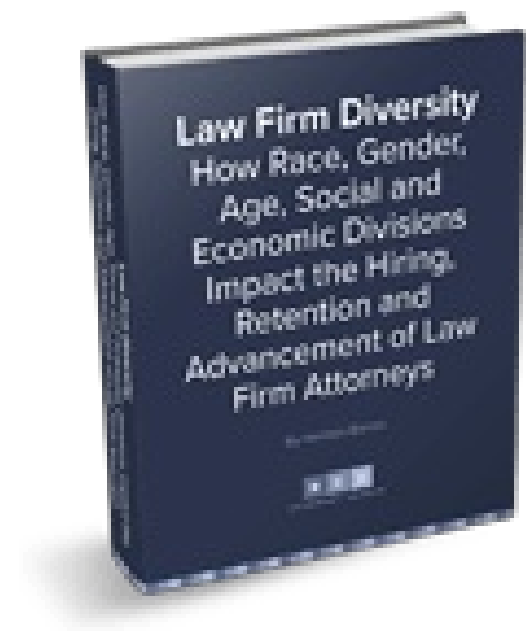


Chapter 2: Aspirations Toward Equity and Social Justice

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If society aspires to diversity as the higher goal, appreciating individuals for their differences and allowing everyone equal opportunity in the pursuit of life, liberty, and happiness, the Golden Rule is the way. Treating others as we want to be treated implies extending empathy and respect. Empathy brings understanding--it does not necessarily mean agreement or approval, but identification, recognizing the ways we are like one another in our daily struggles. With understanding comes respect and tolerance of differences and equal respect for similarities--what we share as people, regardless of skin color, gender, class, or creed.

We're not there yet. Actual differences in roles and opportunities of groups (partially held in place by homophily and the social hierarchy, as discussed earlier) exist in a social, economic, and political climate that seems to advance some groups over others. Privilege may be invisible to those who benefit from it, but it is familiar to those who must consciously operate in a system that exposes them to unfair treatment and discrimination. That unacknowledged privilege influences people's opportunities calls into question the idea that our society is a meritocracy, where we succeed based solely on our ability and effort, and not because of the unspoken advantages or disadvantages our rank in the social hierarchy accords us.^[1]

Social justice deals with how people are treated unequally in society because of their personal characteristics and how government policies affect people unequally.^[2] "Social justice is a political and philosophical concept which holds that all people should have equal access to wealth, health, wellbeing, justice and opportunity." This concept is generally associated with the political left. "Self-identified advocates of social justice are often at odds with each other over specific policies and priorities, but share a broad vision of an ideal society in which no one [race](#), [class](#), [religion](#), [sexual orientation](#), [gender](#) identity or language group is singled out for oppression or enjoys special privileges."^[3]

No discussion of social justice would be complete without noting some facts about American history that no one is proud of. In colonial times, Native Americans were stripped of their land and were killed, raped, and treated horribly; injustice on reservations continues to this day. Black people were forced into slavery and only gradually accorded the rights of full citizenship. People from Mexican and Asian backgrounds were also

treated as second-class citizens and continue to be recognized as minorities. And women have been discriminated against in the workplace and in politics, with even the right to vote withheld until the twentieth century.

Throughout history, people have made attempts to deal with such social injustice.^[4] Over the past fifty years, great strides have been made to eradicate these evils. Each move demonstrates the fine line between change that can bring increased equality among groups and change that backfires into further unfairness.

The civil rights movement in the 1950s and the 1960s made most forms of racial discrimination illegal. Through activism, protest, and legislation, Martin Luther King Jr. and other civil rights leaders brought racism into the public sphere and changed public opinion to believe that racial discrimination was wrong and needed to be fixed.

Society made a huge break with the past to ensure that a colorblind America could lawfully emerge. Similar movements gained rights for other marginalized groups, such as women and ethnic minorities. In those contexts, too, the idea was to ensure that treatment of citizens was blind to social differences.

However, rather than being colorblind (or genderblind or any other kind of "blind"), today society seems to be teetering in the opposite direction. We have made race and our differences overriding issues.

The Bill of Rights and the U.S. Constitution guarantee us our civil liberties, our basic freedoms, such as the right to free speech, privacy, and a fair trial.^[5] In contrast, the government grants us our civil rights, the basic right to freedom from discrimination based on personal characteristics like race, sex, and age.

Because civil rights are granted by the government, they have varied over time, following society's opinion of which types of discrimination it will and will not stand for (depending on whose voice is heard in public discourse).^[6] Technically, civil rights allow us equal social opportunities, regardless of our personal traits, as guaranteed by equal protection under the law.^[7]

In 1961 President John F. Kennedy established the Committee on Equal Employment Opportunity to stop bias in hiring government contractors. The Kennedy and Johnson administrations required that minorities have equal access to jobs, education, and other opportunities and passed three pieces of civil rights legislation in 1957, 1960, and 1964.

The Civil Rights Act of 1957 passed in response to the purging of black voters in Louisiana;^[8] however, when it did not produce one single new black voter registration, the Civil Rights Act of 1960 was passed to close loopholes in the original law.^[9] Finally, the Civil Rights Act of 1964 "ended segregation in public places and banned employment discrimination on the basis of race, color, religion, sex, or national origin."^[10]

In 1967, with the signing of Executive Order 11375, President Lyndon Johnson added women as a group that required equal opportunity in hiring.^[11] The list of protected groups grew to include Latinos, Native Americans, and gay people.^[12]

Another outcome of the civil rights movement was affirmative action programs put in place to provide equal opportunities for "historically excluded groups," including people of color and women, in the areas of education and employment.^[13] President Johnson was an advocate and argued that affirmative action was necessary because

You do not take a person who, for years, has been hobbled by chains and liberate him, bring him up to the starting line of a race and then say you are free to compete with all the others, and still just believe that you have been completely fair.^[14]

In higher education, affirmative action took the form of admissions programs that provided equal access to education for groups that had been underrepresented or excluded. Colleges and universities adopted recruitment policies that increased the admission and enrollment rates of black and Latino students.^[15]

The pros and cons as well as the constitutionality of affirmative action policies are continually debated. Proponents of affirmative action believe that disadvantaged groups are generally those in lower socioeconomic classes. They are not exposed to the same opportunities or given access to the same resources as those in higher socioeconomic classes. Affirmative action policies attempt to compensate for the economic disparities while allowing students to compete on merit.^[16]

Supporters also believe admissions policies can be used to help colleges and universities enroll classes more representative of their surrounding communities and to offer students from lower social strata or disadvantaged backgrounds the opportunity to better their life circumstances through education.^[17]

General Motors, a multinational corporation that makes billions of dollars in yearly revenue, came out strongly in favor of diversity when it submitted an amicus brief in *Grutter v. Bollinger*, a case that challenged affirmative action at the University of Michigan. In its amicus brief, General Motors argued that "a ruling proscribing the consideration of race and ethnicity in admissions decisions would dramatically reduce diversity at our nation's top institutions and thereby deprive the students who will become the corps of our Nation's business elite of the interracial and multicultural interactions in an academic setting that is so integral to their acquisition of cross-cultural skills."^[18] General Motors further argued that "the future of American business and, in some measure, the American economy depends upon" racially diverse student bodies.

