

THE ENIGMA OF THE STIGMA: A CASE STUDY ON THE VALIDITY OF THE STIGMA ARGUMENTS MADE IN OPPOSITION TO AFFIRMATIVE ACTION PROGRAMS IN HIGHER EDUCATION

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INTRODUCTION

This project was sparked by two episodes of the hit NBC television show *Law & Order*.¹ One of the show's common themes is to produce episodes in response to current developments in the law.² I viewed what I will call "Episode B" first, and it piqued my interest. Episode B aired in October 2003 (during the first two weeks of the show's new fall season and almost directly in the wake of the *Grutter* and *Gratz* decisions).³ "Episode A" is a much older show that I saw when it aired in syndication on TNT approximately two weeks after Episode B aired in NBC's primetime Wednesday lineup. Although these two episodes were filmed years apart and employed different story lines,⁴ the fictional defendant in each show offered the same affirmative defense—that the stigma of advancement through an affirmative action program was so unbearable it had led each of them to commit murder.

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1. With its recent renewal through May of 2005, *Law & Order* will soon become the longest-running police series and the second-longest-running drama series in the history of television. Cf. Heather Havrilesky, *Murphy's Law & Order*, SALON.COM, Mar. 19, 2003, at http://www.salon.com/ent/tv/feature/2003/03/19/law_order/index_np.html ("A conservative estimate is that 88 million viewers watch 'Law & Order' and its spinoffs and reruns each week. That's 30% of the U.S. population, which means that 3 out of very 10 people you see have watched the show in the last week").
2. Viewers are usually signaled to the fact that the upcoming episode is playing on current events because it is billed as being "ripped from the headlines" in the trailers.
3. See generally *Grutter v. Bollinger*, 539 U.S. 982 (2003) and *Gratz v. Bollinger*, 539 U.S. 224 (2003). Besides the general storyline of the episode, there is a particular scene in which the district attorneys debate the points of these two decisions at length.
4. One of the primary distinctions is that the defendant in Episode A murdered a white man while the defendant in Episode B murdered a black man. For a more detailed explanation of the plots, see Appendices A and B.

After viewing Episode B, I was disturbed for one primary reason. It is well-documented that white juries are far more likely to convict black defendants, especially when the defendant is being tried for a violent crime against a white victim.⁵ In light of this fact, I found it troubling that an all white jury could see fit to do something so rare in acquitting a black, male defendant (especially in a case where the defendant had admitted guilt) just because he had suggested that affirmative action, a program that is supposed to help African Americans, made him commit the crime. After viewing Episode A, a larger pattern seemed evident. Given that Episode A is the older episode, it strains credulity to believe that the writers and editors of "Law & Order" were unaware that they were recycling the "affirmative action made me do it" defense when they wrote and filmed Episode B. This realization led me to wonder if the defense was purposefully recycled as the show's latest commentary on affirmative action in the wake of the Michigan affirmative action cases. My suspicion was heightened by the fact that the defense was portrayed as successful in Episode B while it was unsuccessful in Episode A. I draw attention to these episodes as evidence of the extent to which the racial stigma argument has permeated mainstream culture and its potential to influence society's view of the behavior and capabilities of African American beneficiaries of affirmative action.

The concerns outlined above led me to investigate whether such a stigma actually exists, and if so, the extent to which it plagues the African American community. As an African American student at one of the nation's most prestigious and selective law schools, I was a member of the ideal community for conducting an investigative study on this topic. My report is divided into three Parts: Part I explains the basic framework of the stigma argument as it is most commonly asserted in opposition to affirmative action programs; Part II explains my methodology and reveals the quantitative and qualitative fruits of my research; and finally, Part III discusses the conclusions I have drawn from my research and the questions and concerns generated by this experience.

I. THE BASICS OF THE STIGMA ARGUMENT

Racial stigma is the dishonorable mark socially inscribed on a particular skin color.⁶ Racial stigmatization goes beyond the traditional hallmarks of racial discrimination such as being referred to by a racial epithet or the denial of an opportunity on the basis of one's race.⁷

5. See Marc Mauer, *The Crisis of the Young African American Male and the Criminal Justice System* (Apr. 1999), available at <http://www.sentencingproject.org/pdfs/5022.pdf> (prepared for U.S. Commission on Civil Rights); see also Mike Males & Dan Macallair, *The Color of Justice: An Analysis of Juvenile Adult Court Transfers in California*, Building Blocks for Youth Initiative (2000), at <http://www.buildingblocksforyouth.org/colorofjustice/coj.html> (white jurors are more likely in mock jury studies to find a black defendant guilty than a white defendant even when the mock trials were based on the same crime and the same evidence).

6. R. A. Lenhart, *Understanding the Mark: Race, Stigma, and Equality in Context*, 79 N.Y.U. L. REV. 803, 809 (2004).

7. *Id.*

It involves becoming a disfavored or dishonored individual in the eyes of society, a kind of social outcast whose [skin color] stands as a barrier to full acceptance into a wider community. . . . [It] “entails doubting the person’s worthiness and consigning him or her to a social netherworld . . . it means being skeptical about whether the person can be assumed to share a common humanity with the observer.”⁸

Advocates of the stigma theory contend that the consequences of racial stigmatization include the distortion of social relationships, the concealment of prominent racial disparities, and conscious and unconscious behavior on the part of non-stigmatized individuals that intensifies racial disadvantage.⁹ According to some scholars, racial stigma “reify[ies] existing racial hierarchies and lock[s] African Americans and other racial minorities into a permanent ‘outsider’ status.”¹⁰

For the purpose of this discussion, I have divided the racial stigma argument as it is commonly advanced against affirmative action into two primary branches. External stigma is the burden of being treated or viewed differently by others, or as though one is unqualified, based on their assumption that one is a beneficiary of affirmative action. Internal stigma is defined as the feeling of dependency, inadequacy, and at times guilt that can strike those who believe themselves to be beneficiaries of affirmative action. I use the language “believe themselves to be beneficiaries of affirmative action” rather than “beneficiaries of affirmative action” because in an academic context, there is often no way for a student to know for certain whether she benefited from an affirmative action program.¹¹ While both types of stigma are commonly asserted as justifications for ending affirmative action programs,¹² I suspect that external stigma is more com-

8. *Id.* quoting GLENN C. LOURY, *THE ANATOMY OF RACIAL INEQUALITY* 61 (2002).

9. *Id.* at 810.

10. *Id.*

11. The same is often true in the employment context especially if hiring decisions and policies are kept confidential. Even in situations where a college, university, or employer advertises the use of an affirmative action policy or formula, objective means for determining which individuals benefited and which did not are rarely available to the applicant body. It is entirely possible that a college, university, or employer could have an affirmative action policy yet consistently receive minority applications with comparable grades and test scores to white applications, thus making it unnecessary to “lower their standards” (as the stigma argument implies) in order to obtain a diverse academic or professional community.

12. See, e.g., Terry Eastland, *The Case Against Affirmative Action*, 34 *WM. & MARY L. REV.* 33, 34 (1992); Charles Murray, *Affirmative Racism*, in *Debating Affirmative Action: Race, Gender, Ethnicity, and the Policies of Inclusion*, in *DEBATING AFFIRMATIVE ACTION: RACE, GENDER, ETHNICITY, AND THE POLITICS OF INCLUSION* 207 (Nicolaus Mills ed., 1994); *Metro Broadcasting, Inc. v. FCC*, 497 U.S. 547, 637 (1990) (Kennedy, J., dissenting) (noting that affirmative action policies impose stigma on their beneficiaries and foster view that they are less able to compete); *Richmond v. J. A. Croson Co.*, 488 U.S. 469, 516 (1989) (Stevens, J., concurring) (noting that affirmative action legislation stigmatizes beneficiaries). For a review of this issue, see Andrew F. Halaby & Stephen R. McAllister, *An Analysis of the Supreme Court’s Reliance on Racial “Stigma” as a Constitutional Conception in Affirmative Action Cases*, 2 *MICH. J. RACE & L.* 235 (1997). See also John E. Morrison, *Colorblindness, Individuality and Merit: An Analysis of the Rhetoric Against Affirmative Action*, 79 *IOWA L. REV.* 313, 340–44 (1994); see generally STEPHEN L. CARTER, *REFLECTIONS OF AN AFFIRMATIVE ACTION BABY* (1991).

mon than internal stigma for at least one reason: many affirmative action opponents, in the interest of making their position appear benevolent, have a tendency to exaggerate the prevalence of internal stigma to suggest that the primary objection to affirmative action is that it harms its beneficiaries more than anyone else. Even conceding a scintilla of merit to the stigma theory, I also assert that neither type serves as sufficient reason to end such important and valuable programs.

United States Supreme Court Justice Clarence Thomas arguably has been in recent years, given his race and position, the most prominent and influential proponent of the stigma argument in opposition to affirmative action. I begin the discussion of the framework of the stigma argument with an evaluation of his perspective because it serves as both a concise articulation of the basic principles of the argument and an excellent example of the effects of both internal and external stigma.

Justice Thomas has defined our current political and legal system as one that grossly undermines personal responsibility by “actively encourag[ing] people to claim victim status and to make demands on society for reparations and recompense . . . [while] actually seek[ing] to denigrate or deconstruct heroes.”¹³ For him, “heroes” are those who “[a]ccept personal responsibility for victory as well as for defeat” and possess traditional virtues such as “courage, persistence, discipline, hard work, humility, and triumph in the face of adversity.”¹⁴

There are three main bases for Justice Thomas’s opposition to affirmative action, all of which are evident in his controversial dissent in the landmark University of Michigan affirmative action cases.¹⁵ First, Justice Thomas believes that internal stigma has destructive effects on affirmative action beneficiaries.¹⁶ “[They] develop dependencies or . . . adopt an attitude that they are entitled to preferences,” as well as being demeaned by the message that they cannot succeed on a level playing field.¹⁷ At his

13. Clarence Thomas, *Victims and Heroes in the “Benevolent State,”* 19 HARV. J. L. & PUB. POL’Y 671, 672–73 (1996).

14. *Id.* at 671–72.

