

# SEPARATE, UNEQUAL, AND SEEKING SUPPORT

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*Legal scholars and social scientists alike joined Derrick Bell in recognizing that racism and discrimination evolve with the times, adapting to current norms and trends rather than dying out altogether. These social ills are just as prevalent in schools of higher education as in other social institutions. While Brown v. Board of Education formally outlawed segregation, the decision to push for integration meant sacrificing true equality in separate schools for African Americans. The result may be a perverse double failure; we have not only failed at reaching the goal of integration, but we are also failing many students of color who are marginalized on predominantly white campuses. Our schools today are increasingly segregated. In addition, the few "integrated" environments that do exist consist of predominantly white populations, with the under-represented students of color sometimes feeling disengaged from learning. Law school environments are especially notable for being inhospitable and unfriendly. Students of color often create and join campus organizations, especially with those from similar race/ethnic backgrounds, in order to seek support. To date, little empirical research has examined the reasons why individual students join law school affinity groups or assessed their experience as members. This Article fills this gap in the literature by focusing on the expectations and experiences of members of law student organizations. This Article specifically examines distinctions based on the type of group (race/ethnic-specific vs. mainstream) as well as the race of members (students of color vs. whites). This research relies on national, longitudinal survey and focus group data that give agency to the voices of law students. The data are situated within the literature on American racism, specifically inspired by Der-*

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\* Assistant Professor, Thomas Jefferson School of Law. This Article is dedicated to the late Derrick Bell, an inspiration to legal advocates, scholars, pioneers, and champions everywhere and to the author especially. Without his visionary scholarship and his warm support this Article would not have been possible. The author also thanks Walter Allen, Charles Daye, Abigail Panter, and Linda Wightman for their leadership of the Educational Diversity Project (EDP) and permission to use the data presented in this Article. Their efforts to gather a large sample of national, longitudinal data on the law school experience are especially appreciated. Additional researchers on the project include Maria Woodruff, Rican Vue, Kimberly Griffin, and Evelyn Elizondo. Bryce Dodds provided helpful research assistance as the Article neared completion. The author is also indebted to the thousands of law students who participated in the EDP study and contributed their voices as findings in this Article.

*rick Bell’s article on the tension between striving for integration and striving for equality. This Article contends that our current state — with intensifying educational segregation as well as what some see as second-class citizenship for students of color in somewhat integrated environments — may have been the inevitable outcome of the Brown lawyers’ decision to pursue an integration strategy rather than pushing for true equality.*

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I. INTRODUCTION

Numerous scholars have written on the continuing significance of race and the resilience of racism and discrimination in America.<sup>1</sup> Perhaps none have done so more eloquently than the late Derrick Bell. In many of his scholarly books and articles, Bell emphasized the fluid nature of racism, particularly its cunning ability to adapt to changing times, such that “despite our best efforts to control or eliminate it, oppression on the basis

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1. See generally EDUARDO BONILLA-SILVA, *WHITE SUPREMACY AND RACISM IN THE POST-CIVIL RIGHTS ERA* (2001); MICHAEL OMI & HOWARD WINANT, *RACIAL FORMATION IN THE UNITED STATES FROM THE 1960S TO THE 1990S* (2d ed. 1994); DERRICK A. BELL, *FACES AT THE BOTTOM OF THE WELL: THE PERMANENCE OF RACISM* (1992); ROBERT BLAUNER, *RACIAL OPPRESSION IN AMERICA* (1972); Joe R. Feagin & Melvin P. Sikes, *Seeking a Good Education*, in *LIVING WITH RACISM: THE BLACK MIDDLE-CLASS EXPERIENCE* 78 (1994); YEN LE ESPIRITU, *ASIAN AMERICAN PANETHNICITY: BRIDGING INSTITUTIONS AND IDENTITIES* (1992); REYNOLDS FARLEY & WALTER R. ALLEN, *THE COLOR LINE AND THE QUALITY OF LIFE IN AMERICA* (1987).

of race returns time after time — in different guises — but it always returns.”<sup>2</sup>

I first met Derrick Bell after I had paused my legal practice to pursue a doctoral degree in Sociology. We met while I was conducting research at the institution where he worked. For reasons I will never know, he took a liking to me and my research and became my mentor. I cannot claim to have known him as a friend, but I was infinitely inspired, both by the scholar and by the person.

Of course, I knew of him long before we met. When I was a law student in the 1990s, I read his books and articles, wondering how he could be so bold in stating the truth. When I began my career as a civil rights attorney, his actions and scholarship were frequently on my mind, though we had yet to meet.

The research that brought me to his campus involved a national, longitudinal, mixed-method study of the American law school experience. In fact, the data that I collected in yearly visits to his campus and ten others around the country form the basis for the empirical component of this Article. A colleague and fellow researcher on the project introduced me to Derrick in February 2005. He was teaching one of his famous Constitutional Law classes that afternoon and invited me to attend. I was thrilled to watch him in action as a teacher, to see how he responded to the two groups of students role-playing associates at “law firms” battling out the issue of the day in front of the class. After class, Derrick invited me to join him and a small group of his students for dinner. I had a prior engagement, yet how could I refuse? I began the evening with them, but after an hour or so of rapt attention to this humble, generous soul, I had to say goodbye.

What struck me most about Derrick on that first meeting was his warmth. When I stood to leave, he immediately got up with me and walked me out of the restaurant. He insisted on being the one to leave a tip when I collected my coat at the coat check and also helped me into my coat. Then he braved the chilly night air (without his own coat!) to hail me a cab, give me a warm hug, and send me on my way.

We had seemingly little in common. Picture me: a petite, South Asian American woman, not quite 30, a graduate student, with a life of legal academia ahead of me. Remember him: a striking African American gentleman (in the true sense of the word), in his 70s, world-famous yet famously humble, an academic lion, who was as gentle as a lamb.

Yet, we were both attorneys, activists, and working to improve the academic lives of students of color — and all students — in law school. Our goals were framed by the law, and not only because we were lawyers. I may not have thought much of it then, but the integrated, yet predominantly white campus where he worked was only possible because the attorneys arguing *Brown v. Board of Education*<sup>3</sup> pushed for inte-

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2. BELL, *supra* note 1, at 97; see also Shana Levin, *Social Psychological Evidence on Race and Racism*, in *COMPPELLING INTEREST: EXAMINING THE EVIDENCE ON RACIAL DYNAMICS IN COLLEGES AND UNIVERSITIES* 97, 98 (Mitchell J. Chang et al. eds., 2003).

3. 347 U.S. 483 (1954).

gration. An alternative push for equality in separate schools could have yielded very different results. In fact, it may be more correct to say that our current version of flawed integration owes its life to *Brown*.

Through writing this Article, I have come to realize that the integrated, yet predominantly white, campuses that make up most of the elite educational institutions of our nation may be the inevitable outcome of the decisions of the *Brown* lawyers. As it turns out, many of America's schools are still essentially segregated. The schools that are integrated do not necessarily provide an equal education to the underrepresented students of color on campus. Thus, we may have failed at true integration, while also providing an unequal education to students of color on predominantly white campuses. As a result of this inequality, students of color at many institutions of higher education turn to affinity groups to help provide the nurturing environment necessary to help sustain them through school. This Article uses segregation as a starting point, considers the options available to the attorneys in *Brown* as outlined by Derrick Bell, and recognizes how law students of color on predominantly white campuses may create and turn to particular law student organizations for support.

Educational segregation is, of course, just one result of ongoing racism and racial discrimination; inequalities persist in housing, wealth, and many other facets of American life.<sup>4</sup> Although many Americans turn to education as a means to generate social equality in our persistently racialized and discriminatory society, elementary and secondary schools remain segregated by race, and institutions of higher learning also remain internally stratified.<sup>5</sup> Many college students of color, as well as those who go on to pursue advanced degrees, have lower academic outcomes than their white peers.<sup>6</sup> Yet, higher education is increasingly important in our globalized society.<sup>7</sup>

The law school environment is especially notable for its intensely competitive atmosphere and inhospitable campus climate. Studies examining diversity in the law school context point toward the ways in which legal education is made more difficult for students of color and female stu-

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4. See generally JEANNIE OAKES, KEEPING TRACK: HOW SCHOOLS STRUCTURE INEQUALITY (2d ed. 2005); see RICARDO D. STANTON-SALAZAR, MANUFACTURING HOPE AND DESPAIR: THE SCHOOL AND KIN SUPPORT NETWORKS OF U.S.-MEXICAN YOUTH (2001); JONATHAN KOZOL, SAVAGE INEQUALITIES: CHILDREN IN AMERICA'S SCHOOLS (Harper Perennial ed., 1991); DOUGLAS S. MASSEY & NANCY A. DENTON, AMERICAN APARTHEID: SEGREGATION AND THE MAKING OF THE UNDERCLASS (1993); MICHAEL K. BROWN ET AL., WHITE-WASHING RACE: THE MYTH OF A COLOR-BLIND SOCIETY (2003); MELVIN T. OLIVER & THOMAS M. SHAPIRO, BLACK WEALTH/WHITE WEALTH (1997).
  5. Gary Orfield, *School Desegregation after Two Generations: Race, Schools, and Opportunity in Urban Society*, in RACE IN AMERICA: THE STRUGGLE FOR EQUALITY 234 (Herbert Hill & James E. Jones, Jr. eds., 1993); GARY ORFIELD, SUSAN EATON & THE HARVARD PROJECT ON SCHOOL DESEGREGATION, DISMANTLING DESEGREGATION: THE QUIET REVERSAL OF *Brown v. Board of Education* (1996); Kozol, *supra* note 4.
  6. WILLIAM G. BOWEN & DEREK BOK, THE SHAPE OF THE RIVER: LONG-TERM CONSEQUENCES OF CONSIDERING RACE IN COLLEGE AND UNIVERSITY ADMISSIONS (1998); RUTH SIDEL, BATTLING BIAS: THE STRUGGLE FOR IDENTITY AND COMMUNITY ON COLLEGE CAMPUSES (1994); Levin, *supra* note 2.
  7. See COMPELLING INTEREST, *supra* note 2.

dents.<sup>8</sup> Research indicates that mentoring, support, and tolerance on campuses of higher education can help students of color overcome environmental barriers to success.<sup>9</sup> In segregated environments, the few people who are “different” often congregate in order to create their own safe space as a “counter space” or buffer from the broader community.<sup>10</sup> This is especially common in high schools and institutions of higher learning, leading many observers to ask the question, echoed by Beverly Daniel Tatum in her recent book, “Why Are All the Black Kids Sitting Together in the Cafeteria?”<sup>11</sup> In addition to creating safe space in the cafeteria, many students of color create and join race/ethnic-specific student organizations in order to find fellowship with others from similar backgrounds and draw on the supportive environment that these groups provide.<sup>12</sup> Specifically, law students of color who create and join race/ethnic-specific student organizations may get assistance through these groups as they navigate the hostile law school environment.<sup>13</sup>

Much of the historical and contemporary civil rights narrative has focused on concepts of inclusion and integration. Yet, the need for sovereignty, or a separate safe space, may be just as important. How might a sovereignty framework provide a counter-narrative to the story of inclusion often associated with civil rights? Derrick Bell touches on the potential for conflict between integration and sovereignty in his seminal piece, *Serving Two Masters: Integration Ideals and Client Interests in School Desegre-*

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8. Walter A. Allen & Daniel G. Solórzano, *Affirmative Action, Educational Equity and Campus Racial Climate: A Case Study of the University of Michigan Law School*, 12 BERKELEY LA RAZA L.J. 237, 299 (2001); LANI GUINIER, MICHELLE FINE & JANE BALIN, *BECOMING GENTLEMEN: WOMEN, LAW SCHOOL, AND INSTITUTIONAL CHANGE* 6, 12–17 (1997); CYNTHIA FUCHS EPSTEIN, *WOMEN IN LAW* 60–75 (Illini Books, 2d ed. 1993); see Portia Y.T. Hamlar, *Minority Tokenism in American Law Schools*, 26 HOW. L.J. 443 (1983); Nancy E. Dowd, Kenneth B. Nunn & Jane E. Pendergast, *Diversity Matters: Race, Gender, and Ethnicity in Legal Education*, 15 U. FLA. J.L. & PUB. POL’Y 11, 21–34 (2003); Janet Taber et al., *Gender, Legal Education, and the Legal Education: An Empirical Study of Stanford Law Students and Graduates*, 40 STAN. L. REV. 1209, 1254 (1988); Celestial S.D. Cassman & Lisa R. Pruitt, *A Kinder, Gentler Law School? Race, Ethnicity, Gender, and Legal Education at King Hall*, 38 U.C. DAVIS L. REV. 1209, 1280–86 (2005); JAMES E. BLACKWELL, *MAINSTREAMING OUTSIDERS: THE PRODUCTION OF BLACK PROFESSIONALS* 240–65 (Eileen Ostermann ed., 2d ed. 1987); Carole J. Buckner, *Realizing Grutter v. Bollinger’s “Compelling Educational Benefits of Diversity” Transforming Aspirational Rhetoric Into Experience*, 72 UMKC L. REV. 877, 884–93 (2004).
  9. See VINCENT TINTO, *LEAVING COLLEGE: RETHINKING CAUSES AND CURES OF STUDENT ATTRITION* (2d ed. 1993); Shalonda Kelly & John H. Schweitzer, *Mentoring Within a Graduate School Setting*, 33 C. STUDENT J. 130 (1999); Lori D. Patton & Shaun R. Harper, *Mentoring Relationships Among African American Women in Graduate and Professional Schools*, 104 NEW DIRECTIONS FOR STUDENT SERV. 67 (2003).
  10. Daniel Solórzano, Walter R. Allen & Grace Carroll, *Keeping Race in Place: Racial Microaggressions and Campus Racial Climate at the University of California, Berkeley*, 23 CHICANO-LATINO L. REV. 15, 44–47 (2002); Allen & Solórzano, *supra* note 8; see generally BEVERLY DANIEL TATUM, “WHY ARE ALL THE BLACK KIDS SITTING TOGETHER IN THE CAFETERIA?” AND OTHER CONVERSATIONS ABOUT RACE (2003).
  11. TATUM, *supra* note 10.
  12. Hamlar, *supra* note 8.
  13. Solórzano, Allen & Carroll, *supra* note 10; TATUM, *supra* note 10.

gation Litigation.<sup>14</sup> In fact, this conflict continues today in the education arena generally and in law school specifically.