Opponents of affirmative action programs cite the fact that lowering admissions standards for special groups is not only unfair but may be counterproductive in that underrepresented groups may strive to meet only the lowered standards. Even though there is no correlation between skin color or gender and intelligence, affirmative action may emphasize prejudices while simultaneously creating a form of reverse discrimination that favors some groups over others on the basis of personal characteristics rather than merit.^[19] It is also condescending to imply that certain groups need special help to compete.

When I was in college, for a social science class I studied desegregation orders that passed in Detroit in the early 1970s. I was interested in this subject matter because my mother had spent the better part of her career working in the Michigan Department of Civil Rights in Detroit. For most of her career, she investigated charges of racism among employers who did not hire minorities--specifically, black employees. I became so interested in desegregation and Detroit that I chose to live in a black neighborhood there during law school, clerked in the same small federal courthouse where the desegregation orders came down, and considered getting a graduate degree in sociology.^[20]

The desegregation orders mandated that black students were to be bused out of the city to primarily white schools in the suburbs. What happened in Detroit was unexpected. I interviewed black politicians in the city of Detroit who were around at the time, and they told me that they were against desegregation. In fact, this was the last thing they and their constituents wanted. Instead of being bused to white schools, the black community wanted separate schools. They wanted to come together as a group and succeed on their own without being coddled by whites and treated as if they needed special help. This was very interesting to me because it seemed that the efforts of primarily white liberals (including my mother, a social worker) were seeking to paternalistically continue to make blacks feel "less than," when the black community wanted to prove they were capable on their own without intervention and assistance from the outside.

Multiculturalism

Another social justice movement that started small in elite, liberal universities in the 1980s[21] has now become a major push in society. Multiculturalism is "the view that cultures, races, and ethnicities, particularly those of minority groups, deserve special acknowledgement of their differences within a dominant political culture." [22] Multiculturalism aims for the coexistence of different cultures, including those of various ethnicities as well as other groups with shared traits. As a concept, society includes each group, their differences are respected, and no demand is made for their assimilation into the dominant culture. Multicultural policies acknowledge differences and attempt to redress past exclusions, discrimination, and oppression by promoting cultural diversity. [23]

As the United States has grown, it has become multiracial, multilingual, multireligious, and multiethnic. Most large companies in the United States, for example, Coca-Cola, [24] Microsoft, [25] and Google, [26] require diversity training for their employees. Multiculturalism proposes using America's diversity to empower different groups in society and make them feel included (in the dominant culture).

Some people find that multiculturalism, because it calls for special treatment of diverse groups, goes against the American ideal of equality for all. Others point out that multiculturalism privileges the good of certain groups over the common good. It also focuses on differences so that groups compete to identify as those to be singled out for special treatment. The development of factions in society undermines the push for equality by reinforcing the dominant culture. [27] Fracturing into groups also presents the risk of internal oppression in the very groups that seek freedom from oppression:

Multicultural policies have come to be seen as a means of empowering minority communities and giving them a voice. In reality such policies have empowered not individuals but "community leaders" who owe their position and influence largely to their relationship with the state. Multicultural policies tend to treat minority communities as homogeneous wholes, ignoring class, religious, gender and other differences, and leaving many within those communities feeling misrepresented and, indeed, disenfranchised.

As well as ignoring conflicts within minority communities, multicultural policies have often created conflicts between them. In allocating political power and financial resources according to ethnicity, such policies have forced people to identify themselves in terms of those ethnicities, and those ethnicities alone, inevitably setting off one group against another. [28]

Multiculturalism and integration are popular policies around the world. Ashamed of the "master race" theories that spawned World War II, Germany has been allowing in scores of refugees, mostly Syrians, for the last three years. A record influx of refugees, mainly from Africa, has reached Italy, which is trying to integrate the refugees by hosting them in old cottages scattered around thirty villages. [29] Across the Atlantic, Canadian prime minister Justin Trudeau gave a speech in 2015 that promoted "inclusive diversity" as a major source of strength for Canada. [30]

Backlash to Diversity

In some areas, however, a backlash to the demands for diversity and greater integration has swelled. To win the U.S. presidency, Donald Trump ran on a platform hostile to immigration, for instance. He was supported largely by working- and middle-class white voters in the middle of the country; twice as many voters in that demographic cast their ballots for Trump as for Hillary Clinton. Although some journalists argued that economic anxiety drove these voters to elect Trump, a postelection study conducted by the Public Religion Research Institute and *The Atlantic* found that *cultural* anxiety best predicted support for Trump. That is, "feeling like a stranger in America, supporting the deportation of immigrants, and hesitating about

educational investment."^[31] The voting majority of Americans were sending a message that they were starting to feel like a minority group themselves.

Likewise, in 2016, England voted in favor of Brexit, the nation's exit from the European Union. The measure was supported mainly by working-class white voters outside of the major population centers.^[32] White voters cast their ballots for "leave" by a margin of 53 percent to 47 percent for "stay." This group of voters is also largely hostile to immigration, as evidenced by one-third saying that exiting the EU "offered the best chance for the UK to regain control over immigration and its borders."^[33]

Are nationalism and multiculturalism incompatible? Taken at its worse, multiculturalism can "dramatically undermine the social cohesion necessary to maintain order or defend the nation in war."^[34] In his book *The Disuniting of America*, historian Arthur Schlesinger Jr. argues that "a liberal democracy requires a common basis for culture and society to function. In his view, basing politics on group marginalization fractures the civil polity, and therefore works against creating real opportunities for ending marginalization."^[35] At some level, if we are to bond together as a civil society, we must share an identity that supersedes our individual differences in skin color, ethnicity, sex, background, and class.

Social Justice Wars

On a more significant level, the rise of Donald Trump represents what might be thought of as pushback by people who feel disenfranchised by the social justice movement and identity politics. Identity politics are "political and social movements that have group identity as the basis of their formation and the focus of their political action. Those movements attempt to further the interests of their group members and force issues important to their group members into the public sphere."^[36]

The term *social justice warrior* is applied pejoratively to anyone who presses issues related to social justice. The stereotype "implies that a person is engaging in disingenuous social justice arguments or activism to raise his or her reputation," a move called "virtue signaling," rather than because of any deep belief in a just cause.^[37]

According to the Urban Dictionary: "Social Justice Warriors or SJWs are people with thin skin who always find something to be offended about." That publication also uses the following words to describe SJWs: *intolerant, offensive, triggering, sexist, and racist*.^[38] Words have power; stereotyping emphasizes negative traits over positive ones.