15. Note, *Lasting Stigma: Affirmative Action and Clarence Thomas’s Prisoners’ Rights Jurisprudence*, 112 HARV. L. REV. 1331, 1334–36 (1999) [hereinafter *Lasting Stigma*]; see generally *Grutter*, 539 U.S. at 349–78. Thomas began his opinion with a quotation from abolitionist Frederick Douglass (taken well out of historical context) proclaiming his desire that the black man be “let alone” and given the chance to stand on his own two feet. Dwelling on experiences from his childhood, Thomas explained that he shared Douglass’s view on the ability of African Americans to stand on their own and achieve success without the “meddling of university administrators.” He went on to note that although he was in support of black success in law school and other arenas, the Constitution does not tolerate that success to stem from a racially discriminatory policy that favors blacks over whites. Thomas stated that the University of Michigan Law School’s affirmative action program “tantalizes unprepared students with the promise of a University of Michigan degree and all of the opportunities that it offers. These overmatched students take the bait, only to find that they cannot succeed in the cauldron of competition.” *Id.* at 372. Lifting a quote from his concurrence in *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200 (1995), Thomas reiterated his view on racial stigma: “[t]hese programs stamp minorities with a badge of inferiority and may cause them to develop dependencies or to adopt an attitude that they are ‘entitled’ to preferences.” *Grutter*, 539 U.S. at 373.

16. *Lasting Stigma*, *supra* note 15, at 1334.

17. *Id.*

Supreme Court confirmation hearings, Thomas stated that racial quota plans “had the tendency of undermining the self-esteem and dignity of the recipients.”¹⁸ Justice Thomas also firmly believes in the harmful effects of external stigma. He reasons that lowering objective standards for minorities “puts the federal imprimatur on the idea that educated blacks can’t compete, and therefore lends credence to it—a loss that isn’t worth the gain.”¹⁹ Second, he believes that such unwarranted paternalistic condescension equates minority status with weakness and brands minorities with an indelible mark of inferiority.²⁰ Finally, Justice Thomas opposes affirmative action because of his pragmatic view that such programs tend to benefit the middle class rather than the truly disadvantaged members of minority groups they are supposedly intended to aid.²¹

In attempting to place Justice Thomas’s views on affirmative action and stigma in the proper perspective, a treatment regarding the extent of his own professed experience with stigma is illuminating:

[Justice Thomas] has acknowledged that he felt like an outsider while at Yale Law School because of this fear that others would assume that he could not compete without the benefit of preferences, but he has also held up the Yale program as a model—one in which the administration made an active effort to recruit minorities to apply, but evaluated them on their individual merits and never used specific quotas to determine admissions. Similarly, Thomas told an interviewer in 1980 that he would never want a job with the Equal Employment Opportunity Commission (EEOC)—or, indeed, any position connected with racial issues—because “people meeting me for the first time would automatically dismiss my thinking as second rate.” Nevertheless, five months after that interview, he became the Department of Education’s Assistant Secretary for Civil Rights, even though he was “insulted by the initial contact about the position.” His acceptance of the nomination to head the EEOC eight months later called into question the sincerity of his protestations. Asked at his Supreme Court hearing whether the same perception of stigma [had] suffuse[d] his nomination to become an Associate Justice, Thomas responded, essentially, that he had not been selected because of his race, but even if he had been, the importance of diversity would have justified such a decision.²²

I offer that the vastly conservative and arguably hostile view advanced by Justice Thomas in opposition to affirmative action is an effort to both counter external stigma and compensate for his feelings of internal stigma. With respect to external stigma, many of Thomas’s harshest critics are offended that he is opposing the very policies that they believe have led

18. *Id.*

19. *Id.* at 1334–35.

20. *Id.* at 1335.

21. *Lasting Stigma*, *supra* note 15, at 1336.

22. *Id.* at 1335.

him to his current position on the Supreme Court.²³ In their eyes, Thomas does not have the moral authority to make the case against affirmative action because he “is himself one of the most notorious affirmative action hires in history.”²⁴ I believe that Thomas professes his views as an attempt to quash these external stigma-based questions regarding his qualifications and his career by distancing himself as much as possible from what could be conceived as the “pro-black” view of supporting affirmative action programs. I further assert that Thomas’s personal struggles with internal stigma have led to “a decade of very public efforts to define an identity for himself independent of color.”²⁵

Justice Thomas is certainly not alone in his belief in the prevalence and consequences of stigma. Shelby Steele, another prominent proponent of the stigma theory, wrote of external stigma:

I think one of the most troubling effects of racial preferences for blacks is a kind of demoralization. Under affirmative action, the quality that earns us [African Americans] preferential treatment is an implied inferiority . . . what this means in practical terms is that when blacks deliver themselves into integrated situations they encounter a nasty little reflex in whites, a mindless atavistic reflex that responds to the color black with negative stereotypes, such as intellectual ineptness.²⁶

Later in his essay, Steele suggests that the glass ceilings that African Americans often face in the workplace may not be against the race as a whole but rather against the race’s reputation for advancing on color instead of merit.²⁷ He further comments that if a corporation were to implement a glass ceiling over African Americans for this reason, it would be in an attempt to shift the focus from color to competency.²⁸ On the topic of internal stigma, Steele remarked “The effect of preferential treatment—the lowering of normal standards to increase black representation—puts

23. Mary Kate Kearney, *Justice Thomas in Grutter v. Bollinger: Can Passion Play a Role in a Jurist’s Reasoning?*, 78 ST. JOHN’S L. REV. 15, 26–27 (2004).

24. *Id.* at 27.

25. *Lasting Stigma*, *supra* note 15, at 1332–33.

The content of Justice Thomas’ opinions is a natural outgrowth of his distinctive ideology that values individual responsibility and condemns moral weakness. The tenor of these opinions, however, stems at least in part from Thomas’s reaction to the irony of being viewed as a beneficiary of affirmative action at every level of professional attainment—most glaringly his nomination to fill Justice Thurgood Marshall’s seat on the Supreme Court—despite his strong stance against race-conscious policies. Furthermore, Thomas’s confirmation hearings included charges that he was an unqualified minority hire selected to fill the “black seat” on the high court, despite a decade of very public efforts to define an identity for himself independent of color. In partial response to such criticisms, Justice Thomas has structured his jurisprudence to define himself as separate from—and often in direct opposition to—Justice Marshall.

Id. at 1332–33.

26. Shelby Steele, *A Negative Vote on Affirmative Action*, in *DEBATING AFFIRMATIVE ACTION: RACE, GENDER, ETHNICITY, AND THE POLITICS OF INCLUSION*, 37, 41 (Nicolaus Mills ed., 1994).

27. *See id.* at 44.

28. *Id.*

blacks at war with an expanded realm of debilitating doubt, so that the doubt itself becomes an unrecognized preoccupation that undermines their ability to perform, especially in integrated situations."²⁹

Focusing on the academic context, Abigail and Stephan Thernstrom identify external stigma as the fuel for the inflamed racial tensions on the campus of Stanford University in the late 1980s and early 1990s.³⁰ The Thernstroms report that at that time, "the Stanford campus, like so many others, was a racial tinder box, ready to explode . . . [black and white Stanford students] were not even talking the same language . . . and couldn't agree on the meaning of racism."³¹ The situation was further exacerbated by a series of ugly and tragic racial incidents that occurred on Stanford's campus in September of 1988.³² After thoroughly depicting the intense racial climate, the Thernstroms wrote:

[W]hat a mess . . . does a greater black presence on campus inevitably mean greater racial tension? Of course not. Not if black students arrive as equals and are treated as such. At Stanford, neither was true. As of 1994, black undergraduates were entering Stanford with an average combined S.A.T. score of 1164 . . . putting them in the top sixth of all test takers . . . but their white classmates had been admitted with a 1335 average, placing them in the top three percent of all students nationally . . . affirmative action programs call attention to racial differences—they heighten racial consciousness . . . they reinforce that myth of black inferiority.³³

With these statements, the Thernstroms confidently alleged that if the black students at Stanford had achieved test scores equal or closer to those of their white counterparts, then racial tensions would have been lessened or perhaps even non-existent.³⁴

With respect to internal stigma, the Thernstroms believe it was to blame for the black power movement that was beginning to take place at Stanford and for charges of "(invisible) white racism" made by black Stanford students.³⁵ They stated that a student survey conducted on Stanford's campus during the turbulent time in question revealed that the majority of black students who claimed to have an experience with prejudice described that experience as "subtle and hard to explain."³⁶ These students explained that "covert, elusive discrimination deeply affected their daily lives...racism...was institutional or structural...the greater power (undefined) of whites had racist consequences: too many white tenured faculty and too few black students had been receiving academic honors,

29. *Id.* at 42.

30. STEPHAN THERNSTROM & ABIGAIL THERNSTROM, *AMERICA IN BLACK AND WHITE: ONE NATION, INDIVISIBLE* 386–88 (1997).

31. *Id.* at 387.

32. *See id.* (After two intoxicated white students, following an argument over Beethoven's lineage, defaced a Beethoven poster in a way that made him look black, the situation on campus deteriorated to the point where, for a brief period, flyers alternatively denigrating white and black students freely circulated.)

33. *Id.* at 386–88.

34. *See id.* at 388.