Past decades have seen growing numbers of students of color entering law school, helping to effectuate the integration ideal.<sup>15</sup> However, integration without interaction between people from diverse backgrounds may be relatively pointless, while integration without respect for difference may lead to tension and misunderstanding.<sup>16</sup> Recent research points toward the ways in which students of color and other underrepresented or disempowered students may be marginalized or made invisible in mainstream law schools.<sup>17</sup> In response, some students of color find their own “safe space” within the larger campus environment by creating and joining race/ethnic-specific organizations.<sup>18</sup> Within these groups, students of color may receive the support that is otherwise lacking and crucial to sustaining them through the academic and emotional rigors of law school life.

The current debate surrounding students of color and higher education focuses primarily on affirmative action and other means of recruiting diverse groups of qualified students into institutions of higher learning.<sup>19</sup> Less attention has been given to student support, which may be crucial to keeping students of color in school and performing well once they en-

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14. Derrick A. Bell, Jr., *Serving Two Masters: Integration Ideals and Client Interests in School Desegregation Litigation*, 85 YALE L.J. 470 (1976).
  15. *First Year J.D. and Total J.D. Minority Enrollment for 1971-2010*, 2011 A.B.A. SEC. L. EDUC. & ADMIS.1 (2011), <http://www.abanet.org/legaled/statistics/charts/stats%20-%208.pdf>; see also Richard O. Lempert, David L. Chambers & Terry K. Adams, *Michigan's Minority Graduates in Practice: The River Runs Through Law School*, 25 LAW & SOC. INQUIRY 395 (2000).
  16. See Meera E. Deo, *The Promise of Grutter: Diverse Interactions at the University of Michigan Law School*, 17 MICH. J. RACE & L. 63, 109–11 (2011) (explaining how optimal learning outcomes associated with diversity may depend on classroom interaction through diversity discussions).
  17. See, e.g., Meera E. Deo, Maria Woodruff & Rican Vue, *Paint by Number? How the Race & Gender of Law School Faculty Affect the First-Year Curriculum*, 29 CHICANA/O-LATINA/O L. REV. 1 (2010) (relying on empirical data to show that women faculty and faculty of color may be more likely to initiate diversity discussions in the law school classroom, which may lead to greater engagement and academic outcomes for students of color); Meera E. Deo, Walter R. Allen, Abigail T. Panter, Charles Daye & Linda Wightman, *Struggles and Support: Diversity in U.S. Law Schools*, 23 NAT'L BLACK L.J. 71 (2010) (indicating that while there is broad support for diversity generally, students of color face unique challenges in law school that may lead them to seek out additional sources of support); Bonita London, Vanessa Anderson, & Geraldine Downey, *Studying Institutional Engagement: Utilizing Social Psychology Research Methodologies to Study Law Student Engagement*, 30 HARV. J.L. & GENDER 389 (2007).
  18. Solórzano, Allen & Carroll, *supra* note 10, at 44–47; Allen & Solórzano, *supra* note 8, at 261–64; Deo et al., *supra* note 17, at 98 n.21.
  19. E.g., BOWEN & BOK, *supra* note 5; PATRICIA GURINET ET AL., *DEFENDING DIVERSITY: AFFIRMATIVE ACTION AT THE UNIVERSITY OF MICHIGAN* (2004); Karen Kurotsuchi Inkelas, *Diversity's Missing Minority: Asian Pacific American Undergraduates' Attitudes Toward Affirmative Action*, 74 J. HIGHER EDUC. 601 (2003); William A. Smith, *Gender and Racial/Ethnic Differences in the Affirmative Action Attitudes of U.S. College Students*, 67 J. NEGRO EDUC. 127 (1998); *SOCIOLOGY OF EDUCATION: EMERGING PERSPECTIVES* (Carlos Alberto Torres & Theodore R. Mitchell eds., 1998).

roll.<sup>20</sup> This Article addresses this issue specifically through an examination of the experiences of members of law student organizations, with a particular focus on the racial background of members and the type of organization they join (i.e., race/ethnic-specific vs. mainstream).

The focus on law school in some ways mirrors the United States Supreme Court's own focus on legal education as a battleground for integration and diversity. Before *Brown v. Board of Education*, the U.S. Supreme Court outlawed segregation in legal education in *Sweatt v. Painter*, finding that the University of Texas would be unable to provide Herman Sweatt, an African American who had gained admission to that law school, with an education comparable to his white peers if it kept Sweatt segregated from them.<sup>21</sup> Half a century later, in *Grutter v. Bollinger*, the Court determined that diversity could be a compelling state interest justifying the use of race as one factor among many in making admissions decisions for law school.<sup>22</sup> We have obviously come a long way; yet, there are lingering questions about the quality of the education available to the students of color admitted into law school. Existing scholarship points toward these students' alienation on campus and their disengagement from learning.<sup>23</sup> One avenue for improving educational and professional outcomes may be to encourage students of color to rely on race/ethnic-specific organizations as sources of support.

The term "race/ethnic-specific student organizations" refers to groups with an institutional mission regarding student members of a particular race/ethnic background (e.g., Black Law Student Association (BLSA), Latino Law Student Association (LLSA), and Asian/Pacific Islander American Law Student Association (APALSA)). For purposes of this Article, all other groups are considered "mainstream organizations."<sup>24</sup>

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20. See COMPELLING INTEREST, *supra* note 2; DIVERSITY CHALLENGED: EVIDENCE ON THE IMPACT OF AFFIRMATIVE ACTION (Gary Orfield & Michael Kurlaender eds., 2001); TINTO, *supra* note 9; Shirley Lung & David Nadvorney *Academic Support: Countering the Failings of Traditional Law School Pedagogy and Supporting Inclusive and Effective Education for Pipeline Students*, in THE END OF THE PIPELINE: A JOURNEY OF RECOGNITION FOR AFRICAN AMERICANS ENTERING THE LEGAL PROFESSION 173-82 (Carla Pratt & Dorothy Evenson eds., 2011) (discussing the importance of formal academic support for underrepresented or marginalized students).

21. *Sweatt v. Painter*, 339 U.S. 629, 635-36 (1950).

22. *Grutter v. Bollinger*, 539 U.S. 306, 328 (2003). Note, however, that affirmative action will be before the Supreme Court again — meaning that *Grutter* may be subject to reversal or limitation — later this year when the Justices hear oral argument in *Fisher v. Texas*, 631 F.3d 213 (5th Cir. 2011), *cert granted*, 132 S.Ct. 1536 (U.S. Feb. 21, 2012) (No.11-345).

23. See Deo et al., *supra* note 17, London et al., *supra* note 17.

Solórzano et al., *supra* note 10, at 44-47; Allen & Solórzano, *supra* note 8, at 261-64; Deo et al., *supra* note 17, at 98 n.21.

24. For purposes of this Article, other "identity organizations," such as the Women's Law Students Association (WLSA), gay and lesbian groups (e.g., OutLaws), and age-based groups (e.g., Older and Wiser Law Students (OWLS)) are excluded from the analysis. Preliminary analyses of other identity organizations indicate that benefits of membership may be more similar to those received through membership in race/ethnic-specific organizations than those received through membership in mainstream groups.

This Article utilizes empirical research data to consider the reasons for law student involvement in race/ethnic-specific campus organizations, within a framework of American racism. Part II provides a context for examining group involvement, including a more thorough discussion of contemporary racism in American society generally, and in education specifically, as well as commentary connecting this inequality to Derrick Bell's article, *Serving Two Masters*. Part III presents detailed findings relating to the expected benefits of membership in law student organizations, with a focus on both the type of organization as well as the racial/ethnic background of members. This section also includes a brief presentation of findings regarding the actual experiences of members. Part IV begins by relating membership in these organizations to the tension between integration and equality, as discussed in Bell's aforementioned article. This section also includes some potential challenges and recommendations that law school faculty, staff, and administrators may consider in order to improve the law school experience for all.

## II. RACIAL CONTEXT AND THE TWO MASTERS

In order to fully understand the expectations and experiences of student members of law student organizations, it may be helpful to situate them within a broader framework. This section seeks to introduce the racial context prevalent in America today. The Article begins with a discussion of the current state of educational segregation, as well as the contemporary law school experience for students of color on predominantly white campuses. Combining segregation with second-class citizenship, it is easy to see the importance of race/ethnic-specific organizations that serve as safe space buffers from the larger campus. Next, the section discusses Bell's *Serving Two Masters* in greater detail. Once we understand Bell's main points, we can combine them with the racial context. This synthesis provides support for the assertion that we have not only failed at reaching the goal of integration, but perhaps succeeded in realizing the fear of second-class citizenship for students of color on predominantly white campuses.

### A. Racial Context

Racism persists in America. If we measure racism by the ways in which it devastated African Americans in the past, clearly our nation has made some progress.<sup>25</sup> However, racism has evolved to occupy a much more savvy and sophisticated position than it did during the Jim Crow era.<sup>26</sup> The overt, legal discrimination that characterized life in the U.S. from slavery through the 1960s has decreased, but racism itself remains in

25. See generally WILLIAM JULIUS WILSON, *WHEN WORK DISAPPEARS* (1996) (arguing that in spite of greater African American residential mobility, inner cities are increasingly devastating for those who remain); BROWN ET AL., *supra* note 4, at vii (indicating that there have been civil rights gains from the 1960s and 1970s, though some of these are eroding); FARLEY & ALLEN, *supra* note 1, at 191 (showing that in spite of persisting differences, there have been improvements in reducing inequalities).

26. OMI & WINANT, *supra* note 1; BONILLA-SILVA, *supra* note 1.



full force in a new incarnation whose current evolution is subtle, but no less pernicious.<sup>27</sup>

While some scholars claim that race is declining in significance,<sup>28</sup> Bell and others document the persistence of racism in society,<sup>29</sup> particularly on the law school campus.<sup>30</sup> When we consider that slavery and legal segregation dominated “the first 90 percent of this country’s history,”<sup>31</sup> it is not surprising that this legacy continues to have a pervasive impact on American society. Numerous scholars have joined Bell in writing on the continuing importance of race and the resilience of racism in America.<sup>32</sup> They agree that racism evolves over time, adapting to current norms.<sup>33</sup>

Bell teaches us that racial discrimination today has “appear[ed] in another form, [that is] subtle though no less damaging” and just “as vicious (if less obvious)” than in the past.<sup>34</sup> Code words (e.g., re-labeling affirmative action as “racial preferences” or “reverse racism”) support a color-blind racist ideology, wherein actors continue to discriminate without being labeled as racist.<sup>35</sup> Thus, discrimination is often “relatively invisible — at least to those who do not experience it.”<sup>36</sup> Under this current guise, Bell astutely warns that “discrimination today is covert, harder to prove, with its ill-effects easier to blame on its black victims.”<sup>37</sup>

One of the most obvious and pernicious areas of continuing discrimination is education, where students of color often endure daily, subtle attacks that affect their expectations, experiences, and outcomes. These “[m]icroaggressions are subtle verbal and non-verbal insults directed toward non-Whites, often done automatically or unconsciously. They are layered insults based on one’s race, gender, class, sexuality, language, immigration status, phenotype, accent, or surname.”<sup>38</sup> More direct discrimi-

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27. BELL, *supra* note 1; BONILLA-SILVA, *supra* note 1.

28. WILLIAM JULIUS WILSON, *THE DECLINING SIGNIFICANCE OF RACE* (1978); WILLIAM JULIUS WILSON, *THE TRULY DISADVANTAGED: THE INNER CITY, THE UNDERCLASS, AND PUBLIC POLICY* (1987); WILSON, *supra* note 22.