Social justice warriors tend to have a liberal leaning--tilting very far to the left.^[39] They subscribe to a [hierarchy of morality based on identity](#) politics^[40] and they practice classifying and grouping people based on their personal characteristics.^[41] While social justice warriors call other people racist, homophobic, and so forth, they act like victims--even when they are not victims or oppressed.^[42]

One warrior defined the movement this way:

Being a social justice warrior means taking on a role in this unjust society in which you don't ask for equality but instead, you demand it--and others see this as the "wrong tone." People who think they are doing nothing wrong are going to be upset that we are telling them to change. People are not going to think these problems of inequality are significant because they have the privilege of it not affecting them. They will write us off as radical, overdramatic, and insignificant hypocrites. But social justice warriors must not change their "tone" to appease the oppressor. Oppressors must change, not the oppressed. Being an activist for justice--or a "social justice warrior" if they want to call it that--is about standing up to oppressors....The "wrong" tone is our tone. The wrong tone is a social justice warrior's tone.^[43]

Social justice warriors tend to focus a lot of anger toward white men and anyone who is conservative. They try to get people fired who disagree with them. They bully into submission those who do not espouse their viewpoints. According to one commentator:

SJW's don't begin by storming an institution en masse, breaking down the doors, and sacrificing the secretary in the lobby to Satan before defecating on carpets and copulating madly on the table in the meeting room. SJW enter by stealth, using mousy middle aged women and little innocent men to whom no one could possibly object. They are outwardly good-natured individuals who tend to keep their political opinions to themselves and rapidly make themselves indispensable to the people in charge. They tend to gravitate towards positions of influence rather than authority and towards internally focused objectives that are hard to measure rather than externally focused responsibilities where success or failure obvious. In the corporate context, human resources is her natural habitat; are also found in marketing or as much appreciated assistance to the executives.

SJW entryists have two primary objectives. The first is to bring more SJWs into the organization. Sometimes it is blatant, such as when a large public corporations first female boardmember predictably declares of the organizations priority should be hiring more women. More often it is subtle, like when there is a vacancy and the stealth SJW notes that he just happens know someone who would be perfect for the job, even if that person doesn't appear to have any of the relevant skills required for. He will almost certainly have the qualifications, though. SJWs absolutely love qualifications, as they are easy to understand and provide an easy excuse for weeding out any problematic applicants who look as if they might threaten the Narrative.

The second entryist objective is to establish a code of conduct. This is an old bait-and-switch that is been used on everyone from the Go Programming Language community to British Prime Minister Margaret Thatcher by the advocates of the European Union. What happens is that the SJW proposes a code of conduct, explaining that due to the way in which the corporation or church or community is growing, it is now necessary to formalize and structure its rules. After making allusions to a few differences of opinion that a taken place in the past and expressing concerns about hypothetical future problems, the SJW search need for some behavioral guidelines, but guidelines are goal-oriented suggestions rather than specific hard-and-fast rules.^[44]

The social justice movement incites extreme intolerance of free speech. Instead of open discussion and debate, a new type of censorship closes down discourse on sensitive topics. This new type of censorship "plaguing Western universities" is called no-platforming.^[45]

Students have demanded their universities uninvite speakers whose viewpoints they do not agree with. According to the Foundation for Individual Rights in Education, nearly 40 percent of American colleges now enforce some sort of speech code, which prohibit expression protected by the First Amendment in the larger society.^[46] Students seem to believe that any speech that is offensive does not deserve First Amendment protection.

But even as students and social justice warriors invoke political correctness and safe spaces to blot out the opinions of others they disagree with or find offensive, those in opposition to the social justice movement practice their own kind of no-platforming, silencing social justice advocates with public insults and trolling--flame wars preclude any reasoned discussion of sensitive issues.

Elizabeth Nolan Brown, an associate editor at *Reason* magazine, found many similarities between social justice warriors on the left and those who oppose them, "such as victimhood, outrage, and portraying the

other side as bullying and evil and their side as the truly oppressed."[\[47\]](#) Both sides are closed to hearing opinions and ideas that do not match their group's rhetoric because they are immediately offended by the existence and representation of the other side when confronting issues. They abandon the principles they are fighting for before the real issue even arises.

Political correctness "is used to describe language, policies, or measures that are intended to avoid offense or disadvantage to members of particular groups in society. Since the late 1980s, the term has come to refer to avoiding language or behavior that can be seen as excluding, marginalizing, or insulting groups of people considered disadvantaged or discriminated against, especially groups defined by sex or race."[\[48\]](#)

"Political Correctness is not some powerful and sweeping movement designed to homogenize public discourse or to promote thought control. It is exactly the opposite. It is a symptom of hierarchy and proof of the eventuality that those at the bottom will strive for empowerment. That this is happening in colleges across America reminds us that our campuses are increasingly diverse, and that such diversity will instigate change."[\[49\]](#)

Yet, "somewhere between political correctness and bald-faced bigotry is the First Amendment. It protects our right to believe and say whatever we want just as it protects the rights of those who disgust us to believe and say whatever *they* want."[\[50\]](#) The legality of speech is not determined by agreement or disagreement with the speaker. "Free speech is a double-edged sword. Uncensored speech and its cousin, a free press, is an ally of the powerless. At the same time, language has been used as a weapon of oppression by demagogues."[\[51\]](#)

Although we can't legislate against giving offense, we do get further in discussions and in problem solving when those on all sides of an issue seek not to offend--for its shock value or attention getting--and instead focus on collaborating to find a solution. In trying to preclude offensiveness, though, this is where the concept of political correctness has taken a wrong turn.

These days, *political correctness* has become a term conservatives use to criticize liberal policies and behavior. In 1991, President George H. W. Bush said: "The notion of political correctness has ignited controversy across the land. And although the movement arises from the laudable desire to sweep away the debris of racism and sexism and hatred, it replaces old prejudice with new ones. It declares certain topics off-limits, certain expression off-limits, even certain gestures off-limits."[\[52\]](#)

The culture war between liberals and conservatives on this front is so out of control that comedians like Jerry Seinfeld,[\[53\]](#) Chris Rock,[\[54\]](#) and Larry the Cable Guy[\[55\]](#) will no longer play at colleges because they believe the kids are far too sensitive and will scream "racist" or "sexist" at their jokes.

