

Editors' Note

Welcome to Volume XV of the *Berkeley Journal of African-American Law & Policy*!

Often considered the first of the major milestones, the celebration of our fifteenth volume is significant in more ways than one. Traditionally represented by the crystal, our fifteenth volume symbolizes the strength, beauty, and endurance that is the *Berkeley Journal of African-American Law & Policy* (“*BJALP*” or the “*Journal*”). This milestone simultaneously represents our rich history since that hopeful group of students in 1992 and our undeniable future at the forefront of socio-legal scholarship for years to come. For over two decades, *BJALP* has promoted and inspired honest dialogue regarding issues impacting the African-American community and communities of color, in general. While we can appreciate that “the troubles [our founding members] faced as Boalt students and founding journal members are not precisely the same as those faced by today’s students,”¹ we understand that continued discourse highlighting our issues and those of the communities we speak for is inextricably linked to the durability of *BJALP*.

BJALP (formerly the *African-American Law & Policy Report*) was founded during challenging times for the African-American students at Boalt. “In the midst of battles over hate speech, student admissions, [and] faculty diversity,”² the *Journal* provided an alternative forum to address legal and policy issues of concern to African-Americans. This note, however, is not intended to justify the need for a Black law journal in 1992, but to instead address why, as many members of the Boalt and outside community question, we must still exist in 2013. We offer you this simple explanation, until the conditions³ for which *BJALP* was founded to speak to no longer exist, we will continue to “write on.”⁴ The celebration of Volume XV comes at a pivotal time. This past year alone, the African-American community was faced with voter dilution and suppression, the possible invalidation of Section 5 of the Voting Rights Act, the impact *Fisher v. Texas* may have on college admissions, and the racial implications of the Trayvonn Martin trial to name a few.

Fifteen volumes later and despite the continued salience and underreporting of these concerns, *BJALP* remains one of only a small handful of law journals designed to specifically address issues impacting the African-American community and communities of color, in general. Until the problems affecting African-American communities are widely addressed, *BJALP* will

¹ Berkeley Journal of African-American Law and Policy, *Editor's Note Redux* - Mario L. Barnes & (and) Angela Nicole Brown, 11 BERKELEY J. AFR.-AM. L. & POL'Y 1 (2009), available at <http://scholarship.law.berkeley.edu/bjalp/vol11/iss1/1>.

² Mario L. Barnes & (and) Angela N. Watkins, *Editor's Note*, 1 AFR.-AM. L. & POL'Y REP. 1 (1994).

³ *Id.*

⁴ See Barnes & Brown, *supra* note 1 (encouraging future *BJALP* members to write on).

continue to play a crucial role at the vanguard of public policy and legal theory affecting the African-American community.

In the pages that follow, you will find four equally compelling pieces of authorship. First, *The Legacy of Nixon, Reagan, and Horton: How The Tough On Crime Movement Enabled A New Regime Of Race-Influenced Employment Discrimination* by Walker Newell explores the interaction between an alleged backlash against the Civil Rights Movement of the 1960s, the rise of “tough on crime” politics, the corresponding explosion in United States incarceration rates, and employment discrimination against individuals with criminal records. Second, *You're an Uncle Tom!: The Behavioral Regulation of Blacks on the Right Side of the Criminal Justice System* by Brando Simeo Starkey examines the use of *Uncle Tom* in the black community and how it symptomizes a larger fascinating intra-racial phenomenon. Third, *Measuring the Racial Unevenness of Law School* by Jonathan Feingold and Doug Souza attempts to measure the level of stereotype threat at elite law schools for Students of Color. Lastly, *Sufferings Peculiarly Their Own: The Thirteenth Amendment, In Defense of Incarcerated Women's Reproductive Rights* by Alexandria Gutierrez utilizes the Thirteenth Amendment's prohibition against involuntary servitude and slavery to argue for women's reproductive rights in prison.

BJALP has the unique capability to provide an important theoretical framework for identifying and applying diverse legal ideas and concepts to implement positive social change. It is our hope that the discussions taking place in this volume will only be the beginning of this much-needed discourse.

We would like to thank everyone that submitted a manuscript to *BJALP* this year, the inspiring authors who contributed to this volume, our faculty advisors, Kira Abrams and the Law Library, our remarkable Editorial Board and members, and especially our readers and subscribers. Your trust in us to be your vessel of change has not gone unappreciated. We thank you for your continued support in our endeavor to change the world. With much enthusiasm and pride, we present to you Volume XV.

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