29. BELL, *supra* note 1; Joe R. Feagin, *The Continuing Significance of Race: Antiblack Discrimination in Public Places*, 56 AM. SOC. REV.101 (1991); JOE R. FEAGIN, *RACIST AMERICA: ROOTS, CURRENT REALITIES, AND FUTURE REPARATIONS* (2000); BONILLA-SILVA, *supra* note 1.

30. Levin, *supra* note 2.

31. JOE R. FEAGIN, *SYSTEMIC RACISM: A THEORY OF OPPRESSION 2* (2006).

32. Bonilla-Silva, *supra* note 1; OMI & WINANT, *supra* note 1; BELL, *supra* note 1; BLAUNER, *supra* note 1; Feagin & Sikes, *supra* note 1; ESPIRITU, *supra* note 1; FARLEY & ALLEN, *supra* note 1.

33. Levin, *supra* note 2; *see also* BROWN ET AL., *supra* note 4.

34. BELL, *supra* note 1, at 104–05; BONILLA-SILVA, *supra* note 1; Levin, *supra* note 2.

35. BONILLA-SILVA, *supra* note 1, at 90; EDUARDO BONILLA-SILVA, *RACISM WITHOUT RACISTS: COLORBLIND RACISM AND THE PERSISTENCE OF RACIAL INEQUALITY IN THE UNITED STATES 4* (2003).

36. BROWN ET AL., *supra* note 4, at 225.

37. BELL, *supra* note 1, at 104.

38. Solórzano et al., *supra* note 10, at 17; *see also* Peggy C. Davis, *Law as Microaggression*, 98 YALE L.J. 1559, 1576 (1989).

nation from teachers, administrators, and peers also inhibits optimal academic performance.<sup>39</sup>

Many students of color are introduced to education through schools that are becoming more segregated,<sup>40</sup> in large part because of the persistence of residential segregation.<sup>41</sup> This often leads to alienation and isolation for the few students of color who attend predominantly white schools, whether in high school, college, or beyond.<sup>42</sup>

Many students of color see higher education as beyond their reach. The majority of these students come from families who have “bounded” (or closed) networks rather than “cosmopolitan” (or far-reaching) networks; they therefore have limited exposure to opportunities outside their neighborhood, with college rarely considered an option.<sup>43</sup> Perhaps because college is outside the scope of their *habitus*, or collective identity, few even entertain the possibility of attending.<sup>44</sup> Many students of color, who are working at the outer limits of their *habitus* by enrolling in college, are at a disadvantage to those white students whose *habitus* expects or predicts their attendance in college. Once in college, students of color may face further isolation when only certain (i.e., white) forms of cultural capital are rewarded, while others (i.e., non-white) are ignored or discredited.<sup>45</sup>

Though the nation’s institutions of higher learning saw an increase in Black student enrollment in the 1960s and 1970s, a steady decline followed in the 1980s; the current increase still lags behind that of whites.<sup>46</sup> The low recruitment and retention rates of Black students on predominantly white campuses, as well as their often less-than-optimal academic performance there, have been linked to their dissatisfaction in these unfriendly environments.<sup>47</sup>

Affirmative action and other measures have created some opportunities,<sup>48</sup> resulting in increasing numbers of students of color on law school campuses.<sup>49</sup> However, some studies indicate that legal education continues to focus on white males as the primary recipients of legal knowledge

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39. JOE R. FEAGIN, HERNAN VERA & NIKITAH IMANI, *THE AGONY OF EDUCATION: BLACK STUDENTS AT WHITE COLLEGES AND UNIVERSITIES* (1996); Allen & Solórzano, *supra* note 8.

40. Orfield, *supra* note 5.

41. MASSEY & DENTON, *supra* note 4; FARLEY & ALLEN, *supra* note 1, at 157.

42. LAURIE OLSEN, *MADE IN AMERICA: IMMIGRANT STUDENTS IN OUR PUBLIC SCHOOLS* (1997); FELIX M. PADILLA, *THE STRUGGLE OF LATINO/A UNIVERSITY STUDENTS: IN SEARCH OF A LIBERATING EDUCATION* 94 (1997); Allen & Solórzano, *supra* note 8.

43. STANTON-SALAZAR, *supra* note 4, at 1516–17.

44. PIERRE BOURDIEU, *DISTINCTION: A SOCIAL CRITIQUE OF THE JUDGMENT OF TASTE* 149 (Richard Nice trans., 1984); PIERRE BOURDIEU, *HOMO ACADEMICUS* 372 (Peter Collier trans., 1988).

45. Joseph B. Berger, *Optimizing Capital, Social Reproduction, and Undergraduate Persistence: A Sociological Perspective*, in *REWORKING THE STUDENT DEPARTURE PUZZLE* 95, 110 (John M. Braxton ed., 2000).

46. Feagin & Sikes, *supra* note 1, at 91–92.

47. BOWEN & BOK, *supra* note 6; FEAGIN ET AL., *supra* note 39, at 7; SIDEL, *supra* note 6.

48. See Richard Lempert, David Chambers & Terry Adams, *Michigan’s Minorities in Practice: The River Runs Through Law School*, 25 *LAW & SOC. INQUIRY* 395, 494 (2000).

49. *Id.*

and classroom attention, with students of color often feeling “othered” and voicing concerns that their race negatively affects how professors treat them.<sup>50</sup> Law students of color often have higher attrition rates and lower academic outcomes than whites, as many disengage from classrooms focused primarily on white students.<sup>51</sup> To cope, some law students “choose silence as a way of protecting themselves from a hostile environment in and out of the classroom.”<sup>52</sup>

Disengagement based on racial discrimination, alienation, and a lack of resources follow even extremely successful students of color to graduate and professional school. As one African American woman notes of her law school experience, “It’s just isolation and just helplessness sometimes. Why even try, why even speak up?”<sup>53</sup> When asked about the effects of the hostile classroom environment on her academic achievement in law school, another woman of color again confirms this outcome, stating: “Being marginalized in class just definitely had an effect on me. I wasn’t engaged.”<sup>54</sup>

Sometimes, these marginalized students create a “safe space” for themselves that is distinct from the mainstream campus and often focused on a shared race or ethnic background. These “counter spaces” may serve as buffers between students of color and the hostile environment of the larger campus.<sup>55</sup> Race/ethnic-specific organizations allow for strong connections that bond individuals from small and marginalized groups to one another.<sup>56</sup> Being members of these groups may also make students of color more involved in campus life, which tends to promote active intellectual engagement, increase retention rates, and improve grades.<sup>57</sup>

As microcosms of larger society, schools “are often the arenas in which the schisms and conflicting values of the larger society are played out and become crystallized.”<sup>58</sup> It is not surprising, therefore, that the racism and discrimination prevalent in society are reflected in institutions of higher education across the country. Bell has taught us that racism refuses to die, instead adapting to changing times.<sup>59</sup> Racial projects evolve over time, sometimes serving to oppress people of color.<sup>60</sup> Discrimination

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50. Dowd et al., *supra* note 8, at 27.

51. Buckner, *supra* note 8, at 886.

52. *Id.* at 888.

53. Allen & Solórzano, *supra* note 8, at 286.

54. *Id.*

55. Solórzano et al., *supra* note 10. Recent scholarship looks at these groups as “cultural enclaves,” similar to ethnic enclaves, where students of color can thrive and be nurtured in a safe space, separate from the broader less-welcoming campus. See Samuel D. Museus, *Using Cultural Perspectives to Understand the Role of Ethnic Student Organizations in Black Students’ Progress to the End of the Pipeline*, in *THE END OF THE PIPELINE: A JOURNEY OF RECOGNITION FOR AFRICAN AMERICANS ENTERING THE LEGAL PROFESSION* 162–72 (Carla Pratt & Dorothy Evenson eds., 2011).

56. Hamlar, *supra* note 8; Tatum, *supra* note 10.

57. VINCENT TINTO, *LEAVING COLLEGE: RETHINKING CAUSES AND CURES OF STUDENT ATTRITION* 124 (1993).

58. Sidel, *supra* note 6, at 8.

59. See generally BELL, *supra* note 1.

60. OMI & WINANT, *supra* note 1.

is not necessarily any less burdensome today solely because it is subtle; in fact, because it is “subtly imbedded in the values, rules, and other institutional patterns,” many students of color are forced to “give up their identities and to adapt to the surrounding white culture.”<sup>61</sup>

In a society structured in part by racism, discrimination should perhaps be expected and seen as “rational,” rather than the pathological behavior of a few deviants.<sup>62</sup> Additionally, most white students refuse to even accept that racism continues to haunt higher learning, “in part because white privilege is taken for granted.”<sup>63</sup> Thus, as the racial power hierarchy continues with white privilege as the norm, it should be no surprise that students of color experience discrimination.

If we combine the above theoretical context of race and racism with the introduction of *habitus* as a shaping mechanism for the experience of marginalized students, we see that students of color are not valued for who they are or for what they have to offer.<sup>64</sup> In fact, if discrimination against these individuals is “rational” and “normal,”<sup>65</sup> then we should expect that their lower status will be met with a subtle, but still vicious, form of racism.<sup>66</sup>

Although education is often considered a “great equalizer” in American society, it may instead serve as a means of perpetuating an unequal status quo. Today’s American “nobility” consists of the intellectual elite who are accepted into the nation’s institutions of higher learning and whose success is facilitated by these elite bastions of power.<sup>67</sup> The “ruling class” thus decides who is allowed to succeed as an intellectual, in this way perpetuating their own elite status.<sup>68</sup> Students of color are often excluded from higher education altogether; those who enroll often face other forms of exclusion on campus.<sup>69</sup> Relying on race/ethnic-specific organizations as a buffer and source of support may help sustain them through their experience of legal education.

Providing support for students through the creation of an environment that is welcoming rather than hostile may also promote their opti-

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61. Feagin & Sikes, *supra* note 1, at 93.

62. Eduardo Bonilla-Silva, *Rethinking Racism: Toward a Structural Interpretation*, 62 AM. SOC. REV. 465,475 (1997); BONILLA-SILVA, *supra* note 1.

63. FEAGIN ET AL., *supra* note 39, at 70; JOE R. FEAGIN, RACIST AMERICA: ROOTS, CURRENT REALITIES, AND FUTURE REPARATIONS 204 (2000).

64. BOURDIEU, DISTINCTION, *supra* note 44; BOURDIEU, HOMO ACADEMICUS, *supra* note 44; Berger, *supra* note 45; see generally PIERRE BOURDIEU, THE STATE NOBILITY: ELITE SCHOOLS IN THE FIELD OF POWER (Lauretta C. Clough trans., 1996).

65. Bonilla-Silva, *supra* note 63.

66. OMI & WINANT, *supra* note 1; Feagin & Sikes, *supra* note 1.

67. BOURDIEU, THE STATE NOBILITY, *supra* note 65; PIERRE BOURDIEU & JEAN CLAUDE PASSERON, REPRODUCTION IN EDUCATION, SOCIETY, AND CULTURE (Richard Nice trans., 1977).

68. BONILLA-SILVA, *supra* note 1, at 63; MANNING MARABLE, THE GREAT WELLS OF DEMOCRACY: THE MEANING OF RACE IN AMERICAN LIFE 136 (2002).

69. See Deo et al., *supra* note 17; Woodruff & Vue, *supra* note 17; London et al., *supra* note 17.

mal development.<sup>70</sup> Educational institutions that create inclusive environments and actively engage all students in campus life are, therefore, poised to facilitate success among the student body.<sup>71</sup> For students of color, it is especially crucial to avoid sociocultural isolation — a key reason these particular students give for withdrawing from school (as opposed to academic concerns, which more often lead white students to withdraw).<sup>72</sup> Becoming members of race/ethnic-specific student organizations allows students to take advantage of a “safe space” buffer, where they are surrounded by others with similar backgrounds who face comparable challenges in law school. This support could go a long way in promoting achievement in the otherwise challenging law school environment.

### B. *Failing Both Masters*

In his groundbreaking article, *Serving Two Masters: Integration Ideals and Client Interests in School Desegregation Litigation*, Derrick Bell explores whether separate spaces may actually benefit groups that would otherwise be marginalized through integration.<sup>73</sup> The attorneys representing African American students in *Brown v. Board of Education* argued that the very concept of “separate but equal” was untenable; they insisted that creating equal educational access for African American students depended on integration.<sup>74</sup> As Bell succinctly notes, “This theory of school desegregation, however, fails to encompass the complexity of achieving equal educational opportunity for children to whom it so long has been denied.”<sup>75</sup>

Today many consider integration an obvious ideal; yet, pre-*Brown*, community members did not unanimously support the integration strategy.<sup>76</sup> Some individuals preferred to push for equality in separate schools rather than accept the possibility of second-class citizenship through inclusion in white schools.<sup>77</sup> Others, who may have been supportive of integration early on, became more critical over time as they failed to see many beneficial results in attempts at desegregation.<sup>78</sup>

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70. Walter R. Allen, *The Color of Success: African-American College Student Outcomes at Predominantly White and Historically Black Public Colleges and Universities*, 62 HARV. EDUC. REV. 26, 39 (1992).