Disallowing discussion of sensitive topics behind the guise of political correctness is not the answer. At the same time, hurling the accusation of political correctness also effectively shuts down the conversation. Focusing on political correctness "offers a quick exit from any honest discussion about racial disharmony, gender inequality, or the exclusion of marginalized groups."[\[56\]](#)

Admittedly, talking about topics that call into question our identity, our status, and our future potential can get intense, "but that doesn't mean that we should demand ideological conformity because people are made uncomfortable. ...We always have the right to respond with our own opinions, but there is no right not to be offended. We certainly have no right to harass people because we don't like their views. Censorship diminishes true diversity of thinking; vigorous debate enlivens and instructs."[\[57\]](#)

Social Justice and the Legal Profession

In the legal realm, the effects of the social justice movement and laws like affirmative action have come to mean that formerly disenfranchised groups (and not white males) receive preferential access to law schools, preferential access to legal jobs, and preferential advancement in those jobs. The law is used to provide this access.

According to the Code of Federal Regulations, the purpose of affirmative action laws is to prevent discrimination in the workplace.^[58] These laws are used to ensure that historically underserved people are given access to schools and public institutions and are accommodated in other areas.^[59] Identification with a specific group confers social and political capital to group members. Today, many groups are struggling to prove they are the most oppressed because in identity politics the most oppressed get the most advantages.

In giving advantages to previously disadvantaged groups, colleges and law schools tend to promote a "homogenized" diversity that results in ideological conformity, stifles free speech and thought, and runs counter to the notion that a fundamental purpose of the practice of law is to debate and sometimes reconcile different points of view. Through admissions diversity, retention of mainly liberal faculty, and difference-aware housing and cultural programs, institutions of higher education emphasize diversity in a way that runs counter to equality and fairness.

Currently, colleges and law schools practice admissions diversity. "The theory is that campus community members learn from one another by interacting, and thus various groups should be singled out for admission into the community."^[60] With this emphasis on diversity, students are admitted to colleges and law schools on the basis of their diversity.

According to the Law School Admissions Council (LSAC), law schools like to inquire about an applicant's race and ethnicity because it helps admissions committees "form a more complete picture" of the applicant.^[61] Although LSAC states that ethnic or racial status is "one of the many factors" taken into account in a "whole-file" review, it does not rule out that race, ethnicity, sexual orientation, and other characteristics of diversity can be *primary* factors in admissions.^[62]

Inside of colleges and law schools, there is a struggle for access and power. According to UCLA law professor Richard Sandler, in states where racial preferences are allowed, blacks enjoy a five-to-one advantage in college admissions. In 2006 at the University of North Carolina, white and Asian students who scored within the second highest range on an academic scale were accepted only 42 percent and 43 percent of the time, respectively, whereas black applicants in the same academic range were accepted 100 percent of the time.^[63]

In 2012 college admissions expert Dr. Rachel Rubin surveyed admissions officials at the seventy-five most competitive universities and colleges. She found that these schools initially narrowed down their applicant pool on the basis of two categories: academic fit and institutional fit. Forty-two percent of the schools that focused on institutional fit--"the fit between a college's needs and an applicant's qualities"--responded that membership in an underrepresented group was the most important factor in determining an applicant's institutional fit.^[64]

Admissions diversity policies encourage students to adopt a certain identity because of a spoils system that rewards certain groups with preferential housing, special advantages, and admission into the best colleges.

Once enrolled, students are then exposed to politicized ideas about diversity. The overwhelming majority of college and law school professors are liberals.^[65]^[66] The liberal-leaning political bias in higher education is well known to the extent that there is even a website, Professor Watchlist, that documents over 150 college and university professors who "advance leftist propaganda in the classroom."^[67]

Despite the overall lack of political diversity on campuses, one of the more important functions of colleges and law schools should be imparting the importance of intellectual diversity to students. Students should be able to listen to diverting opinions and perspectives and know whether they agree or disagree. Being able to debate ideas reasonably is what lawyers do. Yet colleges and law schools and their politicized student body engage speech restrictions to ostracize those whose ideas they do not agree with. No progress is made on solving societal problems if we can't talk about them.

In 2017, University of California, Berkeley, canceled the speaking engagements of Milo Yiannopoulos, Ann Coulter, and David Horowitz--all well-known conservative speakers.^[68] The previous year, Ben Shapiro was banned from speaking at California State University at Los Angeles, Anita Alvarez's speech at the University of Chicago was interrupted and could not continue, rapper Action Bronson was banned from performing at both Trinity College and George Washington University for his "misogynistic" lyrics and alleged transphobia, and Williams College revoked Suzanne Venker's lecture due to her self-described anti-feminist views.^[69] Conservative comedian Gavin McInnes, who has "controversial" views on feminism, transgenderism, and Trump's proposed travel ban, was banned from DePaul University for vowing to fight back if attacked by protesters.^[70] He was also previously stopped from speaking during a speech at NYU.^[71]

The issue of intellectual diversity is not limited to speakers and concerts. College and university professors have also been fired for their views:

In 2010, a University of Illinois adjunct professor was fired for engaging in hate speech when he cited his Catholic beliefs to argue that homosexual sex is immoral.^[72]

A University of Delaware professor was fired for saying that Otto Warmbier, a U.S. student who died after returning home from captivity in North Korea, "got exactly what he deserved."^[73]

A professor at Essex County College was suspended and then fired for defending the need for an all-black Memorial Day celebration on Fox News.^[74]

In 2017, UCLA fired popular conservative professor Keith Fink after an "excellence review." The review, conducted by a faculty committee who had exhibited prior bias against him, found that his teaching did not "meet the standard of excellence." However, Professor Fink routinely received rave reviews on end-of-term student evaluations and had earned an extremely high average course rating and instructor rating.^[75]

Lack of intellectual diversity stops people from thinking about sensitive topics and tends to silence those with dissenting opinions. "If all the viewpoints we hear come from people who are like us, we assume that we have the same information and the same perspective. We think we have the right answer and, since we don't hear otherwise, we have no reason to think otherwise. It's these beliefs . . . that explain why creativity and innovation are more likely to spring from diverse rather than from identical groups."^[76]

Also in the name of diversity, incredibly, segregation now exists on many campuses in what universities and colleges call "living-learning communities." A living-learning community is an "environment where students with similar interests live together and participate in programs that cater to their academic, social, and personal needs."^[77]

Many universities and colleges have implemented living-learning communities, where students segregate into living spaces based on their personal characteristics. UC San Diego opened segregated housing for black, Latino, and LGBTQ students.^[78] The University of Connecticut launched a program in 2016 that enabled forty black male undergraduates to live together in on-campus dormitories so that they could "draw on their common experiences and help each other make it to commencement."^[79] UC Davis has an Asian Pacific American Theme House focused on "exploring Asian American cultures."^[80] UC Berkeley created a People of Color Theme House designed to cater to minority students; the university already has LGBT and black theme houses.^[81] Cornell University has residences dedicated to Native American, Latino and Latina, and black students.^[82]

Schools now even conduct separate graduation ceremonies for diverse students:

Harvard held its first commencement exclusively for black students.^[83]

Emory and Henry College in Virginia held its first "Inclusion and Diversity Year-End Ceremonies,"^[84] which included:

A "First Generation Ceremony"

A "Lavender Ceremony" for LGBT students

A "Raza Ceremony" for Latino high-profile students

A "Donning of the Kente" for black students of Ghanaian heritage

Columbia University held separate ceremonies for Asian students, Native American students, black students, LGBT students, and Latino students.^[85]

It may be more comfortable for students to stick with others who are just like them, but these efforts limit interactions students have with those who are different from them and they are counterproductive to the very diversity goals they claim to support. In voluntary segregation situations, fewer cross-group friendships develop and students have fewer contacts to draw on later in their careers for jobs, advancement, potential business, and more.