35. THERNSTROM & THERNSTROM, *supra* note 30, at 388.

36. *Id.* at 387.

for instance."³⁷ Given the racial climate on campus, there is a strong possibility that these feelings were credible; but the Thernstroms dismissed them as products of an internal stigma-based anxiety:

High anxiety—the deep seated fear that black inferiority may not be, after all, a myth—is just one source of what [Shelby] Steele has called a campus “politics of difference,” in which groups assert rights and vie for power based on their racial identity. The charge of (invisible) white racism becomes the solution to the pain of self-doubt, and that charge not only transfers the problem to others but legitimizes a politics of 1960’s-style racial protest.³⁸

While Thomas, Steele and the Thernstroms promote the notion of internal stigma and hold it responsible for creating a burden almost too heavy to bear, a well-known and widely respected study presents evidence to the contrary.³⁹ *The Shape of the River: Long Term Consequences of Considering Race in College and University Admissions* was conducted and authored by former Harvard University President Derek Bok and former Princeton University President William Bowen.⁴⁰ *The River’s* aims were to go beyond the intense debate over affirmative action in the admissions process and examine how such policies actually worked in practice through a comprehensive case study.⁴¹ The study consisted of a thorough examination of white and African American students who matriculated at a core group of academically selective colleges and universities in the United States.⁴² Bok and Bowen hypothesized that if minority students were truly suffering from internal stigma to their detriment, one would

37. *Id.*

38. *Id.* at 388.

39. DEREK BOK & WILLIAM BOWEN, *THE SHAPE OF THE RIVER: LONG TERM CONSEQUENCES OF CONSIDERING RACE IN COLLEGE AND UNIVERSITY ADMISSIONS* 261 (1998) [hereinafter *The River*]. *But see id.* at 262

There is one kind of evidence, however, that can be read to support claims of demoralization or diminished motivation. A number of studies (including our own) have found that minority students, especially blacks, perform at significantly lower levels academically than their test scores would predict. . . . Some experimental evidence does suggest that vulnerability to racial stereotypes helps to explain underperformance by minority students. If this is so, however, it seems likely that such stereotypes are less a product of race-sensitive admissions policies than of deep-seated prejudices that long antedate these policies and still exist in our society. Another piece of evidence from our study casts further doubt on the hypothesis that *admissions policies* account for underperformance . . . it is the *most* academically talented black students (who could be admitted even under a race-blind policy, and who have the *least* reason for feeling outmatched intellectually) who perform the furthest below their potential.” (Emphasis in original).

Id. at 262.

40. *Id.*

41. *Id.* at xxxi.

42. *Id.* at lv–lvii. The colleges and universities included in the study were: Barnard, Bryn Mawr, Columbia, Denison, Duke, Emory, Hamilton, Kenyon, Miami (Ohio), Northwestern, Oberlin, Penn State, Princeton, Rice, Smith, Stanford, Swarthmore, Tufts, Tulane, University of Michigan at Ann Arbor, University of North Carolina at Chapel Hill, University of Pennsylvania, University of Washington, Vanderbilt, Wellesley, Wesleyan, Williams, and Yale.

expect that they would be less likely than whites to succeed in graduate and professional schools, less likely to appreciate their college experience, and less inclined to report that they benefited intellectually from having attended a selective school.⁴³

The River's study yielded results contrary to this hypothesis.⁴⁴ The minority students questioned were found to be just as likely as their white counterparts to attend the most demanding and competitive professional schools and to become doctors, lawyers, and business executives.⁴⁵ They were also found to be equally as appreciative of their college experience, and inclined to believe that they gained more from their college experience than their white counterparts.⁴⁶ The more selective the college they attended, the more satisfied minority students were with their college experience; furthermore, this particular pattern held true even for those students with lower test scores.⁴⁷ In light of these findings, Bok and Bowen commented "if black students admitted to the most academically demanding schools suffered as a result, they certainly don't seem to know it."⁴⁸

The River's findings seem to disprove the external stigma argument as much as the internal one.⁴⁹ Bok and Bowen interpreted the external stigma argument as reasoning that minority graduates would have achieved more in their careers had they attended college with students of comparable ability, because they would have performed better academically while avoiding the implication of inferiority and the shame of having their qualifications questioned.⁵⁰ Contradicting this theory, *The River's* study found that black students at the most selective schools (including those with lower test scores and mediocre college grades) were highly successful in earning advanced degrees and far more successful than black male and female graduates overall.⁵¹ Furthermore, black graduates of the most selective colleges within the core group were found to have higher average earnings over those who attended the less selective schools in the group.⁵² Overall, black graduates from the schools in the group earned far more than other black college graduates.⁵³ Bok and Bo-

43. *Id.* at 261.

44. *Id.*

45. *Id.*

46. BOK & BOWEN, *supra* note 39, at 261.

47. *Id.*

48. *Id.*

49. *Id.* at 263.

50. *See id.*

According to some critics, race-sensitive admissions policies actually hamper the progress of minorities later in life by inducing them to attend schools for which they are not really qualified and perpetuating the stigma that they are not really as able as whites By this reasoning, minority graduates would have achieved more in the long run had they attended colleges with students of comparable ability, where they could have performed better academically and avoided any impression that their academic credentials were inferior to those of whites.

Id. at 263.

51. *Id.*

52. *Id.*

53. BOK & BOWEN, *supra* note 39, at 263. *But see id.* at 264:

wen concluded: "Judged by this criterion, black students who attended the most academically competitive schools do not appear to have been penalized."⁵⁴

II. RESEARCH ANALYSIS

A. Methodology

In total, there were approximately one hundred and eighty African American students at Harvard Law School (approximately ten percent of the total law school population) when I set out to conduct my study. I chose to interview twenty of these students. The purpose of these interviews was to gain as much information as possible about the African American experience with racial stigma and to identify any factors that would make an individual more or less vulnerable to its effects. Each of the variable factors used were chosen with that goal in mind. In addition to questions about affirmative action and stigma, demographic questions were included in order to measure whether or not the participants' experiences varied based on factors such as gender, age, geographic origin, or socioeconomic background. In addition to these factors, I was also looking to assess whether or not the participants' experiences varied based on having attended a historically black college or university ("HBCU"). Ten of my participants attended HBCUs for their undergraduate work while the other ten did not. Within each of these groups, five of the participants were female and five were male.

Of all of the variables, I anticipated that HBCU attendance would be the most significant. Recent studies surrounding the academic performance of African American students who attended HBCUs versus those who attended predominately white institutions have concluded that African American students experience superior cognitive development and success at HBCUs and that, even among African Americans, "a substantial diversity moderates the cognitive effects of attending an HBC[U]."⁵⁵ If there is a correlation between HBCU attendance and academic preparedness, I hypothesized that there would be a similar correlation between HBCU attendance and social preparedness. Put another way, I suspected

At the same time, black men earn less than white men who graduate from the same selective institutions (a pattern that does not exist for women). In fact, black men earn less than their white classmates even when they have the same grades, college majors, and socioeconomic backgrounds. This persistent earnings gap is troubling but we have no reason to believe that it has been exacerbated by race-sensitive admissions. On the contrary, the evidence summarized above shows that black matriculants do better in their careers, both absolutely and relative to whites, the more competitive the academic environment.

54. *Id.* at 263.

55. See Lamont A. Flowers & Ernest T. Pascarella, *Cognitive Effects of College Racial Composition on African American Students after Three Years of College*, 11/1/99 J. C. STUDENT DEV. 669, 674 (1999). See W. R. Allen, *The Color of Success: African-American College Student Outcomes at Predominately White and Historically Black Public Colleges and Universities*, 62 HARV. EDUC. REV. 26, 35 (1992) (finding that black students attending HBCUs report higher academic achievement than those attending predominantly white institutions).

that African Americans who attended HBCUs would be better equipped to handle the social pressures of an elite graduate school or professional environment, and that HBCU attendance would play a significant role in whether a student actually feels racially stigmatized and if so, how well they cope with those feelings.

In sending out the initial invitations to participate in the project, I did not choose the participants randomly. I made a conscious effort to select individuals from a wide range of economic and social backgrounds, and from varying geographic regions. I also attempted to include a reasonable number of biracial participants.⁵⁶ I specifically targeted individuals who had openly expressed vastly conservative and vastly liberal views on affirmative action in the law school community. I also targeted those individuals who, through personal interaction, I suspected to be suffering from both internal and external stigma, as well as those who, also through personal interaction, I suspected had the utmost confidence in their qualifications and cared little what their white counterparts thought of them.⁵⁷

The twenty-person sample I ended up with was somewhat more random than the list I began with because once I started having difficulty getting individuals to participate, my primary goal became simply finding five willing participants for each of my four groups. African American males who did not attend HBCUs, in particular, was the most difficult group to fill. This is certainly due in part to the disturbingly low ratio of African American men to African American women at Harvard Law School in general,⁵⁸ as well as busy class and social schedules; however, I believe that the reluctance of males in this group to participate may have been due to other factors in some cases. Specifically, when I began this project, I correctly anticipated that people who did not know me personally might be unwilling to participate in the study; however, I also should have realized that people who have serious issues with stigma probably would also be unwilling to participate. I cannot say for certain that specific individuals opted not to participate because they suffer from severe stigma-related issues; but that is my strong suspicion. This suspicion is largely fueled by the observation that *all* of the African American males whom I had targeted based on my opinion that they were suffering from stigma, either angrily declined or blatantly ignored my numerous requests to participate in the project.