71. Tinto, *supra* note 58, at 147.

72. Chalsa M. Loo & Garry Rolison, *Alienation of Ethnic Minority Students at a Predominantly White University*, 57 J. HIGHER EDUC. 58, 65 (1986).

73. Bell, *supra* note 14.

74. Bell, *supra* note 14, at 478 (“In essence the arguments are that blacks must gain access to white schools because ‘equal educational opportunity’ means integrated schools, and because only school integration will make certain that black children will receive the same education as white children.”).

75. *Id.*

76. *Id.* at 476 n.21; see also Kenneth W. Mack, *Rethinking Civil Rights Lawyering and Politics in the Era Before Brown*, 115 YALE L.J. 256, 258 (2005).

77. *Id.* at 476 n.21.

78. *Id.* at 471 (stating that “criticism” of integration policies continue by members of the community who were initially supportive); *id.* at 492 (stating that at present, “many black parents are disenchanted with the educational results of integration”).

With the landmark decision *Brown v. Board of Education*,<sup>79</sup> the United States Supreme Court acceded to those leaders who had pushed for integration. Yet, Bell contends that even this decision may have been motivated more by political interest than moral conviction.<sup>80</sup> He also suggests that civil rights lawyers may have been conflicted, striving after integration to satisfy their own egos or “idealistic goal[s]” without fully taking into consideration the reality that their clients would face.<sup>81</sup>

If the lawyers litigating *Brown* had been able to fully assess the practical realities that would quickly serve as obstacles to integration, they may have recognized what has become perhaps the biggest irony and disappointment of *Brown*: victory in *Brown* both failed to produce the full integration envisioned by the attorneys, and also set the stage for the current marginalization of many African American students “integrated” into predominantly white campuses. In both ways, our current educational situation has failed to create equal educational opportunities for white and non-white students.

Consider first desegregation, the primary goal of the attorneys in *Brown*. We see today that American children are enrolled in increasingly segregated schools.<sup>82</sup> Two decades after *Brown*, Bell noted that schools “are today as separate and unequal as they were before 1954.”<sup>83</sup> More recent studies indicate that while there has been some improvement in reducing inequalities, “sizable differences persist.”<sup>84</sup> In some areas of the country, segregation has been intensifying.<sup>85</sup> The attorneys litigating *Brown* proceeded under the assumption that desegregation would lead to equality; however, this meant that “. . . little attention [was] given to making [B]lack schools educationally effective.”<sup>86</sup> While there have been instances in which desegregation led to improved educational outcomes, this may have depended greatly on circumstance.<sup>87</sup>

Second, consider a preference among some in the African American community to equalize African American schools, rather than push for integration. While that preference may have been at odds with the strategy adopted by the lawyers in *Brown*, a focus on equality in “separate but equal” could possibly have produced better educational results. As Bell himself noted over three decades ago, “there is tardy concern that racial balance may not be the relief actually desired by the victims of segregated

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79. 347 U.S. 483 (1954).

80. Derrick A. Bell, Comment, *Brown v. Board of Education and the Interest-Convergence Dilemma*, 93 HARV. L. REV. 518, 524 (1980).

81. Bell, *supra* note 14, at 493 (“The class action provides the vehicle for bringing about a major advance toward an idealistic goal. At the same time, prosecuting and winning the big case provides strong reinforcement of the attorney’s sense of his or her abilities and professionalism.”).

82. See discussion *supra* Part II.A.

83. Bell, *supra* note 14, at 516.

84. FARLEY & ALLEN, *supra* note 1, at 191. See also Orfield, *supra* note 5, at 235; KOZOL, *supra* note 4, at 83.

85. Orfield, *supra* note 5, at 236. See also MARABLE, *supra* note 64, at 128. See generally ORFIELD ET AL., *supra* note 5.

86. Bell, *supra* note 14, at 479.

87. *Id.* at 480.

schools.”<sup>88</sup> What motivated the parents who were less than enthusiastic about desegregation? Perhaps these individuals recognized what Bell noted later: that “[s]imply placing black children in ‘white’ schools” would not lead directly to educational equality.<sup>89</sup> This placement of token students of color onto predominantly white campuses has come to define much of integration today, especially as it relates to higher education and elite institutions. Perhaps the parents of children in pre-*Brown* segregated schools may have preferred to focus on improving their own schools in order for their children to succeed.<sup>90</sup> When one recognizes educational segregation as “only the most obvious manifestation of [racial] subordination,” one becomes suspicious of whether integration will ever truly make a difference.<sup>91</sup> Perhaps those pushing for improving their own, separate schools foresaw the “microaggressions” and tokenization awaiting students of color on “integrated,” yet predominantly white campuses. We now know that many of these students become marginalized, leading some to disengage from learning to the detriment of their educational outcomes.<sup>92</sup> Without an alternate source of support and encouragement, students of color may ultimately perform poorly and fail to live up to their educational and professional potential.

### III. SEEKING SUPPORT THROUGH MEMBERSHIP

Part II provided a discussion of the current state of educational integration, including a focus on the challenging environment of many law schools.<sup>93</sup> We see that schools have largely failed at full integration, despite the promise of *Brown*. Those schools that have attempted integration tend to remain predominantly white, with token numbers of student of color, who are often uncomfortable on largely white campuses. One option available to these students of color is to rely on campus organizations for support. This section tests the viability of this option through the use of empirical data. In other words, this section of the Article applies empirical research data on membership in various law student organizations to better understand whether and how students seek out these groups in order to receive support. First, the data and methodology are presented. Next is the main empirical discussion on expectations of membership: the reasons students give for joining various campus organizations. Finally, the section concludes with a brief discussion of findings regarding student experiences as members. Ultimately, the data reveal that many students of color do create and join race/ethnic-specific organizations for support, in part because of the marginalization otherwise surrounding them on many predominantly white campuses.

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88. *Id.* at 472.

89. *Id.* at 514.

90. *Id.* at 476 n.21.

91. *Id.* at 487.

92. See discussion *supra* Part II.B.

93. See *supra* Part II.

A. *Testing the Theory with Empirical Data*

The data used to test the hypothesis that students of color join particular campus organizations seeking support come from the Educational Diversity Project (EDP),<sup>94</sup> a longitudinal quantitative and qualitative study of law school diversity. EDP uses surveys and focus groups to follow the experiences of one cohort of students throughout the three years of their law school careers. In August 2004, EDP collected 8,063 surveys from a national sample of first-year law student respondents attending orientation activities at fifty-five accredited American law schools. This sixteen-page survey took approximately one hour for students nationwide to complete. The schools selected provided a broad representation of law school characteristics by status, faculty-to-student ratio, school diversity, selectivity, and geographic location. All students at each school were invited to participate in the study and were asked to give permission to be re-contacted for future research.

From 2005 to 2007, EDP conducted yearly follow-up surveys and focus groups with a sub-sample of the law students who had agreed to be re-contacted. This research took place at eleven of the original fifty-five schools. The short surveys provided a means for gathering broad data regarding the law school experience. Focus groups were deemed the most effective method to engage students in sharing personal insights about their daily law school experiences and capturing their interactions as a group. Schools in this sub-sample were selected for geographical diversity, and also based on overall rates of response to the 2004 orientation survey. To capture a broad array of experiences from students of color, EDP also oversampled Historically Black law schools (HBLs), including three HBLs in the sample of eleven schools.

EDP recruited students via email and phone calls, using information the students provided in the original 2004 survey. Each student from the eleven schools who had agreed to be re-contacted was invited to participate in these follow-ups. This method yielded 203 participants. A diverse group of researchers, mostly graduate students and experienced researchers from UCLA and local institutions, facilitated these sessions.

Focus group sessions were held in law school classrooms with one to seven students in each group. Student participants spent approximately fifteen minutes on the survey and forty-five minutes in focus group sessions. All students were assigned pseudonyms to ensure confidentiality; the same pseudonyms were used for each student in 2005, 2006, and 2007 to ensure continuity between years. Students were given a light lunch as well as movie tickets or a \$5 Starbucks gift card. The overwhelming majority of the groups were racially homogenous and facilitated by a researcher of the same race in order to encourage comfort in discussing sensitive topics. Group composition was also determined by student availability, which resulted in some sessions consisting of individual interviews rather than focus groups. All sessions were audiotaped, professionally transcribed, and checked for error before data analysis.

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94. See THE EDUCATIONAL DIVERSITY PROJECT, <http://www.unc.edu/edp/> (last visited May 6, 2012).



In 2005, the survey instrument asked about racial interaction, sources of support, involvement in student organizations, and the law school experience generally. The focus group protocol centered on the first-year curriculum, interactions with peers and professors, involvement in student organizations, and law school diversity.

In 2006, the survey instrument asked about racial interaction, sources of support, involvement in student organizations, job preferences, and the law school experience generally. The focus group protocol centered on the summer job experience and job search, interactions with peers and professors, mentorship, involvement in student organizations, and law school diversity.

In 2007, the survey instrument asked about racial interaction, sources of support, involvement in student organizations, the law school experience overall, and future career plans. The focus group protocol centered on interactions with peers and professors, general characterizations of the law school experience, plans for the Bar exam, and future career goals and aspirations. This Article utilizes survey and focus group transcript data collected in 2005 and 2006 ( $n=203$ ). Specific questions and variables are discussed in greater length below as part of the analytical approach.

Qualitative data gathered through EDP focus groups in 2005 and 2006 serve as the primary data for this research, though quantitative data gathered through surveys administered before each focus group session are also used to frame the research. The data include all student of color respondents ( $n=101$ ; 56 Blacks, 16 Latinos, 25 Asian/Pacific Islanders (APIs) and 4 Others), as well as all white student respondents ( $n=102$ ). Findings from the quantitative data were analyzed using SPSS software. In addition to basic demographic information, survey responses to questions regarding membership in law school organizations are also included. The qualitative analysis consisted of identifying patterns in the data by reviewing transcripts of all 203 students from both 2005 and 2006 using ATLAS.ti software through coding and using emerging theme analysis. The focus of this Article is on responses to the following two questions:

1. "Are any of you members of law student organizations, institutional programs, journals, or clinics specifically focused on race/ethnicity or gender? If so, please tell us why you joined and what your experience has been like." (This question was asked of all participants during focus group sessions in 2005.); and
2. "Which student organizations, institutional programs, journals, or clinics have you joined since starting law school? Please describe your involvement and experience." (This question was asked of all participants during focus group sessions in 2006.)

Quantitative data analyses reveal broad patterns in the data regarding membership in student groups. Qualitative analyses allow for further investigation of key themes and relationships observed in the survey data. This mixed method analysis reveals the complexity of attitudes and opinions regarding organizational membership. The focus of the analysis was

on identifying patterns in the data, with special attention to “emerging theoretical concerns and categories.”<sup>95</sup>

The EDP sample of 203 law students is 59% female and 28% Black/African American, 8% Latino, 12% API, 50% white, and 4% from other racial backgrounds (see Table 1). These numbers, which reflect a higher-than-average percentage of students of color in law school than the national sample, occur by design to adequately represent the experiences of law students of color. The gender variation is also slightly higher than the national average, which parallels the current enrollment trend.

TABLE 1. RACIAL DISTRIBUTION OF SAMPLE, EDP FOCUS GROUPS 2005 (N=203)

	N	%
Black	56	28
Latino	16	8
API	25	12
White	102	50
Other	4	2
Total	203	100%

B. *Are Students Joining?*

Through survey data analysis, we can gather information about the numbers and percentages of student involvement in various campus organizations. Students in the EDP sample report high levels of involvement in campus life and particularly in student organizations. Students of color are especially engaged as members of race/ethnic-specific organizations, with the vast majority of all Black (70%), Latino (93%), and API (60%) students reporting participation in these groups (see Table 2). Surprisingly, 14% of white students also report membership in race/ethnic-specific groups (see Table 2).

TABLE 2. MEMBERSHIP IN RACE/ETHNIC-SPECIFIC GROUPS, BY RACE, EDP FOCUS GROUPS 2005 (N=203)

	N	%
Black	31	70
Latino	13	93
API	12	60
White	12	14
Other	1	20

The overwhelming majority of law students — both white students and students of color — are members of other law student organizations or school-sponsored programs as well. Specifically, 73% of Black students, 93% of Latinos, 74% of APIs, 89% of whites, and 83% of students

95. ROBERT M. EMERSON, *CONTEMPORARY FIELD RESEARCH: PERSPECTIVES AND FORMULATIONS* 284 (2d ed. 2001); ROBERT S. WEISS, *LEARNING FROM STRANGERS: THE ART AND METHOD OF QUALITATIVE INTERVIEW STUDIES* (1995).

from other racial backgrounds participated in some type of law school organization (see Table 3).