Power is being fought for and it is increasingly being assigned based on sexual orientation, gender, and racial identity--all classifications where there was past discrimination. People adopt a special identity because it is beneficial in college and law school admissions--and to gain power on campus.

We are at a very strange time in our nation's history. Diversity has come to mean pointing out differences, separating people into groups based on certain characteristics, and underemphasizing the fact that everyone is basically the same.

What started out as a push for diversity, became a push for social justice, which then became a push for something different--something based in victimization and intolerance that is not only antithetical to American values of free thought and speech but also counterproductive for the very people the diversity movement purports to empower. Moreover, from a practical perspective, an extreme social justice agenda does not work in the business context of modern-day law firms because we are keenly aware of our differences and difference then becomes an issue in everything we do. We have become a society in which people are terrified of bringing up differences and intelligently discussing them. We are too afraid to say or do anything that might be interpreted as racist or against diverse groups.

An Extreme Social Justice Agenda Is Counterproductive in Law Firms

As discussed, *diversity* is a word and concept that has different meanings. In the beginning, people and law firms spoke of "diversity" as the concept of judging and advancing people based on their merit and capacity to do the job regardless of their personal characteristics, not using those personal characteristics as the basis on which to judge and advance people. This outgrowth of the social justice movement--specifically the way in which the social justice movement endorses a culture of victimization--has the most negative ramifications on true law firm diversity, advancement based on merit, and basic American values of free speech and thought.

Many aspects of the social justice movement are admirable, as are many of its goals. However, when taken to the extreme, the social justice movement can have the effect of quelling the very freedom of speech and debate that is necessary for a free society. Moreover, the social justice movement is ideological, and its ideology often involves a form of social engineering that is at odds with the business realities of law firms. I believe that a diversity agenda is laudable and viable within the law firm context, but I do not necessarily believe that a social justice movement agenda is a workable guiding force for law firms.

Law firms are consistently pointed out as organizations that are extremely low in diversity. The idea is that the

white male attorneys who head law firms are racist and in general firms are not diverse enough.

Vault posted an article in 2014 titled "Does This Study Prove that Law Firm Partners Are Racist?" wherein a study is cited that claims partners demonstrate an "unconscious or implicit bias when evaluating the writing of an African American male."^[86]

Above the Law published an article titled "Back in the Race: Law Firms Privately Do Not Care About Hiring a Diverse Workforce," wherein the author claims, "Law firms say they believe in diversity, but they rarely follow through on trying to increase minority hiring."^[87]

When I asked them, many attorneys admitted that, to escape the fallout of diversity issues, they avoid working with diverse attorneys and socializing with them outside of work. Inside law firms, racism or sexism is misattributed to certain actions. People are called racist or sexist or homophobic for taking actions that are actually unrelated to race, gender, or sexual orientation but that are related to the work--getting it done and getting it done well in the manner demanded by large law firms and their clients (more on this below).

If law firms are a microcosm of society, what is going on beneath the surface in law firms is much more serious and a much more fundamental conflict than just creating diversity. In fact, the issue is about what sort of society we are going to be. Are we going to be a society that cannot share our opinions and debate perspectives or are we going to be an open society that discusses issues as they arise and comes to conclusions about how best to deal with them?

Law firms are business organizations. To succeed, they need to function efficiently, and to do that they need to produce high-quality work and service their clients. When concerns with placating victims, social engineering, or silencing dissent become more important than economics, law firms as businesses will falter. When law firms falter, people are unemployed, and people (diverse or not) cannot advance without jobs and a sense of economic stability.

I believe that *diversity goals* not only are compatible with the law firm business model but also can help a firm become more profitable. The social justice movement agenda, however, is something else altogether and, I argue, has little place in law firms or a free society.

Most of the hostility toward Trump's isolationism and the United Kingdom's Brexit, for instance, comes out of the largest and most diverse population centers in Europe and the United States. In the United States, the large cities on the coasts tend to be very diverse compared to towns and cities in the center of the country. These multicultural cities also tend to host high-profile corporations, top universities, and major law firms.

Diversity is promoted in these settings. In December 2016, a group of sixty general corporate counsels from *Fortune* 1000 companies signed an American Bar Association resolution designed to give more business to minority and female lawyers.^[88] *U.S. News & World Report*, the magazine that publishes the rankings of law schools in the United States, published an article in 2015 encouraging prospective students to ask prospective schools about their diversity statistics.^[89] Schools like Yale and University of Southern California promote diversity on their campuses and on their websites, which provide massive amounts of resources for prospective students to evaluate.^[90]

The call for diversity is powerful on campuses, in public companies, and in dense population centers. It can lead people to become hypersensitive to issues. On the one hand, those who resist diversity and inclusion are often in a relative position of power in relation to the underincluded groups, and they are uncomfortable with change and are not open to new ways of functioning. On the other hand, those who are pro diversity are overly attuned to any slight that has the whiff of unfair advantage, privilege, or discrimination about it. The discourse over diversity comes down to a discussion about power and influence in society.

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Law Firms?