B. Quantitative Results

The first set of questions posed to each participant was designed to obtain basic demographic information. Each participant was asked their

56. Each of the biracial participants self-identified as being from a mixture of black and white parentage.

57. I am basing this opinion on personal knowledge of the politics, views, and perspectives of specific individuals.

58. Trevor Gardner, *Black Men at HLS Watch Numbers Slip*, RECORD (Harvard Law School), Feb. 21, 2002, available at <http://www.hlrecord.org/news/2002/02/21/News/Black.Men.At.Hls.Watch.Numbers.Slip-398023.shtml> (I reason that because there are so few African American males in general, it would naturally be harder to gather two groups of them).

age, their gender, whether they considered themselves biracial, their socioeconomic background, their hometown, the racial make up of the community they are from and the racial make up of their undergraduate institution. The average age of the participants is 24.55—none over 26, none younger than 22. Exactly 50% of them are male, while the other 50% are female. Twenty percent consider themselves biracial, while 80% do not. Fifty percent come from lower middle-class, working-class, or poor backgrounds, 30% described themselves as being from a middle-class background, and 20% come from upper-middle-class to wealthy backgrounds. Thirty percent are from the Southeast region of the country, 5% from the Southwest,⁵⁹ 15% from the Mid-Atlantic, 25% from the Northeast, and 25% from the Midwest. The data on the racial make up of their home communities is virtually impossible to quantify because almost all of them have lived in several neighborhoods with varying racial backgrounds. Fifty percent attended HBCUs for their undergraduate work, while 45% attended predominantly white schools, and 5% (one participant) attended a racially balanced institution. I found absolutely no identifiable pattern linking any of the demographic data above and the responses of the participants to the second set of questions; however, this fact is not surprising given the size of my sample.

The second set of questions were framed in a yes or no format, but designed to allow each participant to expound as much as or as little as he or she desired. I decided to represent the responses with actual numbers rather than percentages as I did with the demographic information. I posed seven questions, all footnoted together below, and each preceding the corresponding discussion:⁶⁰

Question 1

In your opinion (based on your personal knowledge of your test scores and grades and overall application as compared to your knowledge of the typical test scores, grades, etc. that it “usually” takes to get into

59. This five percent reflects Participant Two, who currently lives in the Southwest but grew up overseas and considers himself to be “from” his native country.

60. 1. “In your opinion (based on your personal knowledge of your test scores and grades and overall application as compared to your knowledge of the typical test scores, grades, etc. that it “usually” takes to get into HLS) did you benefit from affirmative action when you got into Harvard Law School?”

2. “Do you feel ill-equipped at Harvard Law School relative to white students?”

3. “Do you feel ill-equipped at Harvard Law School relative to other black students?”

4. “Have you ever felt like you had ‘something to prove’ here with respect to your race and affirmative action (even if you do not feel that affirmative action helped you get into Harvard Law School)?”

5. “Do you feel that the environment at your undergraduate institution has affected your answers to the previous questions and if so, how?”

6. “Regardless of whether or not you feel that affirmative action helped you get into HLS, have you experienced any stigma from classmates, professors, in job interviews, etc. based on someone else’s assumption that you benefited from affirmative action?”

7. “Is there anything else you would like to tell me about your views on affirmative action, stigma, your experiences at Harvard Law School or my other questions?”

HLS) did you benefit from affirmative action when you got into Harvard Law School?

TABLE 1

	All	HBCU	Non-HBCU
Yes	12	6	6
No	5	3	2
Unsure	3	1	2

Of the 12 affirmative respondents, 2 did not feel that affirmative action helped in terms of their test scores and grades, but they did feel that their race played some role, and 1 participant found it difficult and uncomfortable to admit that he benefited from affirmative action.

Question 2

Do you feel ill-equipped at Harvard Law School relative to white students?

TABLE 2

	All	HBCU	Non-HBCU
Yes	8	5	3
No	12	5	7

Of the 8 that said yes, 6 gave reasons for feeling ill-equipped that had nothing to do with race or affirmative action. Characteristic reasons include: (a) having an undergraduate background in the sciences and being unfamiliar with the level and style of writing and reasoning that law school requires as compared to a liberal arts major; (b) being completely unfamiliar with the academic and career requirements and options presented in law school; and (c) being wholly unsure of what it would take to succeed in law school.

Question 3

Do you feel ill-equipped at Harvard Law School relative to other black students?

TABLE 3

	All	HBCU	Non-HBCU
Yes	6	3	3
No	14	7	7

All 12 of the participants who said they did not feel ill-equipped relative to white students said the same about black students, while only 6 of

the 8 participants who said they did feel ill-equipped relative to white students felt the same about other black students. Suggesting a possible institutional bias I have probed throughout this study, both of the students who answered yes with respect to white students, but no with respect to black students, attended HBCUs.

Question 4

Have you ever felt like you had “something to prove” here with respect to your race and affirmative action (even if you do not feel that affirmative action helped you get into Harvard Law School)?

TABLE 4

	All	HBCU	Non-HBCU
Yes	13	5	8
No	7	5	2

Twelve of the 13 affirmative participants expressed a feeling of obligation and/or desire to distinguish themselves and reflect a high level of intelligence and poise in terms of class participation and grades for their own personal benefit as well as the benefit of their race. HBCU participants were split evenly: 5 expressed a desire to distinguish themselves for their personal benefit, their race, and to pave the way for other students from their alma mater; the other half stated that they did not believe they owed anything to anyone and that their HBCU experience had taught them not to care what others said or thought about them. For 6 of the 8 non-HBCU students who answered yes, their motivation to prove their intelligence came from a feeling of self-consciousness, itself a product of their belief that others view them as inadequate. By contrast, of the 5 HBCU participants who answered yes, only 2 made that statement.

How to explain these feelings of inadequacy and self-consciousness? We must not be too hasty in labeling these feelings as stigma. Although *The River* did find that minority students, especially African Americans, performed at significantly lower levels academically than their test scores would predict, Bok and Bowen reasoned that if this underperformance was in fact due to feelings of demoralization, then it was more likely that these feelings stemmed from long-standing racism and deep-seated prejudices than race-based admissions policies.⁶¹ This hypothesis was supported by the fact that it was the most talented minority students—those who have the least reason to feel insecure about their intellect, for they would almost certainly have been admitted even under a race-blind admissions policy—who were found to perform the furthest below their potential.⁶² While I do not propose that this anomaly can unilaterally lay the stigma hypothesis to rest, it does expose the folly of neglecting to acknowledge the pervasive influence of societal racism and prejudice.

61. BOK & BOWEN, *supra* note 39, at 261.

62. *Id.*

Question 5

Do you feel that the environment at your undergraduate institution has affected your answers to the previous questions and if so how?

TABLE 5

	All	HBCU	Non-HBCU
Yes	19	10	9
No	1	0	1

While virtually all participants responded affirmatively, the way an HBCU undergraduate experience affected prior responses differed significantly from the way a non-HBCU experience did. HBCU participants stated, variously, that their undergraduate institution: (a) empowered them with a high level of self-confidence and self-belief; (b) taught them that they could accomplish anything and compete with anyone regardless of standardized test scores; and (c) provided them with a sense of obligation and desire to do well for themselves and their community.

The 9 affirmative non-HBCU participants were imparted different lessons. They seemed to view their undergraduate institution less as a gauntlet that emboldened them or imparted a deep sense of obligation and more as an arena providing opportunities for racial “problem solving.” All stated that their experience at a majority-white school prepared them (either through enlightening, positive experiences or harsh, negative ones) to deal with the social pressures of an environment like Harvard Law School. One participant stated that her majority-white school experience had been positive because she felt welcomed and was never treated differently. She did however attribute this fact to her family’s wealth and status in the community and her admission to a very prestigious and color-blind scholarship program at the institution rather than an open-minded white student community. She commented that she believed her experience to be very different from the norm. Another participant stated that his majority-white school experience had been positive because he learned that it was possible to change ignorant and racist perspectives of white students through open communication. He believed his experience to be different from the norm, but nonetheless expressed a strong feeling of hope for racial unity based on his experience. Another participant’s experience was mixed. While some of her experiences taught her that not all white students view minority students differently, other experiences with racial discrimination and racial stigmatization made her aware of how to deal with such issues once she arrived at Harvard. There were no silver linings for the other 6 non-HBCU participants. All of these participants faced blatant racial stigmatization, open racial discrimination, and “mind-blowing” ignorance in multiple forms, allowing them to grow accustomed to responding to and dealing with race-based pressure in their academic environment.

Question Six

Regardless of whether or not you feel that affirmative action helped you get into HLS, have you experienced any stigma from classmates, professors, in job interviews, etc. based on someone else's assumption that you benefited from affirmative action?

TABLE SIX

	All	HBCU	Non-HBCU
Yes	13	6	7
external	10		
internal	3		
No	7	4	3

With respect to Question Six, 13 of the 20 participants answered yes, while 7 answered no. Of the 13 participants that said yes, 3 of them said that the stigma they felt was implicit rather than explicit; but that they still felt its presence strongly. The remaining 10 participants who answered yes described explicit experiences with classmates, professors, and/or in job interviews where someone assumed they benefited from affirmative action and treated them differently because of it. As Participant Fourteen's response shows, while explicit experiences are always, at the very least, disappointing, they are not uniformly negative per se, i.e., harmful to the recipient:

The most blatant experience was the 1L job search. I had a circle of friends, like six of us, all applying for various jobs. I ended up getting two callbacks, two offers, and I took a job at a firm in D.C. I had a friend who didn't get any job offers. In this little circle of friends, two of us were black, and both of us got job offers, and he didn't get one. It was amazing how he just disassociated himself from us and when I see him walking around campus, I don't even get a nod, and it's amazing how that happened and he basically ended up getting cut out of the group because of his behavior and his reaction. In addition to that, during the job search, when people heard we got jobs it was always oh, "it's because you're black," and I don't deny that it's entirely possible that part of the reason why I got the job is because I'm black, it might be the case that it's the total reason, I just don't know, I wasn't privy to that information. What I do know is that I have a resume that I would put up against anybody else's at HLS, you know in terms of what I've done and where I've been, you know, maybe it's impressive to one person, maybe to another person it's not, but it was impressive enough on that day to get me a job offer, or rather, to get me a callback, where I went and got my job. And just personally, I focused on the city, I canvassed the city and every law firm, and I did everything that everybody does to make it happen, and like many of my white friends who also got jobs at firms, I got a job.