TABLE 3. MEMBERSHIP IN MAINSTREAM GROUPS, BY RACE, EDP FOCUS GROUP SAMPLE 2005 (N=203)

	N	%
Black	32	73
Latino	13	93
API	14	74
White	75	89
Other	5	83

The quantitative findings presented above provide a basic understanding of the numbers and percentages of students joining various types of groups. We can use this information to frame the detailed data available through qualitative measures. In addition to the broad demographic data collected through quantitative measures outlined above, qualitative data expand on the reasons for membership and experiences of members. Data analyses suggest that students join groups for a variety of reasons and that there are differences based both on the race/ethnicity of the individual and whether the organization is a mainstream or a race/ethnic-specific group.

While their *experiences* are also briefly mentioned, the empirical focus of this Article is on the *expectations* of law students who joined various types of campus organizations. The discussion revolving around expectations is the heart of the findings presented here. The focus is on expectations rather than experiences because the students' reasons for joining groups (even more than their actual experiences as members) relate most directly to the hypothesis that individuals may rely on particular groups to serve as a buffer from the larger campus. The section on experiences indicates that student expectations of support are not only being met, but are exceeded as student members receive both the expected as well as additional, unanticipated forms of support.

### C. *Supportive Expectations of Membership*

Students discuss various reasons for joining race/ethnic-specific organizations as well as mainstream groups. While there is some overlap, there are also distinctions between the two. Students of color tend to join race/ethnic-specific student organizations for various types of support while all students join mainstream groups because of their interests and with future career goals in mind. Expectations of membership in race/ethnic-specific groups are discussed first, followed by expectations of membership in mainstream groups.

#### 1. *Expectations of Race/Ethnic-Specific Organizations*

Students of color join race/ethnic-specific organizations expecting various forms of support. Specifically, students of color expect to receive

social, cultural, emotional, and academic support. Each of these forms of support is discussed in turn below.

*a. Social Support*

Many students of color join race/ethnic-specific organizations expecting that these groups will provide them with a form of social support in law school. Students of color begin law school with some knowledge that the environment is considered challenging for all students and may be even more taxing for them, especially at institutions without a critical mass of students from their own racial/ethnic background.<sup>96</sup> Many students join race/ethnic-specific organizations with the hope that the available social support will serve as a buffer to these challenges. For example, an Asian/Pacific Islander (API) female student named Ashley acknowledges that she joined the Asian Pacific American Law Students Association (APALSA) largely for social reasons:

[I wanted] to meet people, because you do have that fear that you will go to law school and not make friends, which is totally ridiculous, but you always do have that fear when you enter this room with like 400 other people and you don't know anybody else.

Her classmate Aretha, also an API woman, echoes Ashley's concern, noting that she joined APALSA for social reasons and based on previous positive membership experiences in race/ethnic-specific college organizations: "I was just worried that I wasn't going to meet people, basically. And I wanted to get involved in organizations, because I was involved in Asian [American] organizations in college and it was really cool; it was a helpful thing." Again, here it is not surprising that such a high percentage of students of color join race/ethnic-specific groups in law school, given that over 60% of the sample report that they joined in college and planned to join in law school. As Hera, a Black woman in the sample, says about her membership in the Black Law Student Association (BLSA), "I just [joined], I guess to meet people, become involved."

The assumed and actual competitive nature of law school may be part of the fear of an anti-social environment, which could only be heightened by the daily "microaggressions" that many students endure.<sup>97</sup> These and other tensions tend to ebb when individuals have meaningful opportunities to interact socially with members of their ethnic group in the safe environment that race/ethnic-specific student groups often help create.<sup>98</sup>

It is unsurprising, therefore, that many students of color expect to receive social support through their membership in race/ethnic-specific groups. Larry, a Latino male who is a member of the Latino Law Student Association (LLSA) notes, "As far as LLSA, I chose to be involved with them for more of a social basis. It wasn't so much about doing substantive work or accomplishing any agenda. It just was more about having fun with people that I liked to hang out with." While Larry distances his

96. Cassman & Pruitt, *supra* note 8, at 1268.

97. Solórzano et al., *supra* note 10, at 39.

98. See generally TATUM, *supra* note 10. See also Solórzano et al., *supra* note 10, at 44; Hamlar, *supra* note 8; Museus, *supra* note 55.

membership in LLSA from any specific “agenda,” the social support he expects is nevertheless one way in which he hopes to enjoy the safe space available to him through LLSA membership. He assumes that he will be “having fun” with people who share his race/ethnicity, though he notes elsewhere in the conversation that he has friends from other racial backgrounds as well.

Of course, students of color can and do make friends with people outside of their race/ethnic background, as members of mainstream groups and through other mechanisms. Larry and others who join race/ethnic-specific groups for social support are doing so in order to socialize specifically with students who share their own race/ethnic background. Kieran, a male API student, give the following reason for joining APALSA: “I joined them I guess mostly for social purposes. I just wanted to see what the Asian Americans were doing at this law school.” Thus, while any type of social support may be welcome, students of color seem especially interested in getting social support specifically from those students who share their race/ethnic background.

#### *b. Cultural Support*

While many students talk about joining student organizations in order to make friends, one unique quality of race/ethnic-specific organizations is the cultural safe space that these groups offer their members. This combines with the social support discussed above in that students of color may feel more comfortable interacting socially with those whom they perceive as sharing or understanding their cultural background and lived experiences.<sup>99</sup> A Filipina American student named Pia notes that her family’s immigrant background pushed her to join APALSA; she believes the expectation of meeting people with a shared cultural (i.e., immigrant) experience is a primary reason why other members join as well:

[A]ll of us have joined this organization because of our own experiences. And a lot of us come from parents who are immigrants, and so we’re more sensitive and receptive to promoting [diversity] because obviously the opportunities that we have in this country are something that we wouldn’t have had in our parents’ native country.

Felix, a Latino male, explicitly states that he joined LLSA for the support that comes with feeling culturally connected to other members of his community: “I guess initially I was attracted to it because I could interact with people from the same sort of cultural background I came from.” This sense of shared identity, the fact that he can connect to the other members and know they have something in common, creates a comfort impossible to recreate in a mainstream organization.

A number of students of color note this cultural connection as a primary reason for joining race/ethnic-specific groups. Thus, Felix expected that joining LLSA would connect him to other people who are like him culturally — as opposed to the white students who make up the majority of his law school. Additionally, Felix points out that though members of

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99. See generally TATUM, *supra* note 10.

LLSA share similarities, there is also a great deal of diversity within Latino culture and within LLSA:

Why did I join? I guess just to be able to interact with people from the same culture. I realized pretty quickly that my culture was fairly unique, but like what Felipe said, you know, Mexican American's background and an Ecuadorian American is going to be different. I mean, you may learn Spanish and speak Spanish at home but it's not necessarily completely analogous. I joined it because there are still enough similarities that I thought it was a worthwhile thing to be part of.

Many other students of color join Felix and Felipe in focusing on the similarities they share with others from their same race/ethnic background, while being cognizant of the ways in which their communities are also diverse. In fact, panethnicity is a central concept that is often missing from the mainstream, as African Americans, Latinos, APIs, or others are lumped together and assumed to share one perspective.<sup>100</sup> Yet, members of these groups recognize the diversity within the group membership and seem to appreciate the opportunity to share similar experiences while also holding some divergent views.

A few white law students specifically mention the ways in which the cultural environment of their law schools reinforce mainstream white American norms and tend to overlook other cultures and backgrounds; these observations mirror documented occurrences at other predominantly white educational institutions.<sup>101</sup> A white female student in the sample named Adriana notes the following about the cultural climate at her law school: "It doesn't seem like other cultures are really integrated into the [law school] community so much as every so often [LLSA or] somebody does something to remind us there are other cultures out there." In this way, BLSA, LLSA, APALSA and other groups not only culturally bond their members together, but also provide some cultural outreach and education to the larger white community on campus.

Not surprisingly, many students of color are explicit about how the larger campus seems disconnected from their cultural background, intensifying their strong desire for membership in a race/ethnic-specific organization to fill that void. Many students of color join race/ethnic-specific groups because they hope that membership will allow them to be themselves without having to explain or apologize for it; the ability to communicate with other students in a native language, prepare and/or share common foods, and otherwise bond over cultural similarities are important components of many associations.<sup>102</sup> For instance, a century ago, the formal legal barriers that led to the establishment of residential

100. *ESPIRITU*, *supra* note 1, at 112.

101. *FEAGIN ET AL.*, *supra* note 39, at xi.

102. See CAROLA SUAREZ-OROZCO & MARCELO SUAREZ-OROZCO, *TRANSFORMATIONS: IMMIGRATION, FAMILY LIFE, AND ACHIEVEMENT MOTIVATION AMONG LATINO ADOLESCENTS* 63-65 (1995); Yen Le Espiritu & Diane L. Wolf, *The Paradox of Assimilation: Children of Filipino Immigrants in San Diego*, in *ETHNICITIES: CHILDREN OF IMMIGRANTS IN AMERICA* 173 (Ruben G. Rumbaut & Alejandro Portes eds., 2001); Josephine A. Beoku-Betts, *We Got Our Way of Cooking Things: Women, Food and Preservation of Cultural*

ethnic enclaves also meant that these “outsiders” had a safe space to “speak their own language, eat their own food, . . . and share common experiences.”<sup>103</sup> Today, legal discrimination has largely been replaced by subtle cues that nevertheless lead those outside of the mainstream to seek fellowship with members of their own community for common cultural connections and comfort. Amelia, a Latina member of LLSA, combined a few of these expectations, explaining:

I chose the [Latino Law Students] Association because its important to me to always be connected with my people, my culture, and one of the hardest things I’ve had to go through [in] law school, one, is not having people identify with me very much and, two, not being able to speak Spanish on a daily basis. So that’s very important to me.

When the numbers of students of color on campus are small, students may be especially interested in seeking out others with whom they share a cultural connection. A South Asian law student named Dylan draws on the hopes of meeting people from a similar background as a reason for joining the South Asian Law Student Association: “I think I just joined up to try to meet some people who are similar to myself. But I don’t think the club is that big. There can’t be more than twenty people in it total and that’s throughout all three classes.” Dylan joined the group in order to meet other South Asian law students, and quickly recognized how much of a minority they truly were, with a membership of twenty drawn from the total population of over 700 students at his school.

Thus, because students of color may be somewhat alienated from the general mainstream white cultural norms on their campuses, they may turn to those who share their cultural background to feel more secure and supported. Students of color expect that cultural parallels with the experiences of other members of race/ethnic-specific groups they join will provide the support that may be lacking from the broader campus.

### c. Emotional Support

In an earlier quote, Amelia makes clear that the cultural support she hopes to receive as a LLSA member is also relevant to her emotional health. Since “one of the hardest things” about law school is that she is culturally disconnected from many of her fellow students and does not have a shared identity with most of her peers, she turned to LLSA to fill that void. Josh, a Black male student, also notes emotional support as the primary reason he joined the Black Law Students Association: “I wanted to interact with my peers of the same ethnicity or race as me. They kind of look out for each other.” In a law school environment where students are wary that their peers may be more competitive than cooperative, it is not

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*Identity in African-American Sea Island Communities*, 9 GENDER & SOC’Y 535, 544 (1995).

103. Min Zhou, *Social Capital in Chinatown: the Role of Community-Based Organizations and Families, in the Adaptation of the Younger Generation*, in BEYOND BLACK AND WHITE: NEW VOICES, NEW FACES IN U.S. SCHOOLS 183 (Lois Weis & Maxine S. Seller eds., 1997). See also Museus, *supra* note 55 (identifying race/ethnic-specific groups as a type of cultural enclave on predominantly white law school campuses).

surprising that students of color turn to one another in the hopes of forging supportive emotional ties within a tight-knit group. With the added element of ongoing American racism and discrimination,<sup>104</sup> law students of color may be especially likely to experience hostility.<sup>105</sup> Josh provides an example of a student of color who joins a race/ethnic-specific law student organization specifically searching for an environment of cooperation rather than competition, where students who share a similar background can rely on each other in spite of the broader competitive campus atmosphere.

Some entering law students received support from these race/ethnic-specific law student organizations even before law school began. For instance, a Black male student named Aaron had numerous positive interactions with BLSA members as a prospective student, even before accepting the offer to attend his law school. Aaron notes that he joined BLSA expecting that support to continue: “[I joined] BLSA because they made an effort to contact me when I got here. Before I came here they were very supportive in trying to get me to come here, so I thought that it would be good as far as support goes.” Abigail, a Black female student, talked with the BLSA President when she was a prospective student:

I had met [the BLSA President] when I first came to see if I even wanted to come here. I had got in and I didn’t know if I wanted to come, and she was the leader of the tour [I took of campus]. So she was telling me about [BLSA]. And I figured I might as well just join it.