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- [1] Jesse Marczyk, "Privilege and the Nature of Inequality," *Psychology Today*, June 2, 2015, <https://www.psychologytoday.com/blog/pop-psych/201506/privilege-and-the-nature-inequality>.
- [2] Kris Seavers, "How 'Social Justice Warrior' Went from Hero to Joke," *Daily Dot*, October 2, 2017, <https://www.dailydot.com/irl/social-justice-warrior-sjw/>.
- [3] "Social Justice Definition," Investopedia, <https://www.investopedia.com/terms/s/social-justice.asp#ixzz51qNspzrG>.
- [4] The Business Dictionary defines social justice as "the fair and proper administration of laws conforming to the natural law that all persons, irrespective of ethnic origin, gender, possessions, race, religion, etc., are to be treated equally and without prejudice." "Social Justice," Business Dictionary, <http://www.businessdictionary.com/definition/social-justice.html>.
- [5] "Civil Rights vs. Civil Liberties," FindLaw, <http://civilrights.findlaw.com/civil-rights-overview/civil-rights-vs-civil-liberties.html>.
- [6] Rebecca Hamlin, "Civil Rights," Encyclopaedia Britannica, <https://www.britannica.com/topic/civil-rights>.
- [7] Hamlin, "Civil Rights," <https://www.britannica.com/topic/civil-rights>.
- [8] See Steve Barber, *The Purging of Empowerment: Voter Purge Laws and the Voting Rights Act*, 23 Harv. C.R.-C.L. L. Rev., 483, 487 (1988).
- [9] Ibid.
- [10] Staff, "Civil Rights Act," History.com, 2010, <http://www.history.com/topics/black-history/civil-rights-act>.
- [11] See Exec. Order No. 11375 3 C.F.R. 747.1 (1967).
- [12] See, generally, Steven Farron, "Why Affirmative Action for Hispanics and American Indians?" *American Renaissance*, December 2, 2016, <https://www.amren.com/features/2016/12/affirmative-action-hispanics-american-indians/>. This discusses how, since the 1960s, federal agencies enforcing affirmative action have continued adding groups to the term "minority" and that Hispanics and Native Americans have been the biggest beneficiaries. See also Further Amendments to Executive Order 11478, Equal Opportunity in the Federal Government, and Executive Order 11246, Equal Employment Opportunity, 79 FR 42971, which prevents contractors from discriminating based on sexual orientation and gender identity.
- [13] "Affirmative Action: Overview," National Conference of State Legislatures, February 7, 2014, <http://www.ncsl.org/research/education/affirmative-action-overview.aspx>.
- [14] "Lyndon B. Johnson, President, United States, Commencement Address at Howard University, June 4, 1965," American Presidency Project, <http://www.presidency.ucsb.edu/ws/?pid=27021>.
- [15] "Affirmative Action: Overview," National Conference of State Legislatures, February 7, 2014, <http://www.ncsl.org/research/education/affirmative-action-overview.aspx>.
- [16] Ibid.
- [17] Ibid.
- [18] Brief of General Motors Corporation as Amicus Curiae in Support of Appellants at 3, *Grutter v. Bollinger*, 288 F.3d 732 (6th Cir. 2007) No. 01-1447, 2001 WL 34624915 at *3.
- [19] "Affirmative Action: Overview," <http://www.ncsl.org/research/education/affirmative-action-overview.aspx>.
- [20] *Bradley v. Milliken*, 338 F. Supp. 582 (E.D. Mich. 1971), *aff'd*, 484 F.2d 215 (6th Cir. 1973), *rev'd*, 418 U.S. 717, 94 S. Ct. 3112, 41 L. Ed. 2d 1069 (1974).
- [21] See Keith Windschuttle, "The Cultural War on Western Civilization," *Discover the Networks*, January 2002, <http://www.discoverthenetworks.org/Articles/culturalwaronwesterncivilization.html>.

- [22] Jennifer L. Eagan, "Multiculturalism," Encyclopaedia Britannica, <https://www.britannica.com/topic/multiculturalism>.
- [23] Ibid.
- [24] See "Diversity Education & Training," Coca-Cola Company, <http://www.coca-colacompany.com/our-company/diversity/diversity-education-training> (last visited September 15, 2017).
- [25] See "Global Diversity and Inclusion: Training," Microsoft, <https://www.microsoft.com/en-us/diversity/training/default.aspx> (last visited September 15, 2017).
- [26] See Sarah Jeong, "Here's What Google's Diversity and Bias Training Looks Like," *The Verge*, August 9, 2017, <https://www.theverge.com/2017/8/9/16122072/google-diversity-bias-training-james-damore-memo>.
- [27] Eagan, "Multiculturalism," <https://www.britannica.com/topic/multiculturalism>.
- [28] Kenan Malik, "Multiculturalism Undermines Diversity," *Guardian* (Manchester), March 17, 2010, <https://www.theguardian.com/commentisfree/2010/mar/17/multiculturalism-diversity-political-policy>.
- [29] See Silvia Marchetti, "Italy Pleads Europe for Help Amid Record Influx of Refugees," *Time*, July 11, 2017, <http://time.com/4850999/italy-europe-refugees-frontex-boats-rome-ports-ngos/>.
- [30] See Justin Trudeau, "Diversity Is Canada's Strength" (speech), Office of the Prime Minister, November 26, 2015.
- [31] See Daniel Cox et al., "Beyond Economics: Fears of Cultural Displacement Pushed the White Working Class to Trump," Public Religion Research Institution, May 9, 2017, <https://www.prri.org/research/white-working-class-attitudes-economy-trade-immigration-election-donald-trump/>.
- [32] See Will Franklin et al., "EU Referendum: Full Results and Analysis," *Guardian* (Manchester), June 23, 2016, https://www.theguardian.com/politics/ng-interactive/2016/jun/23/eu-referendum-live-results-and-analysis?CMP=twl_b_gdndata.
- [33] See Michael Ashcroft, "How the United Kingdom Voted on Thursday... and Why," Lord Ashcroft Polls, June 24, 2016, <http://lordashcroftpolls.com/2016/06/how-the-united-kingdom-voted-and-why/#more-14746>.
- [34] Eugene Volokh, "The American Tradition of Multiculturalism," Volokh Conspiracy (blog), *Washington Post*, January 27, 2015, https://www.washingtonpost.com/news/volokh-conspiracy/wp/2015/01/27/the-american-tradition-of-multiculturalism/?utm_term=.eab0ea9e751a.
- [35] "Identity Politics," Wikipedia, edited November 21, 2017, https://en.wikipedia.org/wiki/Identity_politics.
- [36] Eagan, "Multiculturalism," <https://www.britannica.com/topic/multiculturalism>.
- [37] "Social Justice Warrior," Wikipedia, edited November 8, 2017, https://en.wikipedia.org/wiki/Social_justice_warrior.
- [38] O. G. Mchuggerton, "Justice Warrior," Urban Dictionary, July 15, 2015, <http://www.urbandictionary.com/define.php?term=social%2Bjustice%2Bwarrior>.
- [39] See, generally, Ben Sixsmith, "The Social Justice Left and the Alt-Right: Our Divided New World," *Quillette*, December 1, 2016, <http://quillette.com/2016/12/01/the-social-justice-left-and-the-alt-right-our-divided-new-world/>. This article states that the social justice left encompasses both communists as well as liberals.
- [40] See, generally, James Kirchick, "Rock, Paper, Scissors: A Guide to the New Victim Politics," *Tablet Magazine*, February 26, 2015, <http://www.tabletmag.com/jewish-news-and-politics/189030/victimhood-olympics>. "Many progressives would claim that they believe in 'intersectionality': that aspects of an individual cannot be separated out to highlight the oppression associated with that group"; however, they "obsesses over the minute concerns of ever-narrowingly defined minority groups, rather than those of broader segments of society."
- [41] Ibid.
- [42] See Jerry Sieczkowski, "Jerry Seinfeld Says Colleges Are Too Politically Correct, Kids Don't Understand Racism or Sexism," *Huffington Post*, June 10, 2015, http://www.huffingtonpost.com/2015/06/08/jerry-seinfeld-college-politically-correct-racism-sexism_n_7534978.html.
- [43] See Austin Bryan, "On Being a 'Social Justice Warrior,'" *Thought Catalog*, June 10, 2015, <https://thoughtcatalog.com/austin-bryan/2015/06/on-being-a-social-justice-warrior/>. "Social justice warriors . . . call people out for saying things like 'that's so gay' or 'that's retarded' . . . they don't let subtle sexism and racism go unnoticed."

