

SALT EQUALIZER

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Co-Presidents' Column

Eileen Kaufman, Touro College, Jacob D. Fuchsberg Law Center, and Tayyab Mahmud, Seattle University School of Law

The fall semester was filled with events of enormous significance to SALT's members, both within the academy and in the larger world. We are cautiously hopeful that the changing public climate about the war and the results of the midterm election will have a positive impact, particularly on the assault on civil liberties and the rule of law that we have witnessed in the past few years. SALT plans to join forces with the Alliance for Justice in an effort to repeal the Military Commissions Act of 2006, particularly with respect to its court-stripping provisions, its definition of torture, and its delegation of unbridled authority to the President.

The fall semester saw two perennially wonderful SALT events: the SALT Teaching Conference and the SALT/LatCrit Junior Faculty Development Workshop. The Teaching Conference,



Eileen Kaufman and Tayyab Mahmud

Co-Presidents continued on page 2

SALT 2007 Annual Awards Dinner Honors Wildman, Rosenkranz

Jane Dolkart, Southern Methodist University, Dedman School of Law

The January AALS meeting is fast approaching and SALT is busy finalizing plans for its exciting Annual Awards Dinner. The dinner will be held on January 5, 2007, starting at 6:00 p.m., at the wonderful, historic Women's National Democratic Club, located at 1526 New Hampshire Avenue N.W. in convenient Dupont Circle.

The dinner provides an opportunity to visit with old friends and meet new ones.

Most important, it gives us a chance to honor the extraordinary work of some of our

colleagues. This year's annual Great Teacher Award will go to Stephanie Wildman of the Santa Clara University School of Law. Stephanie exemplifies all the best in law teaching. She has inspired countless students and colleagues through her teaching, her activism, her scholarship, and her unique ability to build institutions and coalitions. She was a Founding Director of the Center for Social Justice at the University of California at Berkeley in 1999 and is currently the Director of the Center for Social Justice and Public Service at Santa Clara University School of



Stephanie Wildman

SALT 2007 Annual Awards Dinner continued on page 3

SALT EQUALIZER

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Co-Presidents:

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described more fully in Patti Falk's article in this issue of the *Equalizer*, was held in Boston in early September. Although we feared that it would not be well attended because it was held so close to the start of the fall semester, we had a terrific audience plus marvelous speakers who addressed a variety of topics related to academic freedom and teaching activism in the post 9/11 world. Attendees were also treated to the first of SALT's new signature t-shirts. Many thanks to Michael Avery, Frank Rudy Cooper, Patti Falk, Cecil Hunt, Camille Nelson, Deborah Post and Natsu Saito for spearheading this effort. The SALT/LatCrit Junior Faculty Development Workshop, described more fully in Adele Morrison's article, was held in Las Vegas, which greeted us with an unprecedented desert rainfall that did nothing to dampen our spirits. Participants learned about the history of SALT and LatCrit and the nature of the organizations' collaboration. Through individual presentations, panels and group discussions, new and prospective law teachers received excellent advice about teaching, scholarship and promotion and tenure issues. Many thanks to Frank Rudy Cooper, Christian Halliburton, Adele Morrison, Camille Nelson and Catherine Smith for putting together a fabulous workshop.

SALT's other recent projects, many of which are described more extensively elsewhere in this issue, include a number of efforts to work with law students on pressing problems. Our newest project, described in Nancy Cook's article, attempts to mobilize faculty and students to work on problems continuing to plague victims of Hurricane Katrina. This project will form the basis of the annual Robert Cover Study Group on Wednesday, January 3, 2007, also described in Nancy's article, and continues SALT's tradition of combining activism and theory. As described in Kathleen Clark's article, she

and SALT's LGBT Committee are working on a project to encourage faculty and students to oppose the military's "Don't Ask Don't Tell" policy and participate in a lobbying effort in Washington on March 26th to urge members of Congress to repeal the blatantly discriminatory policy.

There is no issue closer to SALT's core agenda than working to enhance diversity within legal education. SALT submitted a written statement to the Department of Education and will testify at a hearing before the

We are cautiously hopeful that the changing public climate about the war and the results of the midterm election will have a positive impact, particularly on the assault on civil liberties and the rule of law that we have witnessed in the past few years.

Department on December 4, 2006, regarding the renewal of the ABA Council of the Section on Legal Education as the accrediting agency for American law schools. As you remember, many voices opposing affirmative action have argued that the amendments to the Standards designed to encourage schools to take seriously their commitment to diversity go too far. Although SALT continues to believe that the ABA can do more to bolster its diversity standards, particularly

with respect to site evaluations, we will testify in support of renewal of recognition for the ABA. On the same day that we will testify, the Supreme Court will hear arguments in the two school integration cases. The Equal Justice Society is organizing a March on Washington on that day to save *Brown v. Board of Education*. We encourage SALT members to join civil rights activists from across the country to rally before the Supreme Court on December 4th.

SALT continues to speak out about the misuse of standardized tests including the LSAT and the traditional bar exam. As this *Equalizer* issue was going to press, the New York Board of Law Examiners released a 156-page report analyzing racial, ethnic, age, and gender data collected from the July 2005 administration of the New York bar exam. Not surprisingly, this Report confirmed what we had predicted: that an increase in passing score on the bar examination has a disparate impact on racial minorities. Interestingly, the Report also noted a gender differential between multiple choice and essay formats, with males outperforming women on multiple choice questions and women outperforming men on essay questions. SALT's Bar Exam Committee, co-chaired by Andi Curcio and Peggy Maisel, will be reviewing this Report very carefully.