Question Seven

Is there anything else you would like to tell me about your views on affirmative action, stigma, your experiences at Harvard Law School or my other questions?

I phrased the final question as open-ended to give the participants the opportunity to voice any relevant feelings or concerns my other questions may not have touched upon. The participants' responses to this question are impossible to quantify, but where appropriate, I will highlight what I learned from those responses in the qualitative results section, *infra*.

C. Qualitative Results

Based on my quantitative results, I did not find a significant overall pattern of difference in the experiences of HBCU versus non-HBCU participants. Although questions exposed some fault lines, the only major distinction worth further discussion concerns the responses to Question Four. As you will recall, 5 HBCU and 8 non-HBCU participants said they felt they had something to prove with respect to their race and/or affirmative action at Harvard. Only 2 of those 5 HBCU participants described this feeling as a desire to combat external stigma, while 6 of the 8 non-HBCU participants made that statement. As stated above, given my small sample size, it would be difficult to draw definite conclusions from the data; but it is thought-provoking at the very least. My qualitative results varied even more than the quantitative set. In response to my final question, several of my participants expressed unique and provocative perspectives on stigma, affirmative action, and everyday life at Harvard Law School.

Participant One remarked that her racially segregated undergraduate experience had been "the best educational and social experience of her life," which begs the question of whether or not African Americans need or should want to be educated at elite, majority institutions. She stated "the only good to come from the elite school experience is the individual benefit you receive from the value of the credential and recognition, and that's it." She continued on, describing Harvard Law School as a "traumatic and draining experience that is all about a means to an end." She asked, "Is it possible to fully engage your environment academically when you feel almost completely stifled socially?" Based on personal experience, I answered absolutely not.

Participant Two (*male HBCU*)⁶³ commented on the irony of the fact that many individuals who assert the stigma argument as justification for ending affirmative action programs ignore and are "completely callous" to the state of minorities on many other important issues such as health-care and housing. He remarked, "to me there is a complete disconnect because on all other issues you don't care about me at all but on this issue you claim to care about my feelings and you want to use these supposed feelings to disenfranchise me and kick me out of school." This participant also noted a belief that many whites who are rejected by elite schools suf-

63. See Appendix D.

fer from low self-esteem and that the concepts of “white supremacy and black inferiority” are promoted by these very individuals in order to tell themselves “I didn’t get in because affirmative action gave my spot to a black person, not because I just didn’t get in.”

Participant Five (*female HBCU*)⁶⁴ identified two major points she felt are often left out of the debate on affirmative action and stigma. Point one is the difference between having experiences and having knowledge:

As . . . a black person [I feel] there are certain things I haven’t experienced, stuff that other people feel are common sense or common place that I never knew existed but that has nothing to do with me being able to put concepts together and share knowledge, and to be able to read a case in class and come up with an answer that makes people say, “Ah ok, I’ve never thought of it from that angle.”

Participant Twenty (*female HBCU*)⁶⁵ made an almost identical comment:

I think that you need people here who have been exposed to a lot of different things. You want varied levels of exposure. I don’t feel like [white HLS students] have been exposed to more than me, just to different things and I think that while their exposure may serve them better on standardized tests or at places like HLS, I think that I am more grounded and that my experiences are more like the greater population whereas a lot of these people have only had elite exposure and experiences. I think that I belong here and that my perspective is much needed here.

Participant Five offered one of the most powerful counterarguments to the stigma proponents’ theory that black students become demoralized because, unlike white students and other presumptive merit-based enrollees, affirmative action delivers black student to a place where they are in over their heads. She problematized the failures to distinguish between affirmative action related stigma that minorities presumably feel and pressure that happens to everyone. She argued that there are probably several black and white students from upper-middle-class or wealthy families who might feel ill-equipped and feel immense pressure to live up to their family name. The participant commented, “I mean there are a number of things that could contribute to a person being under pressure besides I’m black and I’m at an institution where I don’t feel like I’m good enough.” It seems to me that this point would be particularly relevant at elite schools like Harvard Law where an extremely high premium is placed on academic performance. Consider the following excerpt from a *Harvard Law Review* student note, quoted at length because of its relevance:

The sense of trauma experienced by Harvard students who get B’s in their first semester confounds many onlookers, who tend to think that, in light of the competition, getting B’s at Harvard is a

64. See Appendix E.

65. See Appendix F.

real accomplishment. (And anyway, everyone gets jobs, so what's the big deal?) [People] underestimate the extent to which getting average grades can precipitate for many HLS students a painful downward recalibration of their personal expectations, self-confidence, and sense of their own potential. Several aspects of the HLS experience combine to explain why grades can have such a powerful and painful effect. First, to be admitted, Harvard Law students will have traveled through their academic careers at the top of their respective classes, winning scholarships and earning the praise of their professors and the respect and admiration of their peers. After years of constant academic success, receiving average grades for the first time can be extremely destabilizing and an intense blow to their self-esteem. Second, Harvard Law School's notoriously high student-faculty ratio means that, from the outset, students learn that only a small portion of their classmates will know and be known by any faculty member The significance of grades thus becomes inflated because without more personalized feedback, grades provide students with the only indication of their performance. After five months spent learning a new language, being made to feel the irrelevance of their prior experience, and having no one take any interest in their views or progress, it is no surprise that students receive their grades as a definitive statement regarding their legal academic ability and their potential as lawyers. Grades, quite literally, put first-year students in their place Finally, as 1Ls quickly learn, the legal world invests first-year grades with disproportionate significance. On a practical level, the timing of the 2L job search and the clerkship application process—both of which take place before any other grades are reported—means that first-year grades will materially influence the options one has available immediately after graduation. This timing also means that before students have completed even one year of law school, they have already received what is experienced as a personalized message informing them of their future prospects. For the majority of students, this means a considerable lowering of their expectations, an adjustment that cannot help but be psychologically painful.

First-year students at Harvard Law School are not preoccupied only with grades. The Law Review is also the source of no small amount of anxiety. Making Law Review . . . plainly serves as an antidote to the pacifying effects of the first year. It also makes the prospect of membership extremely appealing to those students whose egos took a battering during their 1L year. For those students who try and fail to make the Law Review, the experience can reinforce the sense of inadequacy, of being average in a large crowd of students. Obviously, people recover from the pain this experience evokes, but the process changes them. Once content

and confident, many students by 2L year find themselves coping in secret with unfamiliar feelings of inadequacy and listlessness.⁶⁶

Given this climate, it is easy to see how Harvard Law School students of all races could come to struggle with feelings of incompetence and insecurity.

Participant Seven (*female non-HBCU*)⁶⁷ reasoned that minorities who attended HBCUs or predominantly white schools are more likely to be adequately prepared to handle stigma, while those that attended other types of schools are likely to bear the heaviest stigma burden. According to this participant's theory, if you attended an HBCU, then you are coming from a nurturing environment where you were probably taught that you belong anywhere and everywhere and are adequately prepared to "find your place in the world." If you have come from an "all-white school" background then you have probably learned to deal with most of the racial issues that are likely to arise at a place like Harvard Law School. She shared:

When I went to boarding school at 14, people ha[d] all sorts of ignorant, stupid questions for you and you just sort of get used to that at 14 and so that when people ask the same stupid questions at 18 in college, you're like oh I've been dealing with this forever . . . but when you come from the middle ground where you've gone to a public school that's predominantly minority or half and half or whatever, perhaps the faculty there and the mission of the school there isn't to be nurturing and so you've never had anyone deal with that side of what your educational and professional experience is going to be like, and you may not have faced a lot of the racial obstacles that are often in your path at a predominantly white school, so it's going to be a very hard adjustment to deal with what goes on once you get there because people will look at you, people will make assumptions about you and if you're not prepared for that and don't know how to reply to it then it's a very uncomfortable, long, painful experience.

Only one of the non-HBCU participants attended a mixed or predominantly minority school, thus, my sample was not sufficient for testing this participant's theory; nevertheless, I think it could very well hold merit because it is quite possible that the best vaccine against the maladies of both internal and external stigma is preparation. Whether that preparation comes from positive reinforcement of one's confidence and abilities in a supportive undergraduate environment or negative experiences with racism and prejudice that toughen one's skin, it is certainly reasonable to assert that a lack of preparation can leave one grasping and vulnerable, reeling from the emotional effects of stigma-based criticisms. From Participant Five's observation emerges the proposition that immersion in a racially monolithic environment—overwhelmingly black (HBCU) or overwhelmingly white—as a womb or boot camp that girds the black stu-

66. Note, *Making Docile Lawyers: An Essay on the Pacification of Law Students*, 111 HARV. L. REV. 2027, 2037–38 (1998).

67. See Appendix G.

dent for, as it were, combat. Needless to say, Participant Five presupposes, stigma or no, a challenging hostile environment. She reflects a perspective rejected by Thomas, the Thernstroms, and other stigma proponents, but that is held, crucially, by a great number of the participants, and I propose, the vast majority of black students at Harvard Law: if there is discomfort to be felt, it is premised mostly, if not exclusively on a preexisting lack of hospitality, rather than stigma-induced demoralization credited to affirmative action.

