

Editor's Note

Let me be the first to welcome you to Volume 23, Number 1 of the National Black Law Journal, proudly published at the UCLA School of Law. It has been over ten years since the students of Columbia Law School took over publication of the *Journal* due to the devastating effect the California "Civil Rights" Initiative had on the population of African American students at UCLA. In the Fall of 2009, a small group of determined students worked diligently to bring the *Journal* back to UCLA at a moment when the students at Columbia wanted to move forward with other projects. It is with great excitement that we continue the legacy of the *Journal* at UCLA. We thank the students and faculty of Columbia Law School for the hard work and dedication that went into preserving the *Journal* for future generations and wish them all the best in their future endeavors.

In the Editor's Note opening Volume 15 of the *Journal*, then-Editor-in-Chief Celsa L. Snead noted that, with the end of Affirmative Action in California, "African Americans, especially those in law and medical schools, [and those across the nation, will watch as] other states begin to follow suit." Unfortunately, her prediction understated the coming anti-Affirmative Action trend. Not only was Affirmative Action been banned in Michigan, Washington, and Nebraska, but the United States Supreme Court limited the availability of race-conscious measures in college admissions and decimated its potential for remedying systemic primary and secondary school segregation. In addition to this assault by voters and the Court, several academics across disciplines have questioned the efficacy of race-conscious programs at the level of higher education. In 2005, the *Journal* at UCLA responded to many of these developments by convening a symposium entitled *Regression Analysis: The Status of African Americans in American Legal Education*. Volume 23 presents the ideas, comments, and stories from this symposium, updated to reflect the legal and social developments of the past five years.

Volume 23 begins with Professor Christine Chambers Goodman's *Modest Proposal* to prepare for the end of Affirmative Action, as articulated in the *Grutter* Court's "sunset" provision. Through the cornerstones of access, environment, and self-interests, Professor Chambers Goodman provides a framework in which law schools can seriously engage the idea of critical mass, as well as observe and evaluate the benefits that flow from a diverse educational environment.

Professors Meera Deo, Walter Allen, Abigail Panter, and Charles Daye, and Linda Wightman complement Professor Chambers Goodman's discussion of the role the learning environment plays in the lives of law students by looking empirically at the struggles facing students of color in

American law schools. Through surveys and student interviews, *Struggles and Support* explores the crucial role that support systems and diverse faculty and student bodies play in the ability of students of color to feel comfortable in the law school environment.

UCLA School of Law alumna Kendra Fox-Davis provides a harrowing account of her experience as a student amidst Professor Richard Sander's attack on the academic credentials of African American law students at UCLA. Her narrative, which illustrates the struggles described by the *Struggles and Support* authors, sets the stage for Ms. Fox-Davis' doctrinal analysis. Through the use of Title VI of the Civil Rights Act, *A Badge of Inferiority* identifies the legal remedies available for students who find themselves in a racially hostile learning environment, and then applies the law to the situation she faced as a student at UCLA.

Finally, in line with the *Journal's* mission to promote scholarship interrogating the interconnections between race, law, and subordination, the Editorial Board has been gracious enough to publish my Note in this volume. In *Trading Sex, Marking Bodies*, I explore the interaction of race, gender, sexuality and the Trademark Act's proscription on the registration of disparaging trademarks. My Note centers around the use of trademark registration to protect the rights of adult filmmakers who use racialized and gendered themes or tropes in association with the production, marketing, and sale of pornography. I analyze several pornographic scenes and determine whether the trademarks used in connection with those scenes disparage living persons. I conclude by noting that trademark attorneys and judges must be careful in their adjudication of questions regarding disparagement, as adult films can be used both to reify racist, sexist, and heteronormative understandings of sexuality, as well as serve as a site of reclamation for traditionally marginalized groups.

As Editor-in-Chief, I would like to thank Professor Cheryl I. Harris, the Editorial Board, and the Staff Editors for all of their hard work in making publication at UCLA a reality. The coming years will be very exciting as the *Journal* continues to build upon the legacies of past generations at UCLA and Columbia by serving as a site of production for African American legal scholarship. Finally, the Editorial Board appreciates your support as a reader. What Celsa L. Snead noted in 1997 remains true today: "the need for critical dialogue in the African American community is more important now than ever." We hope you will continue your contribution to this dialogue as we move forward into the next decade and beyond at UCLA.