- [44] See Vox Day, *SJWs Always Lie: Taking Down the Thought Police* (Castalia House, 2015).
- [45] Jeff Sparrow, "We're Obsessed with 'no Platforming' but Aren't Resisting the Return of Harder Censorship" (opinion), *Guardian* (Manchester), November 5, 2015, <https://www.theguardian.com/commentisfree/2015/nov/05/were-obsessed-with-no-platforming-but-arent-resisting-the-return-of-harder-censorship>.
- [46] See "Speech Code Reports," Foundation for Individual Rights in Education, <https://www.thefire.org/spotlight/reports/> (last visited September 15, 2017).
- [47] "Social Justice Warrior," Wikipedia, edited November 8, 2017, https://en.wikipedia.org/wiki/Social_justice_warrior.
- [48] "Political Correctness," Wikipedia, edited November 6, 2017, https://en.wikipedia.org/wiki/Political_correctness.
- [49] David Tomar, "Do Inclusion and Sensitivity Threaten Free Speech?" *Best Schools Magazine*, <https://thebestschools.org/magazine/go-political-correctness-university/>.
- [50] Tomar, "Do Inclusion and Sensitivity Threaten Free Speech?" <https://thebestschools.org/magazine/go-political-correctness-university/>.
- [51] Arthur Dobrin, "Political Correctness vs. Free Speech," *Psychology Today*, January 4, 2016, <https://www.psychologytoday.com/blog/am-i-right/201601/political-correctness-vs-free-speech>.
- [52] "Political Correctness," Wikipedia, edited November 6, 2017, https://en.wikipedia.org/wiki/Political_correctness.
- [53] See Sieczkowski, "Jerry Seinfeld Says Colleges Are Too Politically Correct, Kids Don't Understand Racism or Sexism," http://www.huffingtonpost.com/2015/06/08/jerry-seinfeld-college-politically-correct-racism-sexism_n_7534978.html.
- [54] See Tyler Kingkade, "Chris Rock Stopped Playing Colleges Because They're 'Too Conservative,'" *Huffington Post*, December 2, 2014, http://www.huffingtonpost.com/2014/12/01/chris-rock-colleges-conservative_n_6250308.html.
- [55] See Michael Schramm, "Jerry Seinfeld Says Comedians Avoid College Gigs, Students Are 'So PC,'" *USA Today*, June 8, 2015, <http://college.usatoday.com/2015/06/08/jerry-seinfeld-espn-college-campuses-politically-correct/>.
- [56] Tomar, "Do Inclusion and Sensitivity Threaten Free Speech?" <https://thebestschools.org/magazine/go-political-correctness-university/>.
- [57] Michael Roth, Joyce Jacobsen, and Antonio Farias, "Black Lives Matter and So Does Free Speech," *The Argus*, op-ed, September 19, 2015, <http://roth.blogs.wesleyan.edu/2015/09/19/black-lives-matter-and-so-does-free-speech/>.
- [58] See Fed. C. Reg. 60-2.10. (2017).
- [59] See, generally, "Affirmative Action in Education," North Carolina State University, <https://oied.ncsu.edu/equity/affirmative-action-in-education/> (last visited September 15, 2017). This page states that "the primary purpose of affirmative action in education has been to involve qualified students of all backgrounds in our nation's most rigorous educational offerings." See also Elizabeth S. Anderson, *Integration, Affirmative Action, and Strict Scrutiny*, 77 N.Y.U. L. Rev. 1195 (2002), arguing that "racial integration of mainstream institutions is necessary both to dismantle the current barriers to opportunity suffered by disadvantaged racial groups, and to create a democratic civil society."
- [60] George R. La Noue, *Diversity in College Admissions: Issues for Trustees* (Washington, DC: Institute for Effective Governance, 2005), https://www.goacta.org/images/download/diversity_in_college_admissions.pdf.
- [61] See "Diversity in Law School," Law School Admissions Council, <https://www.lsac.org/jd/diversity-in-law-school/racial-ethnic-minority-applicants> (last visited September 22, 2017).
- [62] *Ibid.* The website subtly cautions LGBT applicants to make sure that the school will "value their diversity" when they "come out" on their application.
- [63] Brief Amicus Curiae for Richard Sander in Support of Neither Party, *Fisher v. University of Texas*, No. 14-981 (September 10, 2015).
- [64] See Rachel Rubin, "Who Gets In and Why? An Examination of Admissions to America's Most Selective Colleges and Universities," *International Education Research* 2, no. 2 (2014): 1-18.

[65] See Mitchell Langbert, Anthony J. Quain, and Daniel B. Klein, "Faculty Voter Registration in Economics, History, Journalism, Law, and Psychology," *Econ Journal Watch* 13, no. 3 (2016): 422-451; Bradford Richardson, "Liberal Professors Outnumber Conservatives Nearly 12 to 1, Study Finds," *Washington Times*, October 6, 2016, <http://www.washingtontimes.com/news/2016/oct/6/liberal-professors-outnumber-conservatives-12-1/>. A 2017 University of Chicago study found that of over ten thousand law professors across the country, 15 percent identified as conservative and only one out of every twenty law schools has more conservative professors than liberal ones. Five previous studies found that between 75 percent and 86 percent of law professors are liberal. With regard to universities, a study conducted in 2017 surveying faculty across four California state universities (across all academic disciplines) found that 71 percent of respondents identified as liberal, 15 percent as moderate, and 14 percent as conservative. A more wide-ranging study in 2016 investigated voter registration of faculty at forty leading U.S. universities across five different fields (economics, history, journalism/communications, law, and psychology) and found that Democrats outnumber Republicans by a measure of 3,623 to 314, or a ratio of nearly twelve to one.