Participant Five's comment resonates with the split responses to Question Five. Participant Ten (*male HBCU*),⁶⁸ eager to discuss the distinctions he observes on a daily basis between minorities who attended HBCUs and those who did not, elaborates upon them:

It's funny to see the differences between those that went to an HBCU and those that didn't. And even [with] some people who did go to HBCUs, the culture is just different here, because there are a lot of black people here who you will see on campus and they will not speak, you will look in their face and they will not speak to you and I feel like they think that if they speak to you then people will put them in the category that you're in and they don't want to associate with you and that is how I see the stigma at work. It makes you wonder how the other black people are looking at you, and I guess they're looking at you the same way white people are looking at you, and they just need to distance themselves from you to prove themselves; it's crazy.

In considering this comment, it is relevant to note that in answering Question Six, this participant was one of the three who stated that the stigma they felt was covert rather than overt. He described the feeling of knowing for certain that the white students in his section look at him "as though [he] was not on their level." Of course, it is possible that this participant is mistaken, but even if his suspicions were proved incorrect, it is definitely significant that his first reaction was to attribute his perceived difference in white attitudes toward him as stigma. Despite the Thernstroms' racial-anxiety theory,⁶⁹ I assert that many black students genuinely experience an intangible form of oppression. Even if none of the white students in this participant's section view him the way he believes they do, that does not make his experience any less oppressive. The past and present racial climate in this country and on the Harvard Law School campus,⁷⁰ however, lend considerable substance to Participant Ten's beliefs. Can one really argue that his perception is unfounded?

68. See Appendix H.

69. THERNSTROM & THERNSTROM, *supra* note 30, at 386–88.

70. See Mike Wiser, *Outline Sparks Race Controversy*, RECORD (Harvard Law School), Mar. 21, 2002, available at <http://www.hlrecord.org/news/2002/03/21/News/Outline.Sparks.Race.Controversy-397857.shtml>; Jonas Blank, *Race Controversy Explodes as BLSA Makes Demands of Administration*, RECORD (Harvard Law School), Apr. 11, 2002, available at <http://www.hlrecord.org/news/2002/04/11/News/Race-Controversy.Explodes.Blsa.Makes.Demands.Of.Administration-320068.shtml>; Jonas Blank, *Administration Responds to BLSA Demands As Students Stage Protest*, RECORD (Harvard Law School), Apr. 18, 2002, available at <http://www.hlrecord.org/news/2002/04/18/News/Administration.Responds.To.Blsa.Demands.As.Students.Stage.Protest-399620.shtml>; *Call to Conscience:*

Not all participants shared the conviction that HBCUs strengthen the academic confidence of their alumni. Participant Eleven (*male non-HBCU*)⁷¹ explained his skepticism as a product of his experiences with his younger brother:

My brother goes to an HBCU and he's so passionate about his school, he loves his school, but my brother is always finding himself defending his school and he always calls me frustrated because he feels like he goes to the premier school in Atlanta. You know, to him, there's no school better for anyone, white, black, red, or orange in Atlanta than the school he goes to, and it frustrates him. You know, he feels like he has to carry these articles and stuff so he can prove his case when he talks to the folks or whoever questions that, and he takes that very seriously, this proving, not only am I great, but my school is great, this is not a subpar institution . . . he's always trying to prove something but he enjoys it, he enjoys explaining about his college and talking about it, he almost invites those conversations because he says, I go to the number one college in Atlanta in mixed company; he encourages those types of debates and he actively confronts [them].

Revisiting the HBCU participants' responses to Question Four, five out of ten expressed a need to prove something; but only two of them said that feeling stemmed from stigma, and none of them spoke of insecurity about their alma mater.⁷² The other five directly contrasted with Participant Eleven's view by stating that their HBCU experience taught them that they do not have to prove anything to anyone.⁷³

Participant Twelve (*biracial female non-HBCU*)⁷⁴ had a different point of view altogether. She suggested that the best way to diffuse tensions over affirmative action is to properly inform the debate. She believes that people have an incorrect perception of what affirmative action programs are really aimed at achieving and how they actually operate:

I think people typically think of affirmative action like a race—you know the whole analogy that we're all starting a race and the white man starts ten feet ahead and then the white woman gets five feet and the black man gets three feet and the black woman has two feet and they're equaling the starting line, that whole idea—I think that's the wrong way to think about it, because I think affirmative action is about finding qualified people who are hard to find. Qualified black men because they're all in jail, quali-

an Open Letter to Dean Clark and Dean Rakoff, RECORD (Harvard Law School), Apr. 11, 2002, available at <http://www.hlrecord.org/news/2002/04/11/Opinion/Letters-320236.shtml>; Jenna Russell, *At Harvard Law, One-Word Lessons*, BOSTON GLOBE, Apr. 20, 2002, at B1; Lloyd Grove, *The Reliable Source*, WASH. POST, Apr. 9, 2002, at C03 (I am referring to the dramatic series of racial incidents that occurred in the Harvard Law School community during the 2001-2002 school year and the failure of the Harvard Law School administration to take any significant action).

71. See Appendix I.

72. See discussion *supra* Quantitative Results section.

73. *Id.*

74. See Appendix J.

fied people of rare groups that need to be in the mix to have a diverse environment and if you really want to find those qualified people, you have to change your definition of what it means to be qualified. Is it only grades? Is it only test scores? There have been tons of studies to show that different racial, cultural, economic backgrounds affect people's performance on those tests, they are not made fairly, so it's an issue of how are we as a society going to measure what it means to be qualified. I think that affirmative action is about addressing that and recognizing that there are groups of students based on race that are harder to get because they're rarer and you've gotta [sic] go out of your way to get them and broaden your perception because the perceptions were made by white men, and their perception doesn't necessarily rule. So I think affirmative action is necessary and if you define it like that, you're not hurting white people—there's nothing for them to be threatened by. I don't think it means that black people aren't as good; I think it's just that you have to change your measuring stick. And if you were to measure it by black people's standards then we very well might need affirmative action for white people.

This participant's view is very compelling. It directly addresses the myth that affirmative action beneficiaries are unqualified by underscoring the inherent unreliability of the subjective (rather than an objective) standard employed to measure qualification. The familiar counterargument to this perspective is that it is unfair to measure students by different standards based on their race. Still, the same standard argument can only be seen as disingenuous when it is clear that we live in a race-based society where the color of our skin unduly influences where along the path to success we first start our journey.

Participant Fourteen (*biracial male non-HBCU*)⁷⁵ spoke candidly of experiencing a different type of stigma at the hands of his own racial community. He explained that because of his race, classmates expect him to consistently take the far left view on all subjects. Self-identifying as a "left-centrist" who attempts to balance by examining all issues from both sides, he complained that in the black community, if you are not on the far left in your views on affirmative action and other race-based issues, then you are automatically labeled a conservative. He further lamented:

There is not a large degree of tolerance for intellectual diversity in the black community, and often I will try to push the envelope and try to push "us" to prove our points and to substantiate our positions and people respond to that very negatively; people don't like that, and it bothers me because I feel like it's a little bit dishonest, I feel like if we're right about our opinions, we should be able to defend them and not get emotional about it, and when the question why is asked, I feel like we should be able to answer and people don't want to hear that in the black community on this campus. So, that has been another kind of stigma I experienced, but that is coming more from the perspective of the biracial person, from some-

75. See Appendix K.

one who is in the middle...you know. I've heard a lot of the arguments from the other side and while I don't necessarily agree with them, I think its important for us, meaning black people to push ourselves and make sure that the road we're headed down is really the best road for us, so that is really the only other kind of stigma. The label attached to me because of my stance has fallen short of "Uncle Tom," but it is damn close.

Reflecting on this participant's concerns, my experience has been when I am asked "why," and when I am pressed to defend my stance on racially sensitive issues with my white peers, I often feel as though my cultural history is being challenged, and at times disrespected by outsiders. Questioning my views on racism is really about questioning more than just my opinion. It is questioning a critical piece of where I come from and who I am.

Surprisingly, only one participant made significant mention of socio-economic status as it relates to affirmative action. This is a suitable place to conclude this section of our discussion: like many of the other comments, Participant Seventeen's (*biracial male non-HBCU*) remind us of the multi-factorial forces that facilitate the likelihood that any student, but especially black students, echoing Participant One, will be able to avoid feeling "completely stifled socially" and instead "fully engage [the] environment academically." He admitted feeling ill-equipped compared to both black and white students at Harvard; but he attributed that feeling to class rather than race:

I feel like a lot of the black people here from affluent backgrounds are no different than a lot the white people here. There are a lot of black people here that I can't relate to and some of them went to HBCUs and some of them didn't, but I attribute that to class and the neighborhood I'm from. A lot of the white people I was friends with back home, I don't think of them as white, and when we would talk about "white" people we weren't talking about white people from our economic level, we were talking about white people of privilege . . . when I look at the affluent black people here who look, talk, and act like the white people, I don't think affirmative action helped them. I feel like the people who benefited from affirmative action and the people who needed it the most are people from a certain economic background.

While recognizing the developing role that class plays in the affirmative action debate, this participant was careful to note that he does not consider race and class to be the same:

I'm in favor of affirmative action because I don't think you're ever going to level the playing field. I think that class has a lot to do with things but it isn't everything, so if you have a rich black person and a rich white person, the rich black person is always going to have it harder because of their race. Also, if you have a poor white person and a poor black person, that white person can go and get an education and blend in whereas the black person will always have it hard because they're black. So it's not like class is the great equalizer, and there is such a long history of racial hostil-

ity in this country that it will never be overcome. Race is immutable whereas class is mutable, but class is still really big for me personally because I see it as the dividing line.

