of the challenges that would face the Journal, we are proud of your success and incredibly honored to have been part of your history. We would like to end by speaking to your future. The last phrase on the t-shirt we described at the beginning of this reflection was: "Making Space for Our Voice in the Academy!" Consistent with the messages on that first t-shirt, we want to encourage you to continue to carve out a space for yourself in the academy and to do so in a manner that fosters greater understanding of the issues confronting African-American communities. We understand that, in an anti-affirmative action and post-race world, we are not assured fifteen more years of the Journal's existence or the admission of appreciable numbers of African Americans to Boalt Hall. Right now, however, the Journal is here, the dedicated student members are here, and the problems the Journal was created to address still exist. In this new period of failing


¹². Senior Articles Editor E. Venessa Henlon is a partner at the San Francisco office of Coblentz, Patch, Duffy & Bass, LLP. Articles Editors Eric A. Tate and Terence N. Hawley, are partners at Morrison and Foerster, LLP (San Francisco) and Reed Smith, LLP (Oakland), respectively.

¹³. Co-Editor-in-Chief of the first issue and Co-Author of this reflection, Angela Brown (formerly Nikki Watkins), is an Assistant Vice President and Counsel within the Law Division at Massachusetts Mutual Life Insurance Company.

¹⁴. D. Malcolm Carson, the Executive Editor for the first issue, is Managing Attorney at the Legal Aid Foundation of Los Angeles; Sheri Brady, the Book Review Editor for the first issue and Editor-in-Chief for Volume 2, was formerly the Director of Policy for the W.K. Kellogg Foundation and is currently a Senior Policy Fellow at Voices for America's Children in Washington, D.C.

¹⁵. Professor Mario. L. Barnes, Co-Editor-in-Chief of the first issue and Co-Author of this reflection teaches at the University of Miami School of Law. Additionally, Kaaryn Gustafson, Solicitations Editor for a later volume and Rachel Anderson, Managing Editor for Volume 6, teach at the University of Connecticut Law School and the University of Nevada, Las Vegas School of Law, respectively.
financial markets and rising unemployment, we need you more than ever to articulate and analyze how these conditions will disproportionately affect our communities, which still remain disenfranchised, and often forgotten or ignored. Your vigilance in representing the way that race still matters—even in a country with a multiracial president—will be critical. In other words, on this occasion of celebrating your persistence, please do not ignore your continued relevance. We hope your immediate and extended future will not only continue to bring students and scholars together in an effort to foster understanding, but also to illuminate and solve the most pressing problems of black, brown, and poor America. Our Editors’ Note in the first issue was primarily aimed at the readers, and we encouraged them in our last sentence to “Read on!” Since this reflection on that Note is largely aimed at the Journal itself, and its constituent members, we will offer similar encouragement. Write on!
15TH ANNIVERSARY BJALP REFLECTIONS