April, a Filipina student, also met APALSA members before starting law school and appreciated the friendly, supportive, and welcoming environment they created. Additionally, she joined APALSA expecting to receive the support she had experienced as an undergraduate member of race/ethnic-specific groups:

Well, last year when I came for like the open house or something, I met three of them who are [APALSA] officers this year. And they were really nice to me, like *really* nice to me. They’re telling me like, “Oh, you should join APALSA, and these are the things we have to offer.” And they just seemed like really nice welcoming people, all of them. I was really active in the Filipino organizations in my undergrad institution, so I kind of just belong because it’s like a continuation of that.

April’s focus on wanting to be part of a group whose members share her racial background and are not only “*really* nice,” but also “welcoming” reveals how much the expected emotional bonds motivated her to join.

Bobby, a Black male student at another school, joined BLSA because he was searching for a comfortable environment in law school:

I joined the Black Law Students Association just because I felt there are not that many Black students here. So that’s our family. We look out for each other. . . . Just in general, you can go to

104. Bonilla-Silva, *supra* note 63; BELL, *supra* note 1.

105. Cassman & Pruitt, *supra* note 8, at 1240.



[members] and talk to them about things outside of school, just about life that you can't talk to some of the other students about.

Andrew, a Latino law student, echoes many of Bobby's reasons, stating that "the reason why I joined [LLSA is for] the type of support, the family, and being able to talk to people that are like similar to you and have similar backgrounds and kind of understand." To call other members their "family" indicates the strong emotional connection Bobby and Andrew expected to share with fellow members of their race/ethnic-specific group. Perhaps their lived experiences differ from those of their white classmates, but a shared identity with other members of their race/ethnic-group provide for the emotional support that many students of color seek.

This shared emotional connection based on common culture and background may be especially important for students of color because their small numbers on law school campuses often lead them to feel marginalized and tokenized there.<sup>106</sup> While many of their white peers may not even notice this fact, some recognize and are troubled by the ways in which a lack of diversity and outright discrimination creates additional challenges for students of color. For instance, a white male student named Eric says the following about his first-year experience in law school:

No, I don't think it's particularly diverse. In our section, the section I'm in, the only Black person we see on a regular basis is our Professor. Like, you know, there's a couple of Latino students, predominately Asian [American] and white are the students that are actually represented in our section and throughout the school. So, I don't think it's really diverse. It doesn't represent what's outside of this school. I think there are other groups of people who don't feel comfortable . . . because they're so small [in numbers]. I mean earlier this year, someone wrote racial epithets on the BLSA and [LLSA] fliers and stuff like that. There's not a sense of inclusion and so a lot of people don't feel willing to challenge that.

Of course, the students of color themselves generally notice that there is a lack of critical mass at their law schools. Bobby, who mentioned that "there are not that many Black students here," deals with the pressure of being one of very few Black students at his law school. He elaborates by stressing the sense of isolation that often accompanies his educational setting:

I'm like literally the only Black person in a class of over one hundred people. [I] start realizing like, "Wow! I just really don't have anything in common with these people at all. . . ." You really feel kind of lonely in class because there's really nobody you feel you can relate to, or you could talk to about issues that you're doing in BLSA [or whatever].

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106. Allen & Solórzano, *supra* note 8, at 246; Hamlar, *supra* note 8, at 576–84.

The emotional support these students expect from a campus organization where they can relax with the few others who look like them may be crucial to instilling a sense of belonging at the school.<sup>107</sup> An API female student named Hope expresses this point most eloquently; she states that she joined APALSA “[l]argely because I wanted to be able to carve out a niche of people that I felt comfortable with, within the larger environment of people that I was not comfortable with.” The shared race/ethnic identity goes beyond phenotype to include a shared set of cultural traits, experiences, and backgrounds that solidifies the emotional connection. Joy, a biracial Latina member of LLSA, was concerned that there were very few Latinos in her first-year law school class of over 200 students, stating, “I mean I realized there is a problem when there’s only six [Latinos] coming into the class.” Her sense of isolation at being one of only six Latinos encouraged her to join LLSA, to seek out the other five who were hard to find scattered among the hundreds of other students in her entering class:

I joined. Maybe just, I was kind of curious to see who else there was, because when I showed up here, there was no one. You could kind of look around and, I mean, I’m mixed, but I can usually spot somebody who is Latino, and I didn’t see anybody.

Perhaps Abigail, a Black female law student member of BLSA, puts this point most succinctly: “I joined because I want to see Black people.” For students of color who are a distinct minority on predominantly white campuses, joining race/ethnic-specific student groups may be one of the only ways in which they are able to meet with the few fellow students with whom they have a common racial/ethnic, and/or cultural identity. In the words of Justine, an API female student member of APALSA, “[T]here’s an empowerment that comes from being around people who you identify with.” Some students note positive membership experiences in similar groups during previous educational and/or employment settings where people from their race/ethnic background were underrepresented; many expect a similar level of emotional support from race/ethnic-specific organizations in law school. For instance, a Black female student named Kirsten states:

I joined BLSA because throughout my education, I’ve been part of groups like that, with other Black students because there haven’t been that many. [W]hen I was at my previous employer, I was part of the African American employee network group just because for me it’s helpful to have a group of people that are experiencing [something similar], maybe not the exact same day-to-day as I am, but there are not that many of us. It’s always been the case that there are not that many. So I need to find the ones that there are.

While students of color may join race/ethnic-specific groups seeking opportunities for standard social interaction and friendship, we see that they do so with their common culture in mind and with hopes of forging emotional bonds with peers of the same race/ethnic background.

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107. Hamlar, *supra* note 8, at 577; Solórzano, Allen & Carroll, *supra* note 10, at 44–47.

*d. Academic Support*

Interestingly, only a few students of color note that they joined race/ethnic-specific organizations for academic support. This is surprising because many of these organizations include academic support as a major focus and many student members relate experiences of strong and useful academic resources.<sup>108</sup>

A Filipina female named Charlotte provides a number of reasons for joining APALSA that are representative of different support-related expectations, including academic support:

I chose to join the group because, one, I'm Filipino American and I knew that I'd meet other Filipinos in the group. And, two, my mentor . . . he's the President and he told me about it. So it sort of led me to go to the first meeting. And, three, we also have heard that they offer the best academic support for a lot of the members.

This rationale goes beyond the ways in which race/ethnic-specific student organizations provide safe space buffers against the larger hostile campus environment to facilitate support through social, cultural, or emotional means.

Academic support is a service that draws not only the students craving the safe space of the race/ethnic-specific group, but also those students who are predominately focused on educational success in law school. For example, Janet is a Black female student who is not particularly active in BLSA and fails to mention any social, cultural, or emotional reasons for joining; nevertheless, she did join the organization, primarily because "they had like a mock mid-term or something, and I wanted to go." Similarly, Greta is an African American student at a historically Black law school; she says the following about her reasons for joining BLSA:

[C]oming into law school I already had learned that the Black Law Student Association was something you just should join. I really didn't know the background to it, I can't lie. So I figured, you know, well I'll be the first and I'll join. You don't have to put too much work into it. And they offer you these mock exams, you know something to help with the retention rates here. So that's the reason I joined it.

Jasmine, a Black female student at a historically Black Law School is clear about her reasons for joining BLSA, which centered around academic support through mentorship and making sure she stays in school:

I know that I joined because of upperclassmen, 2Ls or 3Ls, saying, "You can [have a] better experience." So as far as [my] being African American and being a 1L, especially with such a low retention rate [at this law school] and just [wanting to come] back again next year, so that's why I joined.

Few students elaborate further as to the type or quality of academic support they expected to receive through their involvement in race/ethnic-specific student organizations, though we will see that their exper-

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108. See *supra* Table 2.

iences as members include many benefits of academic support that promote academic success, including access to material resources, group interaction, and both formal and informal mentoring.<sup>109</sup>

If we look carefully, we also see that there is a link between academic support and the other types of support students expect to receive in race/ethnic-specific groups. In fact, Becca, an API woman who is a member of APALSA, explains how race/ethnic-specific organizations were often founded in order to provide academic support specifically to students who were marginalized because of their race: “[T]he whole purpose of why APALSA was created was to promote minority retention because we weren’t getting academic support. First year, first semester, you have no idea what you’re doing.” Becca goes on to state two reasons for her decision to join APALSA, representing both the academic support and the social, cultural, and/or emotional support that comes from being around people from a shared race/ethnic background: “[B]ecause there’s other Asian [Americans] and the academic support is not comparable to any other organization.”

Thus, we see the ways in which some students of color expect to receive academic support from race/ethnic-specific organizations. Though most do not cite academic support as a primary reason for membership, some students do recognize the ways in which mentorship, mock exams, and other educational resources are more available to them as members of these groups.

## 2. *Expectations of Mainstream Organizations*

After understanding the reasons that students provide for joining race/ethnic-specific organizations, it may be helpful to compare these to their expectations of mainstream groups. Support seems to be a key reason for membership in race/ethnic-specific organizations. On the other hand, data suggest that students join mainstream organizations for reasons that are seemingly unrelated to support. Both students of color and white students alike joined mainstream groups for two primary reasons: because of shared interests and for the purpose of networking.

### a. *Shared Interests*

In contrast to the expectations of different forms of personal support surrounding participation in race/ethnic-specific groups, students of color and white students alike joined mainstream groups for primarily professional reasons: because of their interests, and in consideration of future career benefits. Specifically, a number of students joined mainstream groups because of shared interests surrounding the organizational mission and/or activities available to members. David, a white male, did not expect to receive any support from fellow members of the Federalist Society (which he characterizes as “a conservative organization [focused on] a traditional interpretation of the Constitution”); rather, he states, “I got involved [because] it was always something I was interested in.” Kevin, a white male, also gives political interest as a reason for joining a

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109. See *infra* at III.D.1.

group called the American Constitution Society (ACS), although he is not a particularly active member:

My involvement with it is sort of primarily passive. I don't organize things or take an active role, in terms of speaking or getting people to come and speak. I go to their events and hear the speakers. And I was attracted to the group because they market themselves kind of as the opposite of the Federalist Society, which is an organization whose views I don't really agree with. So that's why I joined the ACS.

Other students also note ways in which political interest motivates their decision to join particular mainstream groups. For example, a white male named Henry says the following regarding his reasons for joining a campus group focused on outreach to women and people of color, as well as the law student ACLU chapter:

Well, both those organizations I joined out of political and ideological interest. But my politics fall in line with the national conversation of diversity. I tend to be far more liberal than most Americans. And that's where obviously falls into place the two organizations in particular. It wasn't necessarily a one-issue kind of thing, either one of them. It just hit me on all spectrums.

A number of white students as well as students of color also joined mainstream groups that are focused on racial issues and/or diversity. The main characteristic that sets these organizations apart from the race/ethnic-specific law student organizations is that the focus of the mainstream group is to promote a general concept — i.e., immigration or diversity — rather than focusing on the needs of students from a particular race/ethnic background. It is no surprise, then, that members of mainstream organizations tended to join because of their interests or for professional reasons, rather than for support or resources. In other words, the empirical data shows that students of color and white students alike join mainstream groups based on their interest in academic, intellectual, or occupation-specific stimulation, rather than wanting supportive personal interaction. Holly, a white female student, is another example of a student who joined a mainstream group that focuses on diversity issues. She mentions, "I am part of the Conference on Race, Gender, Class, and Ethnicity. I joined because it was of interest to me." Again, she did not join expecting any personal support but simply because she is interested in the issues.

From members of The Runner's Club (a formal, school-sponsored organization whose members go running together) to those in Southern Exposure (a mainstream organization at an East Coast law school whose members all hail from and plan to work in the South), most students note "interest" as a primary reason for joining mainstream organizations. Similarly, a white female student named Anita mentions that she served as Secretary of the International Comparative Law Society at her law school during her first year and President of the organization her during second year, based on interest (and the future possibility of working in the field); she goes on to add that this is typical for other members of the

group: “It’s just people who want to get into international law, [who] probably are interested in that subject.” Nora, a white female student at another law school, echoes these thoughts exactly, saying, “I really have an interest in international law, so that’s why I joined the International Law Society.” A white male student named Cameron notes similar reasons for joining another mainstream group:

I was a member of the Intellectual Property Law Association. I was actually an officer. It was a fairly small group. I was working to help network and get more information and knowledge about intellectual property law, which is my primary interest.

While the literature anticipates racial distinctions,<sup>110</sup> student of color expectations of membership in mainstream groups actually mirror those of white students. In other words, students of color joined mainstream groups in large numbers<sup>111</sup> and also discuss shared interests and career considerations as their primary expectations of membership. Josie, a Black female student who is also a member of BLSA, gives a simple reason for her involvement in a mainstream group: “I do like public interest work, and so I’m in the Pro Bono Project.” Similarly, a Latina law student named Audrey notes the ways in which her membership in a mainstream group parallels her interests:

I joined the National Lawyer’s Guild early last year, in my first year, because they have a lot of the ideas that I liked. I came here to bring about social change in a lot of different areas and this particular group stood out because they are sort of, I don’t want to say radical, but they’re a little more liberal and so that was why I joined them.