III. CONCLUSIONS AND FINAL THOUGHTS

In retrospect, I began this project with the lofty intention of conducting a survey of a small segment of the African American population and producing a clear and convincing statement on how “we” as a people feel about stigma and affirmative action. My inclination that I could achieve this goal was correct in the sense that the study did enable me to grasp a better understanding of the ranging impact these issues have on the African American community, but I was severely mistaken in assuming that “our” feelings would follow a distinctive and immediately identifiable pattern. The only pattern is that there is no pattern because almost all of my participants offered distinctively different comments when given the opportunity to openly and anonymously voice their perspective on the topic. I am reluctantly willing to admit that I made one of the most common mistakes that African Americans often accuse white America of committing—believing that I could ask a few people how they feel and walk away with a firm sense of how we all feel. Although my sample was fairly small, it was large enough to reveal my error in judgment. From a quantitative perspective, many of my participants agree with one another; a qualitative analysis, however, revealed that many of them agree for very different reasons. Now that my research and analysis are complete, this project seems much more like a series of small focus groups rather than a conclusive study.

Looking back on each interview, however, there is one common theme. When I presented this topic and my questions to each participant, it was obvious that each person had given these issues a great deal of thought long before I had approached them. Regardless of differences in their views, each participant had a clear opinion on how they are viewed on the Harvard Law School campus because of their race. This made me realize the additional burdens that minority students face in their educational environment. I am not talking about the burden of stigma. Rather, I am referring to the emotionally draining process of having to consider how the campus community views you as an individual because of your race (a burden that most white students know nothing about) and the social pressure to respond when incidents such as those referenced above, *supra* note 71, occur in your academic environment. It seems to me that the rigors of college, graduate, and professional school are daunting enough without such burdens. While this report does not produce a conclusive statement on the validity of the stigma argument, it does reflect the honest thoughts and feelings of twenty alleged stigma sufferers.⁷⁶

76. I construe the arguments set forth in Part I as alleging that minorities who attend selective institutions such as HLS suffer from internal and/or external stigma because of the assumptions people tend to make about their qualifications.

APPENDIX A

Episode A was about a young African American male student at a prestigious New York university who was tried for the murder of his longtime mentor (also an African American male). The student was originally from the Harlem area and was a graduate of a poor and underfunded high school in his neighborhood. He had graduated from high school at the top of his class, and although his S.A.T. score fell below their usual range, he was admitted to this prestigious university through their affirmative action program. Once on campus, the student was faced with a number of unfamiliar pressures. He claimed that virtually everyone at school knew who he was and how he had been admitted and that everyone was watching and waiting for him to fail. He also asserted that due to his high school's lack of resources, he lacked the adequate academic foundation to do the work for his courses. Despite countless hours of studying and preparation, he was failing all of his courses after midterms. According to the student, he confided in his mentor, the head of his old neighborhood community center, about his troubles and his mentor offered to purchase papers and exam answers for him through an underground student-run service. The student claimed that he accepted the offer but, when he wanted to stop cheating, his mentor refused to allow it because he believed that if the student failed out of school, it would ruin the chance of any other minority student from the community to ever follow in his footsteps. When his mentor allegedly threatened to expose his cheating if he stopped, the student asserted that he committed the murder because he "cracked" under his anger over being placed into the position by affirmative action coupled with his fear of letting everyone down. Ultimately, the jury did not believe this defense and the student was found guilty of murder in the second degree.

APPENDIX B

In Episode B, an African American reporter at a major New York newspaper was tried for the murder of a white male bounty hunter. The murder occurred because the reporter falsified an interview with a high profile serial killer that the bounty hunter had been tracking across the country for over a year. The bounty hunter read the falsified article and realized, based on specific incorrect details about the killer, that the reporter was lying. Recognizing a potential opportunity, the bounty hunter flew to New York and contacted the reporter to blackmail him. At their first face-to-face meeting, the reporter committed the murder. At his trial before an all-white jury, the reporter sought to have the charge lessened from second degree murder to manslaughter by entering the affirmative defense that affirmative action caused him to commit the murder. According to the reporter, he was hired at the newspaper through an affirmative action program and he was less qualified than his colleagues. As a result of his under-qualification, the reporter argued that he was unable to perform his duties at a satisfactory level. He further alleged that everyone at the paper knew how and why he was hired and that he was unqualified. Having been backed into this horrible corner by affirmative action, he claimed that he was left with no choice but to falsify a story to save face

and his career. When faced with the prospect of being exposed and humiliating himself and his entire race, he asserted that he “just snapped” and committed the murder in a state of extreme emotional distress. Ultimately, the jury believed this defense and acquitted this African American male defendant of murder in the second degree and entered a verdict of guilty on a manslaughter charge.

APPENDIX C

Participant One’s responses to questions one through six were as follows: (1) No (2) Yes (3) Yes (4) Yes (5) “Yes, I felt less prepared than other white and black students because of my science major in undergrad . . . I really had no exposure to law review articles or to a lot of legal argumentation, and I did not have a strong writing background nor was I used to heavy reading That’s why I felt less prepared. My feeling of less preparation has nothing to do with affirmative action and/or race or my undergrad. Going to an HBCU bolstered my confidence tremendously. It gave me a real supreme feeling of confidence. Even though I feel pressure to prove something to my white peers, I have never felt it was a pressure that I could not meet.”

6) “Yes, white students in general assume that black students have not performed as well as they have on the LSAT. And they assume that the LSAT is the objective measure of merit for admission to HLS. And because they believe that black students have not performed as well as they have, they intuitively believe that black students have benefited from affirmative action. For me, this experience has been with classmates, not so much professors.”

APPENDIX D

Participant Two’s responses to questions one through six are as follows: (1) “Based on test scores no, my LSAT was in the mean for acceptance here and my grades were above the mean for acceptance here I mean I would definitely say that I am a beneficiary of affirmative action; but not because of my scores I feel like they looked at my race and felt like diversity is something that they needed, like for example, my year there were only 12 black men as opposed to 38 black women [which is] three times as many . . . so I felt that the fact that I [could bring] diversity because . . . I think [that] played a role in the fact that I was admitted . . . I . . . don’t I know how it was quantified, and I don’t know[for sure] but my personal belief is that it helped me.” (2) No (3) No (4) “I [would like] to question your question I do think I have had to defend why I am here . . . if you remember last year a guy named Austin Bramwell wrote an article in the [law school newspaper] saying that the reason that black students felt intimidated at Harvard Law was not because of racist incidents but because of affirmative action and that it created a presumption that we were less qualified and that if we would just shut up and work hard to earn our accomplishments without having them given to us because we’re black, then racism would end. I wrote a response to that, and part of that response was that there is no presumption that legacy students are less qualified or that white students are less qualified since we live in a society where white privilege and upper-class privilege is

prevalent, I think I have to defend in that regard, and I think that there are a lot of white students here who feel that my race contributed to my getting in here and that if I was not black, maybe I would not be here, so I definitely feel like yes I have had to defend myself." (5) "Yes, attending an HBCU helped. I went to a predominantly white school for a year, and part of the problem was that it was a really large university but I didn't feel like anybody cared about me. I also felt some hostility from the students . . . a lot of professors and students didn't even look twice at me . . . and then when they realized I was doing well in my classes and I was breaking the curve, and then all of sudden people wanted to be my friend, so I definitely sensed that and that was not the atmosphere that I wanted to be in . . . and I even had one professor in a political science class tell me . . . that after looking at me on the first day he was pleasantly surprised by my performance in his class, which to him must have been a compliment but I took it as an insult. But when I was at my HBCU, I felt that not only was I part of the community, but that the students and the professors welcomed me. I felt like my professors actually cared for me . . . and I think part of that was that it was a smaller school, but part of that was also that the professors there actually wanted to teach there and wanted to interact with black students and I liked the fact that I was engaged . . . there were professors there that invited me to their house, that I ate meals with, that I helped do research for, that encouraged me to apply [to Harvard Law School] even though I didn't necessarily feel like I was going to get in, so I feel that it was a great benefit going to a black school." (6) "Yes . . . some students have expressed their stigma-based views publicly, and I think that some students have the perception of me, that I am a beneficiary of affirmative action, and that's why I'm here or that I don't deserve to be here or that I'm taking a spot away from some white student who was as or more qualified . . . in terms of professors, I can't put my finger on anything I've felt personally, but I know others who have had experiences . . ."

APPENDIX E

Participant Five's responses to questions one through six are as follows: (1) Yes (2) No (3) No (4) No (5) "I think it could have, I mean I think part of it is just my personality but I also think that going to an HBCU, you're valued for who you are regardless and you are around people who are similar to you and maybe they didn't score high on their test scores but that doesn't diminish what they know and you're in that environment where people value things that may not necessarily be captured in a standardized test and you see how smart they are and you value how smart they are...and just being in that environment reinforced the idea that I already had that there are things outside of what are captured in a test that make you qualified." (6) No.

APPENDIX F

Participant Twenty's responses to questions one through six are as follows: (1) Yes (2) "Sometimes, I feel like a lot of the students here have been exposed to a lot of things that I have not academically and socially

. . . it's not that I think they're smarter; but I think they have read books I haven't, and know a lot of words that I don't know or use, and have been to a lot of places that I haven't been I also think that a lot of them think differently and make decisions differently because of what they have and have not been exposed to, and sometimes I think the way they think is better suited to this environment and to what the professors are looking for;" (3) No (4) "No, my attitude has always been not to care about what other people think about me. I don't try to speak any differently or act any differently for these people I definitely want to represent well for [my alma mater] and for myself but not because I feel like I have to prove anything to anyone." (5) "Absolutely . . . when I was in high school, I was content to just be one of the top black students, I never really thought I could be or should think about being one of the top students period. [The HBCU experience] took away the race factor and I began to excel . . . it taught me that I can compete with anyone and that I can be one of the top students period. It gave me so much confidence and gave me the strength and the resolve to come to a place like this and know that I belong regardless of what my LSAT score might say and to know that I can compete here as well as if not better than anyone else. It also gave me a strong enough sense of self not to care what white people here might think about me." (6) "Yes, as a 1L, I got a really tough to get job at a top law firm, and I remember people in my section being *so* shocked Their attitude was like 'How did the girl who always wears sweats and talks in slang all the time get that job?'"