[66] See C. E. Dyer, "Teacher under Major Fire After Insane Order to Trump Supporters in Class," *Conservative Tribune*, December 14, 2016, <http://conservativetribune.com/teacher-insane-order-trump/>. There have been various instances in which conservative students have been alienated or singled out by faculty members. In her first class session since Donald Trump's win in the presidential election, an assistant professor at the College of Charleston brought in chocolate for her students and allowed them to vent for half of the class period about their fears. Also in 2016, a community college professor in California was videotaped on an anti-Trump tirade, and then she called for any Trump supporters in the class to stand up.

[67] See "About Us," Professor Watchlist, <http://www.professorwatchlist.org/index.php/about-us> (last visited September 15, 2017).

[68] See Madison Park and Kyung Lah, "Berkeley Protests of Yiannopoulos Caused \$100,000 in Damage," CNN, February 2, 2017, <http://www.cnn.com/2017/02/01/us/milo-yiannopoulos-berkeley/index.html>; Guy Benson, "Here We Go Again: Conservative's Speech Cancelled at Berkeley Over 'Security Concerns,'" *Townhall*, April 13, 2017, <https://townhall.com/tipsheet/guybenson/2017/04/13/here-we-go-again-conservatives-speech-cancelled-at-berkeley-over-security-concerns-n2312756>; Susan Svrluga, William Wan, and Elizabeth Dwoskin, "Ann Coulter Speech at UC Berkeley Cancelled, Again, Amid Fears for Safety," *Washington Post*, April 26, 2017, https://www.washingtonpost.com/news/grade-point/wp/2017/04/26/ann-coulter-speech-canceled-at-uc-berkeley-amid-fears-for-safety/?utm_term=.091402bf5553.

[69] See Abby Jackson, "'Disinvitations' for College Speakers Are on the Rise--Here's a List of People Turned Away This Year," *Business Insider*, July 28, 2016, <http://www.businessinsider.com/list-of-disinvited-speakers-at-colleges-2016-7>.

[70] See Douglas Ernst, "DePaul Bans Gavin McInnes Event; Speaker Tells Protesters He Will 'Fight Back' If Attacked," *Washington Times*, May 18, 2017, <http://www.washingtontimes.com/news/2017/may/18/depaul-bans-gavin-mcinnnes-event-speaker-tells-prot/>.

[71] See Chris Perez and Gina Daidone, "Protesters Storm NYU Over Conservative Speaker's Seminar," *New York Post*, February 2, 2017, <http://nypost.com/2017/02/02/protesters-storm-nyu-over-conservative-speakers-seminar/>.

[72] See "University of Illinois Instructor Fired Over Catholic Beliefs," *Fox News*, July 9, 2010, <http://www.foxnews.com/us/2010/07/09/university-illinois-instructor-fired-catholic-beliefs.html>.

[73] See S. E. Cupp, "Conservatives Should Speak Up When Liberal Professors Are Fired for Free Speech," *New York Daily News*, June 27, 2017, <http://www.nydailynews.com/opinion/liberal-professors-fired-speaking-freely-article-1.3281837>.

[74] *Ibid.*

[75] See Anthony Gockowski, "Conservative Prof Loses Job After Spat with UCLA Admins," *Campus Reform*, June 29, 2017, <https://www.campusreform.org/?ID=9378>.

[76] Joann Weiner, "Diversity Is Good. Why Doesn't Everyone Agree?" *She the People* (blog), *Washington Post*, November 26, 2014, https://www.washingtonpost.com/blogs/she-the-people/wp/2014/11/26/diversity-is-good-why-doesnt-everyone-agree/?utm_term=.893a6c980d77.

- [77] "Living Learning Communities," UCLA Residential Life, <https://reslife.ucla.edu/livinglearning/> (last visited September 15, 2017).
- [78] See Gary Warth, "UCSD Opens Housing Based on Race, Sexual Identity," *San Diego Union-Tribune*, September 26, 2016, <http://www.sandiegouniontribune.com/news/education/sd-me-ucsd-diverse-20160926-story.html>.
- [79] See Cody Derespina, "University Living Space Gives Priority to Black Male Students, Sparking Controversy," Fox News, February 2, 2016, <http://www.foxnews.com/us/2016/02/02/uconn-building-black-only-living-space-to-promote-scholarship.html>.
- [80] See "UC Davis Student Housing: Living-Learning Communities," UC Davis Student Housing, <http://housing.ucdavis.edu/education/communities/> (last visited September 15, 2017).
- [81] See Pardes Seleh, "Cal Berkeley to Open Minority Themed House Next Fall," Campus Reform, November 16, 2015, <https://www.campusreform.org/?ID=6992>.
- [82] See "Program Houses," Living at Cornell, <https://living.sas.cornell.edu/live/wheretolive/programhouses/> (last visited September 15, 2017).
- [83] See "Colleges Celebrate Diversity with Separate Commencements," *New York Times*, June 2, 2017, <https://www.nytimes.com/2017/06/02/us/black-commencement-harvard.html?mcubz=3&mtrref=www.google.com>.
- [84] See Brent Treash, "Emory & Henry Celebrates Student Diversity in Pre-Commencement Ceremonies," Emory & Henry College, May 5, 2017, <http://www.ehc.edu/news/2017/05/emory-henry-celebrates-student-diversity-pre-commencement-ceremonies/>.
- [85] See "Multicultural Graduation Ceremonies," Columbia University, <https://www.cc-seas.columbia.edu/gradzone/multicultural> (last visited September 15, 2017).
- [86] Kaitlin Edleman, "Does This Study Prove That Law Firm Partners Are Racist?" Vault, April 22, 2014, <http://www.vault.com/blog/vaults-law-blog-legal-careers-and-industry-news/new-study-confirms-what-everyone-already-knew-law-firm-partners-are-racist>.
- [87] Shannon Achimalbe, "Back in the Race: Law Firms Privately Do Not Care About Hiring a Diverse Workforce," Above the Law, August 17, 2017, <http://abovethelaw.com/2016/08/back-in-the-race-law-firms-privately-do-not-care-about-hiring-a-diverse-workforce/>.
- [88] Laura Colby, "Law Firms Risk Losing Corporate Work Unless They Promote Women," Bloomberg, December 9, 2016, <https://www.bloomberg.com/news/articles/2016-12-09/corporate-america-pressures-law-firms-to-promote-minorities>.
- [89] Delece Smith-Barrow, "Minorities Interested in Law May Find a Home at Schools That Value Diversity," *U.S. News & World Report*, February 2, 2015, <https://www.usnews.com/education/best-graduate-schools/top-law-schools/articles/2015/02/02/pursue-law-schools-that-value-diversity>.
- [90] See, generally, "Diversity in the Classroom," Yale University, <http://ctl.yale.edu/teaching/ideas-teaching/diversity-classroom> (last visited September 15, 2017), which describes the resources provided by Yale to support diversity; "Diversity at USC," University of Southern California, <https://diversity.usc.edu/> (last visited September 15, 2017), which describes the resources provided by University of Southern California to promote diversity.