Some mainstream groups are focused on a particular area of the globe or an issue that is especially relevant to members of particular race/ethnic groups, though the membership tends to be racially diverse. For example, Kieran specifically draws a distinction between Asian Law Society (a mainstream group for which he serves as President) and APALSA (a race/ethnic-specific group of which he is a member); his membership in APALSA revolves around support while he joined the Asian Law Society based on his interests:

It’s different from [APALSA] because Asian Law Society is interested in legal-political issues pertaining to the continent of Asia and finding resources for students who want to work abroad there. . . . That was one of my original interests entering law school, so I decided to take up the position [of President].

While his membership in APALSA is predicated on an expectation of academic support, the Asian Law Society connects him to people who share one of his primary interests. Similarly, a Latino student named Felipe mentions that in addition to participation in LLSA, he also joined students from different racial/ethnic backgrounds as a member of the Im-

110. FEAGIN, VERA & IMANI, *supra* note 39, at 91; PADILLA, *supra* note 39, at 69; Allen & Solórzano, *supra* note 8, at 287; Cassman & Pruitt, *supra* note 8, at 1269.

111. See *supra* Table 3.

migrant Outreach Project (which promotes awareness of immigration laws and issues) and the Latino Legal Initiative (which educates immigrants on their legal rights); he notes that the diverse membership draws people who want to do something to further their common interests: “[I]t’s certainly a community of sort of shared interests in helping the immigrant.” Thus, in contrast to the support-related expectations that students of color express for race/ethnic-specific groups, white students and students of color alike often joined mainstream groups hoping to further their interests in a particular field.

*b. Career Building*

Many students have more than a passing interest in the topics that intrigue them during law school life; some are so engaged that they plan to pursue these issues as part of their careers and hope that joining mainstream groups will facilitate the realization of their future professional goals. In this way, future career considerations combine with ongoing interests to encourage students to join mainstream groups. A white female student named Libby has a representative response to the question of why she joined a particular mainstream organization: “I want to go into international law, so that’s why I joined the International Law Society.” This, of course, is unsurprising. Students who are focused on a particular area of law for a future career will tend to spend time learning about that area; they may do so in order to understand the area more clearly, indicate to prospective employers that they are serious about their investment, and demonstrate knowledge regarding current issues in the field. Anna, a white female student, mentions that interest and future career concerns intersect to form the reason that both she and her friend Cesar (a white male student) joined a particular mainstream group: “Cesar and I are both members of the Public Interest and Social Justice Coalition, which is geared towards students who are interested in social justice and may be pursuing a legal career in that area.”

In fact, while the literature suggests that students with different forms of cultural capital may have different expectations for group membership,<sup>112</sup> students of color also tend to join mainstream groups in order to take advantage of networking opportunities. The site of the mainstream organization thus becomes a networking nexus — horizontally, between students of diverse backgrounds, as well as vertically, to prospective employers and others working in the field. For example, a Latina student named Lily says the following about her involvement in a mainstream group focused on Business Law:

I think that I definitely saw a lack of, in the law school curriculum itself, a lack of Corporate Transactional-related courses. And so I made a conscious decision to focus my extracurricular time in that, because I am fairly certain that’s the direction I want to go down in my career.

Josh, a Black male student who is also a BLSA member, is able to combine his prior and ongoing interests in science with future career goals

112. Berger, *supra* note 45; FEAGIN, VERA & IMANI, *supra* note 39; BLACKWELL, *supra* note 8.

through membership in both the Intellectual Property Society and the Health Law Society; he mentions:

I was a double major in Biomedical Engineering and Cell Biology, you know, science major in undergraduate, so I was already interested in Health Law and Intellectual Property, so I joined those to see if I can learn a few things. Exactly what it's going to be like [practicing in those fields], what events they could put on that I can attend and things like that.

In similar fashion, a Black law student named Aaron is a member of both BLSA and the Entertainment Law Students Association (ELSA); while he joined BLSA because "I thought that it would be good, as far as support goes," he has very different expectations from his membership in a mainstream group: "[I joined] ELSA because I like entertainment and sports law; it's the field I want to go into." Bert, an API male student, is even more strategic about his membership in a mainstream group. He joined the Chinese Law and Culture Society to merge his current interests in patent law with networking opportunities that will help in his legal career:

I really think that, even though I'm interested in patent law, that it will mix in with the international Chinese law, so I think that will go somewhere in the near future. And that's the reason why I go to the Chinese Law and Culture Society because sometimes they do have professors who might give lectures on Chinese law, and I want to keep in touch, if I could. Right now, I don't have any contacts, but if I could, I would like to meet people who have some connection with Chinese law.

Niles, an API male student who is a member of APALSA, was similarly strategic in his decision to join a mainstream group that may help him land a job and also provide a forum to network with potential future colleagues:

I'm also on the Board of West Coast Connection, which is basically a group that helps people get jobs on the West Coast — California, Oregon, Washington, but mainly California. And I did that because I have friends also in that and I thought it would be cool to meet other people who are going to be working in California.

#### *D. Supportive Experiences of Membership*

While the focus of the empirical research presented in this Article is on expectations, a short section on the actual experiences of membership is also included. The data relating to experiences indicate that both race/ethnic-specific groups as well as mainstream groups provide a range of support to members. Students of color have interesting and varied experiences as members of race/ethnic-specific groups, with much of their experience revolving around the support they anticipated as well as other forms of assistance. These experiences are in contrast to the mainly career-related benefits that white students and students of color alike receive as members of mainstream organizations. Experiences of members in both types of groups are briefly discussed in turn below.



### 1. *Experiences in Race/ethnic-specific Organizations*

Students of color report that membership in race/ethnic-specific organizations provides them with support in various forms, including all four that they expected: social, cultural, emotional, and academic. In addition, students are also pleased with the career benefits of membership in these organizations.

For some students, social support means simply having a large network of friends. Niles, an API male student, relays how his membership in APALSA provides him with just this opportunity: "It's been good, I mean, I've met a lot of people. I met people outside my class here, which is great. So I can talk to the 1Ls, and I don't know, it's just fun to hang out with people and meeting them." In addition, many students of color indicate the ways in which social support goes beyond "having fun" to actually help sustain them through a challenging law school environment. Michael, a Black male member of BLSA, says the following about his experience as a member of that group, "I feel I've made some great friends during this process and just being able to have them, [people] who are going through the same thing as me, having some of the same struggles, has made it a lot easier I think. . . . I'm very grateful for that." Many students of color note how the social support in race/ethnic-specific groups is particularly strong because of the shared identity of members who are part of a larger racial, ethnic, or cultural community. For instance, a Latino student named Felipe notes that his membership in LLSA provides him with social support that goes beyond simple friendship: "I mean, I get friends out of it. A lot of them I've taken class with. But it's certainly a community of shared interests in helping the immigrant and Latino issues."

Cultural support itself is another major benefit for student of color members of race/ethnic-specific organizations. This benefit is an important part of Valerie's experience in LLSA; she notes, "Well, it's been positive in that, you know, I'm just able to speak Spanish with other students if that's what I choose to do, or just sort of share that cultural affinity that you have." Harrah, a Black female student, is a member of BLSA as well as a campus-wide Black Graduate and Professional Students Association. She notes the ways in which these groups often work together organizing cultural events that are open to the larger university community: "I'm always helping out. This past like . . . last Wednesday or Thursday, we had the opening for Black History Month. We had a speaker come in. We had dancers. We had drums. We had dinner. So I helped organize that, helped set that up."

In addition to social and cultural support, emotional support is especially important for many students of color specifically because there are so few students of color at their schools. Bobby, a Black male, appreciates the emotional support BLSA provides:

I mean to have to go every day and sit in a class of like, out of one hundred people, like eighty White people and you're the only Black person with a sprinkling of people of color. And you have to sit there in a class every day, like five days a week; it's not easy.

Amelia, a Latina law student, echoes and expands on Bobby's point, noting the important role that LLSA plays in providing emotional support to the few Latino students at her school: "[LLSA] gives me support, it gives me a sense of support. It gives me a sense of identity. It makes me feel that even though there's only maybe ten of us at each meeting, that it's not easy and that it's okay that it's not easy." Many of the race/ethnic-specific organizations go to great lengths to make law school more inviting for their members. Hillary, a Black female student, notes the following about her role as Chair of the Hospitality Committee of BLSA:

[W]e do little things to reach out to the 1Ls, basically, and make them feel welcome. . . . And we also gave them little, what do you call it?, relief packets during exams, where we gave them candy and little disks and things that they needed to take their exams. Then we do things like just send birthday cars to members. So just a way of providing support.

In addition to the social, cultural, and emotional support they receive, students of color who are members of race/ethnic-specific law student organizations are also getting the academic support they expected. For example, April notes of her membership in APALSA, "I've had a really good experience with it. They're really nice. They offer a lot of resources. They have some review sessions. They have outlines available to check out." In addition to broad support from groups that provide review sessions, mock exams, and outlines on reserve, many race/ethnic-specific organizations also organize formal mentorship to help prepare students academically. These mentorship programs link new students with second- or third-year students who then guide them through law school and provide other academic assistance. Harper, a Black male law student, explains the way the process works in his organization: "The Black Law Students Association has a mentor program for 1Ls. 2Ls and 3Ls team up with a single 1L and kind of coach them through the year. If they need anything, provide books and study aids." Josie, a Black female law student, was especially grateful that her BLSA-assigned mentor provided so much academic support:

[M]y BLSA mentor for my first year was so cool. She was great. I am so glad that I had her. She was really great. I didn't have to seek her out, either. She came to me, 'cause I'm really shy, which is why I don't make a lot of friends. I don't even talk to my professors. I just am really, really shy. Until I get to know people, then I'm loud [laughter], but initially I'm very shy. So I don't approach people, and she would come up to me and say, "Do you need a book?" "Do you need this?" "Do you need that?" And she'd put books in my box. She was *really* great.

In addition to the formal mentor relationships, informal academic mentoring happens spontaneously in race/ethnic-specific groups as well, with a number of students having similar experiences to a male student named Ken, who notes the following about his second year in law school:

Well, given that I'm the APALSA President, I guess [first year students] automatically. . . de facto I'm an informal mentor. But I

definitely, when I see the 1Ls in the halls that I'm familiar with, I ask them how they're doing and how their classes are going. I have given, through APALSA, have given out a number of outlines, I willingly share my study aids, all that stuff.

In addition to the many forms of support discussed above, all of which students of color expected to receive through participation in race/ethnic-specific groups, membership also provides students with career benefits. Many of these organizations provide unique networking opportunities to members, facilitating their ability to meet not only students of color from within the school and from nearby schools, but also prominent alumni and other local officials. Ashley, who is a South Asian female student, mentions one particular event she helped organize and the ways in which it provided networking opportunities to members of her group:

This year I'm Vice President for SALSA, which is the South Asian Law Students Association. . . . We participated with SALT, which is the South Asian Leaders of Tomorrow organization, in their Gandhi Day of Service, which is in October, and so we got a lot of 1Ls involved in that as well, which was a neat opportunity, and got to meet other South Asian[s] in the Bay Area, which was a very good opportunity.

Sometimes, these networks go beyond that first encounter and lead to immediate career benefits. For instance, an API female named Becca credits her membership in APALSA with helping her get her first legal summer job with a judge: "I had seen [the judge] at one of the APALSA conferences my first year . . . so I applied to her. I guess she liked that I was interested in Asian American issues, which she's a strong promoter of, and so I just interviewed with her [and got the job]." Similarly, a Latina named Maya notes how her participation in LLSA led to her first legal job for the summer: "I got the job at Esperanza because LLSA had a banquet. LLSA had a banquet and we give all our proceeds from ticket sales to charity, and they were our charity, and at the table they had put little things saying they were looking for interns. So that's how I applied for that job."

Often, these various forms of support combine to make law school more welcoming for students of color. For instance, Amelia, a Latina, is clear that her experience with LLSA revolves around emotional support, but also includes social support and a potential avenue for social mobility, stating:

I don't do it so much because I get to put it on a resume, I'm doing it more because I get to interact with people who think like me or are like me or look like me, who are aware of the political issues that are out there, that are facing us and the social issues and all the things; its just more of a personal enjoyment for me to be there and make a little bit of a change and it's a great way to network as well because these people are my colleagues in the future.

Thus, students of color specifically note the ways in which race/ethnic-specific law student organizations have provided social, cultural, emotional, and academic support that help sustain them during the diffi-

cult years of law school, as well as networking that may also help in the long-term with future career success.

## 2. *Experiences in Mainstream Organizations*

In contrast, both students of color and white students in mainstream groups tend to enjoy unexpected social support, in addition to meeting people with shared interests and enjoying the broader networking that they expected. Kieran, an API male, says of his leadership in a mainstream group focused on interests in legal-political issues in Asia, “Yeah, it’s been pretty fun and we’ve been working pretty hard to make it a fun and active club.” Nowhere does he mention cultural, emotional, or academic support from this mainstream group; his experience as President revolves around two things: the interests and social events that members enjoy. Similarly, Leif, a white male student, was minimally invested in a few mainstream groups—including one with a social justice purpose—but just for “fun”: “I also joined PREP, the Prisoner’s Rights and Education Project, and taught one class in prison, which was similarly fun, but I similarly never got the impetus to actually do anything with that.”

