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Foreword

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FOREWORD

Kimberle Crenshaw

In 1987, I was honored to write the Foreword for a special issue on the *National Black Law Journal*. The special issue featured papers on race, racism and democracy written by students in a UCLA seminar that I had tailored to facilitate the production of publishable work by students. The state of legal education for African American students at the time was far from idyllic. Indeed, the Foreword was inspired by a host of events that I had witnessed both as a student and as a colleague that underscored the varied and subtle ways that race continued to marginalize students of color in legal education, particularly in the classroom. The Foreword represented my initial attempts to theorize the racial dynamics in the law school classroom; countering these dynamics through a race-conscious pedagogy became the modus operandi of the seminar. The students who joined the experimental seminar, most of whom were Black and Latino, looked to the publication of several student notes as a marker of our collective accomplishment. Yet, greater dramas were unfolding outside our classroom that would do more than complicate the lives of African American and Latino students in the classroom; it would actually take many of their numbers out of the law school altogether. Now a decade later, it seems impossible to have predicted that we would ever come to look back at those times as having been the best of times, as a time when we could accomplish things that would be impossible ten years later. Who would have thought as we labored in 1987 that events would transpire that would render the very possibility of the seminar we had assembled a nullity? Surely we knew that things could get worse, but only the most cynical might have predicted that only 2 African Americans would have matriculated in 1999.

Of course, the intervening condition that changed all of this was SP-1, the Regent's decision to eliminate affirmative action in university admissions, later ratified in a referendum approving Prop 209. Most readers know that the objective of these laws was to change the face of racial equity policies in California, but few could possibly predict the scope of the effects both subtle and structural that altered the conditions of institutional life in California. Of course, the big picture remains yet to be drawn and can only be gleaned from a case-by-case analysis of all the institutions effected by Prop 209. But the specific consequences of the assault on affirmative action to the UCLA Law School in general, and to the *National Black Law Journal* in particular bears special attention on these pages for two reasons. First, of course, is its topical relevance to the Symposium Comments published within. The Affirmative Action Symposium, "Mapping Out New Debates and Developing New Strategies," is devoted to the affirmative action crisis, a crisis heightened by the almost daily assaults intended to eliminate race and gender conscious equity policies across American society. Yet, there remains in spite of this concerted activity a troubling tendency within some important constituencies to underestimate the dire conse-

quences of losing the battle to protect affirmative action. The very real threat posed to the survival of the *National Black Journal* should prompt a much-needed and more fully-informed re-assessment of what is at stake. The second reason to begin this Symposium by looking directly to the recent history of the NBLJ is that its very ability to survive models the burden-sharing that must be taken up by those not yet laboring under the weight of anti-affirmative action laws if we are to protect our legacy throughout American institutions. The assault on affirmative action in California makes it plain that threats to racial equity there are relevant everywhere; the losses are not cabined, neither therefore, are the challenges that they have wrought.

The story unfortunately is not a complicated one. Quite simply as a consequence of the elimination of the diversity program at UCLA Law School (and the School's inability to develop an equitable alternative to distributing precious law school slots) the NBLJ editorial staff concluded that there were simply too few African American students matriculating to UCLA to keep the Journal afloat. Thus, after more than 26 years at UCLA, an institution that was important to generations of students, lawyers, and academics was forced to find another home. The readership of the NBLJ should count itself fortunate that students at UCLA and Columbia Law Schools—Celsa Snead, Lolita Pierce, Kristen Clarke, Christopher Lewis, Ryan Pitterson and Laury Betha to name but a few—had the foresight, good judgment and commitment to step into the crisis to save the Journal.

Other institutions will not be so lucky. To add to the tragedy of these losses, unless efforts are made to document and bear witness the consequences of these new policies, the full cost of anti-affirmative action politics will never be known.

Bearing witness has always played a central role in the narratives of escape and safe-keeping in the cultural history of African American resistance. Indeed, the appropriation by African Americans of Biblical narratives of escape and safe-keeping suggests a basic commonality in all histories of oppression. It was no accident that the symbols of our own Underground Railroad drew from Biblical stories of escape and safe-keeping. Moses, for example, was "escaped" from oppression as an infant set adrift by his family in hopes that he would find safe-keeping on the other side. His bearing witness there liberated his people. Travelers on the Underground Railroad sought safe-keeping in the embrace of the abolitionist movement in the North where they too bore witness to inhumanity of slavery. In neither narrative does the story end simply in the security of those lucky enough to find safe harbor. The escape and safe-keeping is merely intermediate—it is the successful agitation for liberation, the telling of the story, the carrying forward the aspirations and demands of those left behind that completes the story. So too, I hope, for the *National Black Law Journal*.

All of us associated with the Journal—its editors, advisors, writers and readers—have reason to celebrate its survival, but not survival for its own sake. If we are to rejoice, it is because the Journal's safe-keeping allows it to continue its important role of bearing witness to the history of African

Americans and to the legal issues that continue to constrain and liberate us. In publishing this Symposium the *National Black Law Journal*, now newly constituted under the good stewardship of Columbia Law students, has set out to fulfill this vital mission. I am proud of their efforts and fortunate to have been associated with them.