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# Commentary

## Boalt Hall in a Post-Affirmative Action Era

As a prelude to what was to come, the University of California Regents voted in 1995 to eliminate the use of affirmative action in the University's admissions process.<sup>1</sup> A year later, Proposition 209,<sup>2</sup> termed the California Civil Rights Initiative, was passed sparking a national debate about the merits of affirmative action. The U.S. Supreme Court refused to hear a legal challenge to the constitutionality of Proposition 209,<sup>3</sup> and the initiative became law in California in 1997. While much about how the proposition will be interpreted and enforced remains uncertain, similar enactments are being considered by other states and cities as well as by Congress. And so, the national debate about affirmative action continues. At the focal point of this is Boalt Hall School of Law, University of California at Berkeley, where, as was noted by Michael Rappaport, Dean of Admissions at UCLA Law School, there were fewer Blacks admitted than there were at the University of Alabama during the Wallace administration.<sup>4</sup>

The national debate brought the media to Boalt to see what a new "race blind" class would look like. While students protested the lack of racial diversity in the entering class, the media deliberated the ramifications of eliminating affirmative action. Yet, when the cameras left and the media attention subsided, the students at Boalt were left with the harsh reality: affirmative action was dead and it had taken part of Boalt Hall with it.

The fallout from Proposition 209 has become painfully clear. Student-of-color organizations are left to publish law journals with a small number of members and with little hope of recruiting new members. Other student organizations are left to figure out how to enhance their organiza-

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1. University of California Board of Regents, Resolution SP-1 (adopted July 20, 1995).
2. CAL. CONST. art. I, § 31.
3. Coalition for Econ. Equity v. Wilson, 118 S. Ct. 397 (1997) (mem.).
4. See Lynda Gorov, *Affirmative-Action Ban Alters Terrain in California*, BOSTON GLOBE, Dec. 23, 1997, at A1.

tions by recruiting students of color without treating them as tokens. Students in favor of affirmative action have united. *New Directions in Diversity*, a report written by a student-initiated class, analyzed Proposition 209's impact on Boalt's admissions and recommended strategies to preserve racial diversity at the law school. Boalt students drafted a California ballot initiative that would once again allow the consideration of race and gender in admissions and organized Students for Educational Opportunity—a network of hundreds of students state-wide working to gather the one million signatures needed to place the initiative on the ballot.

As the media attention focused on national policy, the students at Boalt contemplated difficult questions surrounding affirmative action on a much more personal level. While the media and the politicians were able to discuss the issue in terms of hypotheticals, at Boalt the issue affected students who had names, who had faces, and who sat next to you in class. The emotion, pain, and conflict that remains deep inside the halls at Boalt never made the headlines.

Those immediately affected at Boalt have largely been unheard. This collective commentary is an attempt to give a voice to those personally affected by Proposition 209 and the Regents' resolution. This commentary includes essays by four current Boalt students, one recent alumnus, and a Boalt professor. Each author was asked to discuss how the recent limitations on affirmative action in California and the resulting decline of underrepresented students of color at Boalt Hall has affected her or him. The narrative format of this commentary was chosen to give the authors the greatest latitude in presenting their perspectives. These personal narratives are intended to give the reader a perspective not available through the mainstream press, or, unfortunately, through the predominately White classes which will likely fill Boalt Hall in the years to come.