Students also receive career benefits from their involvement in mainstream organizations, especially with regard to networking opportunities that may pay off in the future. For example, a white woman named Lailah mentions:

[I am the] incoming President of the Law and Business Association. . . . Basically, it’s just a big umbrella organization that sponsors a lot of different events and a lot of different projects with the business school, and with members in the either transactional practice legal community or they have law degrees but aren’t working in the traditional legal setting, like investment banking or federal regulations, like the Treasury or FTC, where there’s like a business element. [S]o it’s good to sort of get people aware of what you can do if you don’t want to be a litigator.

Lailah’s leadership role in this group provides her with a unique opportunity to network with the very people with whom she hopes to work in the future. Kelvin, a white male law student, has a similar experience with another mainstream law student organization; membership in the Environmental Law Society enabled him to network both locally and internationally with individuals and organizations that do research in his area of interest: “I am also the Legal Projects Coordinator for the Environmental Law Society, which is like the advocacy chair. . . and focus specifically on new environmental projects. I coordinate research projects with organizations internationally and locally in the environmental area.”

Some members of mainstream groups are lucky enough to experience all three of the benefits of membership in mainstream groups simultaneously. Niles’ membership in West Coast Connection provides him with social support, an opportunity to meet people with shared interests, and broader networking benefits all in one place. An API male, Niles says the following about his participation in a group set up to cater to the interests of people from the West Coast:

With West Coast Connection, a lot of it is just networking, meeting other people. We have some meetings where we tell the 1Ls how to get jobs on the West Coast, and other general things that 1Ls might need to know. Other than that, we just hang out and have fun and drink. We're going roller-skating tonight.

Niles' experience as a member of this mainstream group is similar to that of other students of color as well as white students who joined this type of group: he appreciates the social aspects of membership, especially as the group consists of individuals who share similar interests, and also enjoys the networking opportunities that arise through participation.

#### IV. MEMBERSHIP AND THE MASTERS: CONFRONTING AUTHORITY

Empirical evidence indicates that students of color turn to race/ethnic-specific organizations in order to find the support necessary to sustain them through the challenging law school environment, while they join mainstream groups for a community of shared interests and with future career goals in mind. Their experiences validate their expectations, adding career-related benefits to membership in race/ethnic-specific groups. How does this relate to American racism and especially to Bell's scholarship on school integration?

The title of this section draws directly from Derrick Bell's personal narrative, *Confronting Authority: Reflections of An Ardent Protester*, where he recounts his decision to take a leave of absence from Harvard Law School when that institution failed to hire an African American female tenure-track professor.<sup>113</sup> In the book, he also discusses various other leaders and scholars who confronted authority at great personal risk but in accordance with their faith or moral convictions.<sup>114</sup> Following this vein, this section speaks directly to law school administrators and others who have the power to make change on their campuses, such that we can attempt to meet the goals of both masters: integration and equality.

From Derrick Bell we have learned that the attorneys and clients involved in the fight for educational equality in the 1940s and 1950s were somewhat at odds.<sup>115</sup> The attorneys pushed for integration of African American children with whites, arguing that separate could never be equal.<sup>116</sup> Some members of the community, however, focused directly on attaining high quality education for their children because they feared that their children would not be treated equally at "white" schools.<sup>117</sup> Thus, they argued that their children's best chance of educational excellence was through separate, high quality schools.<sup>118</sup>

Our current predicament suggests that the goal of integration has not been met, while fears of inferior education in "white" schools may not have been unfounded. When "separate but equal" was outlawed in

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113. DERRICK A. BELL, *CONFRONTING AUTHORITY: REFLECTIONS OF AN ARDENT PROTESTER* (1994).

114. See generally, *id.*

115. Bell, *supra* note 14, at 482–87.

116. *Id.* at 476 n.21.

117. *Id.*

118. *Id.*

*Brown*, the community members who had hoped to find high quality education through separate schools recognized their preference was no longer an option. While institutions of public education may no longer legally separate students based on race, *de facto* segregation continues.<sup>119</sup> Bell notes that the Supreme Court limited the scope of *Brown* in subsequent cases.<sup>120</sup> Specifically, after *Milliken v. Bradley*<sup>121</sup> and *Swann v. Charlotte-Mecklenberg Board of Education*,<sup>122</sup> busing between the inner city and suburbs is rarely an option. Following the recent decision in *Parents Involved in Community Schools v. Seattle*, school districts will be hesitant to allocate students to schools while taking account of race through voluntary integration.<sup>123</sup> Thus, there seem to be few opportunities to fix the segregation that has set in and continues to intensify.<sup>124</sup> As Bell himself recognized decades ago: “[W]here racial balance is not possible because of population concentrations, political boundaries, or even educational considerations, there is adequate legal precedent for court-ordered remedies that emphasize educational improvement rather than racial balance.”<sup>125</sup>

Perhaps unfortunately, the focus has remained on integration and those institutions that have achieved some measure of integration are not necessarily delivering the stellar results that many anticipated. Students of color in integrated schools are very likely underrepresented on campus.<sup>126</sup> Many report daily “microaggressions” that cause negative academic outcomes.<sup>127</sup> Even white students characterize their campus environments as not supportive or nurturing for students from diverse backgrounds.<sup>128</sup> Obviously, this is far from the excellent education that the *Brown* lawyers hoped would follow from their victory. How can we improve things now?

Administrators must continue to find ways to increase diversity on their campuses and make their campus environments comfortable for all students. This research reaches this complicated issue by analyzing data from students of color and white students alike through an examination

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119. See discussion *supra* p. 10.

120. Bell, *supra* note 14, at 481 (“They [the U.S. Supreme Court] have established new standards which limit relief across district lines” and between districts when children would have to travel long distances.).

121. 418 U.S. 717 (1974).

122. 402 U.S. 1, 30–31 (1971).

123. *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701 (2007). Note that affirmative action in higher education and the resulting integration of predominantly white institutions of higher education may also be limited depending on the outcome of *Fisher v. Texas*, where oral argument is expected in the Supreme Court this October. See *supra*, note 22.

124. See Danielle Holley-Walker, *After Unitary Status: Examining Voluntary Integration Strategies for Southern School Districts*, 88 N.C. L. REV. 877, 897–904 (2010) (highlighting trends and strategies employed for integration after *Parents Involved*).

125. Bell, *supra* note 14, at 487.

126. See Erwin Chemerinsky, *The Segregation and Resegregation of American Public Education: The Court’s Role*, in *SCHOOL RESEGREGATION: MUST THE SOUTH TURN BACK?* (John Charles Boger & Gary Orfield eds., 2005).

127. Solórzano et al., *supra* note 10, at 48.

128. See Cassman & Pruitt, *supra* note 8, at 1269.

of their expectations and experiences with both mainstream and race/ethnic-specific student organizations.

First, data analysis suggests that students of color join race/ethnic-specific law student organizations primarily in order to receive social, cultural, emotional, and academic support. Students of color and white students alike tend to join mainstream organizations mainly because of shared interests and for social mobility reasons.

These conclusions have far-reaching and important implications. To begin, it is crucial to determine what students of color are expecting to obtain from membership in student organizations. Only when administrators, faculty, and other supporters of educational equality have a clear assessment of their needs can we hope to meet those needs. If students are joining groups in the hopes of receiving social support to sustain them during law school, we must ensure that social support is provided — especially if we determine that this and other forms of support may help students of color succeed academically. In addition, the data show that there are some differences between mainstream organizations and race/ethnic-specific organizations, at least with regard to what students expect to receive from their participation. Thus, race/ethnic-specific groups serve a unique function even in terms of inviting members to join, in that students have specific expectations of support before becoming members and join for these reasons. These groups should be supported on law school campuses with significant financial and other resources. When race/ethnic-specific organizations are encouraged to continue to serve the needs of their members, this in turn provides unique forms of support.

Second, analysis of the data suggests that students of color rely on race/ethnic-specific student organizations to provide a variety of support mechanisms. Specifically, the themes that have emerged from the data indicate that students of color expect that these counter spaces will provide social, cultural, emotional, and academic support. These expectations are being met and, in some instances, exceeded as students of color also report career benefits to membership in race/ethnic-specific groups. In contrast, the only support that mainstream organizations provide to their white and non-white members is social support; they also play a key role in creating community for people with shared interests and facilitating networking to meet future career goals. Thus, both types of groups may be essential for reaching optimal educational and professional outcomes. Race/ethnic-specific organizations may provide the supportive and nurturing environment necessary to succeed academically, while mainstream organizations may serve to fulfill the interests of both student of color and white members.<sup>129</sup> While it may be important first to champion race/ethnic-specific organizations that provide broad benefits to members, groups connecting students based on their interests are also vitally important and should be supported.

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129. See Meera E. Deo, *Bolstering Bonds and Building Bridges: Social Capital in Law Student Organizations* (May 8, 2009) (unpublished Ph.D. dissertation, University of California, Los Angeles) (on file with author).

Again, these conclusions have significant implications. First, it is heartening to see that students of color who participate in mainstream organizations are not actively or obviously excluded, but are able to partake in forms of social capital involving connections and networking that are available to white student members. Much of the literature would suggest that students of color would perhaps be alienated from participating in these groups or that they would not enjoy the same benefits as white members.<sup>130</sup> However, those students who do participate in mainstream groups report general satisfaction with their experience as members.

In addition, the data show that the experience of students of color in race/ethnic-specific organizations is rich with benefits. These student members report support on various key measures, including social mobility and support and also cultural, emotional, and academic support, which neither they nor white students are receiving from participation in mainstream groups. With this information in hand, administrators can make any number of changes to enhance the academic life of all students on law school campuses. One obvious change would be to find ways to include emotional and academic support through mainstream groups, especially because students of color note their great satisfaction with this support they receive from race/ethnic-specific organizations. It may be that students of color appreciate this support because they need it much more than their white peers (who as a whole are not direct targets of the hostile environment); nevertheless, increasing support in mainstream groups could also go a long way in helping students of color who participate in these organizations feel even more comfortable not only as members of these groups, but as members of the larger law school community.

## V. CONCLUSION

Derrick Bell has noted the difficult choice facing civil rights activists contemplating their strategy before *Brown v. Board of Education*: should they choose integration or equality? They may not have seen it that way at the time, and Bell surely discussed it in a more nuanced manner, but the clairvoyance of hindsight indicates that an attempt to achieve one (educational integration) has resulted in the loss of the other (educational equality).

In choosing to fight for integration, we may have lost our opportunity to achieve true equality in education. When the Supreme Court outlawed formal educational segregation, the activists won the fight for integration. But at what cost? And to what gain?

May we consider *Brown* to be mainly a symbolic victory? In *Serving Two Masters*, Bell suggests that the reason lawyers are unwilling to abandon desegregation efforts may be because they think of "racial balance as a symbol."<sup>131</sup> Tying this assertion to Bell's later scholarship on symbolic gains is especially instructive here. In *Faces at the Bottom of the Well*, Bell argues that symbolic gains appease the oppressed without much cost to

130. See FEAGIN ET AL., *supra* note 39, at 7–9.

131. Bell, *supra* note 14, at 489.



those in power.<sup>132</sup> Perhaps Geneva Crenshaw, the fictional Black character in Bell's narratives, puts it best when she points out that "the law works for the Man most of the time, and only works for us in the short run as a way of working for him in the long run."<sup>133</sup>

How does this apply in the education context? Perhaps the Supreme Court's decision in *Brown* effectively provides short-term appeasement to those pushing for integration, but falls short of the long-term goal of true equality. Today, we have increasingly segregated schools. The institutions of learning that are integrated tend to be predominantly white campuses with token numbers of students of color. Many of these students are unable to reach their full potential, being sidelined by "microaggressions" that cause them to disengage from learning. Some persevere by seeking support in various places, including student organizations. Because of the failings of integration, students of color on predominantly white campuses have had to compensate by building their own separate support systems within their academic institutions.

This Article considers race/ethnic-specific law student organizations as well as mainstream organizations to be sources of support for students. In considering both the expectations and experiences of student members, we come to recognize the unique contributions that race/ethnic-specific organizations make to their members and their campuses. We also can see the value in mainstream groups, to both white and non-white members.

Law school administrators and others committed to improving the situation for students of color on predominantly white campuses can learn from the voices speaking out in this Article. Through continued commitment to student organizations, law schools can help students receive the social, cultural, emotional, and academic support they need. Otherwise, we are left without integration and without equality — not far from where we started. And, as Derrick Bell admonished, we are not saved.<sup>134</sup>

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132. BELL, *supra* note 1, at 19.

133. *Id.* at 25.

134. DERRICK A. BELL, *AND WE ARE NOT SAVED: THE ELUSIVE QUEST FOR RACIAL JUSTICE* (1987).