APPENDIX G

Participant Seven's responses to questions one through six are as follows: (1) "It might have, I think my test scores were about where they needed to be, I think maybe a point or two higher and I would have felt better I mean when I applied I was certainly afraid that I would not get in and people assured me that I would and maybe that was because of affirmative action, but I think that . . . coming out of [a prestigious, Ivy League undergrad] I think my grades were at a pretty decent enough level so I think affirmative action could have made a difference but I don't think that I was totally relying on that." (2) "I don't think so, I think that is largely due to the fact that I went to [a prestigious, Ivy League undergrad]. I think that a lot of the issues that you have here you have there and if you haven't gotten over them through going to a school like my undergrad, you probably wouldn't want to go through this experience." (3) No (4) "Always, I think that people always look at you a certain way, when you speak in class, the issues you choose to talk about and if you always choose to talk about segregation in property class versus whatever in contracts, I am certain that people think like 'oh why is she interested in that, why isn't she interested in civil procedure and Erie.' So I think that does matter, I mean affirmative action or not, I think people always look at you like 'what's your interest here, you know, why are you involved in issues of race and gender more than you would be in general civil procedure or something like that.'" (5) "Yeah, I think that [my undergrad] and Harvard are very similar demographically, and I think that a lot of the issues you have there you have here and coming from a town

that might be predominantly black, going to a school that obviously isn't, dealing with people's perceptions of you and learning how people perceive you and how you have to perform in class, I think [my undergrad] and Harvard are very similar in that regard and it did help because I knew what I was getting into whereas I think a lot of people may not know what its going to be like and how hard it is when people look at you all the time when you open your mouth in class so I think I did know that a little but coming in." (6) "This might just be the way I express myself and my political views; but I think people always expect me to defend affirmative action which I do because I don't have any qualms with the program, but I think people look to you [and think] 'alright what's your take going to be,' you know if you're hanging out with a Republican or a Federalist and affirmative action comes up, then they turn to you automatically thinking you're going to defend affirmative action, and if they don't know me, then why are they looking to me for that. I could be Clarence Thomas and have all these right-wing views . . . but they look at me and I think that's an issue, that people expect you to have a point of view that you may or may not have and for me, I'm ok because I do have that point of view so I don't care but for the black student who is opposed to affirmative action, I think they would feel uncomfortable that everyone is looking at them all the time thinking they're supposed to defend something they're opposed to."

APPENDIX H

Participant Ten's responses to questions one through six are as follows: (1) Yes (2) "Um, as far as academically, no not all, but as far as just knowing about different opportunities and different things about law school in general, yeah, I never knew any lawyers, I didn't know anybody who had went to law school, so for me it's like I'm starting not even from the surface, but underground in the sewers, you know I'm learning everything anew, and the first day of class, people had exams and outlines and I didn't know what Bar/Bri or Glannon was, so for me it's a work in progress." (3) No (4) No (5) "Yeah, the last question about proving something definitely was affected by going to [an HBCU]. I just feel confident, I don't feel like I have to prove anything to anybody, but I do feel like people here are expecting me to prove myself but I don't feel the pressure on myself, I don't put the pressure on myself." (6) "Not overtly."

APPENDIX I

Participant Eleven's responses to questions one through six were as follows: (1) Yes (with a pause of hesitation, and he later stated that it was difficult for him to admit that he benefited from affirmative action) (2) No (3) No (4) " I think I have two answers to that question . . . I absolutely put pressure on myself naturally to be the best in everything that I do, that's just who I am . . . but do I use the fact that other people may think that I'm inadequate, or maybe that I got here on affirmative action . . . I guess that's the overall black question, and the answer is still absolutely." (5) "No, I don't think my undergrad had anything to do with that, which is pretty interesting, right, because the whole time I was in undergrad

there was turmoil over affirmative action." (participant agreed to allow me to reveal that he attended the University of Michigan for undergrad and he is referring to the issues raised by the *Grutter* and *Gratz* cases). "I mean the whole school was dealing with the issue, but I think my answers have everything to do with being a black male or a black person versus being an affirmative action beneficiary." (6) No.

APPENDIX J

Participant Twelve's responses to questions one through six were as follows: (1) "I feel like the fact that I am a racial minority helped me get in but not as much as other things, like I feel like it was one of the factors but, I got a 163 on the LSAT and typically you're supposed to get a 168, I graduated magna with a 3.6 so I didn't have the 3.9 that you usually need, but I think that hands down, the thing that helped me get in was the fact that I had work experience, and the fact that HLS put students into two categories, people who had worked and people who came straight from college. I feel like the academic requirements for people who came straight through were stricter and the fact that you had worked and if you could explain a good reason for why you're coming to law school which I feel like I did, played the most important part in me getting into HLS." (2) No (3) "No, I've felt ill-equipped relative to students period, but I wouldn't divide it up based on race. I didn't have a freaking clue what law school was like, I never knew a lawyer, I didn't have any idea of the way you're supposed to think, the way you're supposed to study, the resources you needed . . . it was like walking in blind, and I didn't do a good job up front of figuring that out, and it took me a long time to get it, to figure out how you're supposed to do things, how the system works, what you need to do and what you don't need to do, but I don't feel that race played a factor. The only time I feel that race played a factor was when it came to my interaction with professors, but I feel like gender played more of a factor." (4) "Again, this is in relation to professors . . . I felt like I had to prove my intelligence; but again I'm not sure whether that is more based on race or on gender or the fact that I don't have a certain academic look. I'm not really sure why, but yes I think all three of those played a role." (5) "Yes, but I would say my environment in my high school had the most impact . . . I went through an immense amount of racial learning, experiencing, and opening, particularly in high school. My high school had a lot of redneck country folk, and we had a lot of racism and a lot of direct impact racism, so very racist things happened to me both in high school and college that made me have to deal with it at a young age, talk about it, think about it, understand it . . . also being biracial, having my father be black and my mother be white, it was something I had to deal with very early on and I came to a comfort level of really seeing myself as both and neither . . . I don't identify with whites or blacks entirely, parts of me identify with both and because I separate myself out and I feel like I'm different and I'm comfortable with that. By the time I hit college and definitely by the time I hit law school, I didn't have anymore discomfort being around people because they're white or black just on the basis of race. But if you want to talk about the way they act, there are problems." (6) "Yes, but again, its hard to separate. Is it that

they're treating me differently because they think I got in on affirmative action or because they see that I'm not white and they think I have less intelligence because of that and I think that's the root question. I don't think anyone is ever like 'hmm, you're only here because of affirmative action;' instead, I think its more like 'hmm, you're not bred correctly, you're not the right race, you didn't have the right background, blah, blah, blah, and you're not smart enough or you're not good enough...' I think that's the underlying issue...I don't think in people's mind they would phrase it as she's only here on affirmative action. I think in their mind they would phrase it as, 'she's a black girl who's not like me and therefore, she's not as smart.'"

APPENDIX K

Participant Fourteen's responses to questions one through six are as follows: (1) "No, well based on test scores and grades, no, do I think that affirmative action helped along the way, maybe." (2) No (3) No (4) "I don't know if I would say I had something to prove, but I feel like people who want to challenge me need only look in the mirror before they point a finger. Do I feel like I owe a duty or some kind of commitment, I would say yes to that, but to people generally, not to any particular students or any particular professors of any color. I feel like I have a responsibility as an American to be involved, but I don't know that I have anything to prove to anybody." (5) "Absolutely but the thing that's interesting about it is that my experience is not what one would typically expect. When I was a freshman, I got interested in the black fraternity scene and was basically warned off of a black fraternity because my mother is white, and I was basically told that if I did it I should expect to be treated more harshly than other black brothers and so I stayed away from that. I wasn't keen on the idea of taking wood at all, and I sure as hell wasn't going to take more wood just because I love my mother. A couple years later, I pledged a traditionally white frat and had a lot of interesting experiences, conversations, and encounters where it became very clear to me how inexperienced with people of color a lot of my fraternity brothers were and it gave me a great opportunity to really educate guys who may not have ever had the chance to talk to a person of color on a personal, intimate level. So, my experience is one in which I felt like, not to be condescending, but I felt like white people could be reached and it kind of gave me a little bit of perspective on where they're coming from and I think it helps that I have a white family who I had similar experiences with whereas they would say things that were pretty ignorant and then when you call them on it and make them think about it for a moment and they're able to do so in a less defensive way because its your family, or your frat brother, its amazing what kind of inroads one can make. At the same time, I recognize that not a lot is being done or being said about the fact that oppression does exist or that racism does exist and a lot of my conversations included people saying, 'Well that's in the past,' or 'That's old,' or 'That's gone,' and you know, every person of color has a story they could tell that touches white people who have never had this experience in particular ways, and I feel like there is an opportunity to do that. So going back to the original question, my experience in undergrad taught me that igno-

rance can be challenged from the inside and is maybe more effectively challenged from the inside and I think that has kind of informed my opinions and my actions here and will likely do so in other places as well.”
(6) See quoted passage in text.