One of the commitments that we made as we began our co-presidency was to continue Beto's and Holly's efforts to strengthen SALT's infrastructure. Through the efforts of Joan Howarth and the Nominations Committee and with significant help from Damaris Marrero, SALT instituted electronic voting to replace paper ballots for its annual election. With creative and energetic help from Nancy Cook and the Membership Committee, SALT recently produced an improved membership brochure in an effort to ratchet up our membership drive. And with much-needed expertise from Nancy Ota and the Technology Committee, we are dramatically

upgrading our website so that it can serve as a more effective resource for SALT's ever-increasing membership. Most significantly, we submitted an ambitious grant proposal to the Open Society Institute that would enable us to hire professional staff. As you know, SALT's work is done by an all-volunteer Board of Governors and by an active and engaged membership. Without sacrificing the essential character of the organization, we believe that SALT could be far more effective with additional resources. We will certainly keep you posted as to the status of that proposal.

As always, SALT will have a major presence at the annual AALS meeting. Our welcoming reception, co-sponsored by the National Lawyers Guild, will take place on January 3, 2007 from 6:30 p.m. to 8:15 p.m. The Robert Cover Study Group will meet immediately after the reception, from 8:30 p.m. to 10:00 p.m., and will focus on the aftermath of Hurricane Katrina and what law professors and students can do to help. On January 5, 2007, we will co-sponsor with the Alliance for Justice a showing of *Quiet Revolution*, a 23-minute documentary of the right wing's sustained war on the Constitution. Finally, our annual dinner will take place on January 5, 2007, from 6:00 p.m. to 9:00 p.m. at the National Women's Democratic Club at Dupont Circle, where we will present the Great Teaching Award to Stephanie Wildman and the M. Shanara Gilbert Human Rights Award to Josh Rosenkranz and his legal team at Heller Ehrman for their work for FAIR and SALT in the Solomon Amendment litigation. We hope to see you at all of these events.

We thank all of you who have renewed your membership dues, which provide the bulk of our budget and enable us to continue to work on the range of projects described in this issue of the *Equalizer*. If you have not had a chance to renew, please take a moment now to complete the membership form that appears inside the back cover of the

Equalizer (or at www.saltlaw.org) and mail it with your membership check to us. We also encourage you to become active with one of SALT's fifteen committees. Please check our website for a full committee listing and contact committee chairs with your ideas. If you are unable to contribute to SALT's work with time, we hope you'll consider supporting SALT by making a donation to the Norman Dorsen Fund or the Stuart & Ellen Filler Fund. The Norman Dorsen Fund was made possible through a generous contribution by Norman Dorsen and supports the Dorsen Fellowship, designed to fund a law student to assist the Co-Presidents in carrying out SALT's work. The Stuart & Ellen Filler Fund supports the work of law students doing public interest work in the summer.

Speaking of Norman Dorsen, we could not be prouder that our founding President has been selected to receive the first AALS Award for Lifetime Contributions to the Law and to Legal Education. We hope that you will join us, the Board, and many other SALT members on January 4, 2007, at the AALS luncheon to congratulate and celebrate Norman, who continues to play a huge role in SALT through the creation and generous support of the Norman Dorsen Fund.

Thanks to you, SALT is thriving. We have members at 165 law schools throughout the country, working to improve legal education, enhance access to the profession, and promote law reform in the service of social justice. We look forward to continuing to work with you to face the challenges ahead.

Best,
Eileen & Tayyab

SALT 2007 Annual Awards Dinner:

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Law. Stephanie's wisdom, creativity, commitment to social justice and organizational skills were put to good use as the Co-President of SALT from 1998-2000. She has been and remains instrumental in planning the annual Trina Grillo Public Interest and Social Justice Law Retreat.

The M. Shanara Gilbert Human Rights Award will be presented to Josh Rosenkranz and the legal team at Heller Ehrman White & McCauliffe for their work representing FAIR, SALT, and several individual plaintiffs in *FAIR v.*



Josh Rosenkranz

Rumsfeld, the lawsuit that challenged the Solomon Amendment. Josh donated countless hours of his time and expertise, filing suit in September 2003 and continuing to represent the plaintiffs to the end when, in March 2006, the Supreme Court upheld the Solomon Amendment. We can all be proud of the commitment and quality of the representation provided by Josh and his legal team. Josh has a long history as a respected litigator fighting for civil liberties and civil rights. For eight years, he was the founding President and CEO of the Brennan Center for Justice at NYU School of Law.

Please join us at the Annual Awards Dinner. A ticket reservation form is included in this issue of the *Equalizer*, and can also be found on the SALT website at www.saltlaw.org. Tickets purchased by December 11 are \$70 each. Thereafter and until December 28, tickets are \$80 each. Tickets will be available at the door for \$85 each, but we often sell out before the evening of the dinner, so be sure to reserve your tickets now.

Annual Robert Cover Study Group: “Come to New Orleans, But Walk Softly”

Nancy Cook, Roger Williams University, Ralph R. Papitto School of Law

SALT’s annual Robert Cover Study Group takes place on Wednesday, January 3, 2007, at 8:00 p.m., in Washington, D.C. The date coincides with the opening of the AALS Annual Meeting and the event is scheduled to follow directly on the heels of the annual welcoming reception for new teachers. As in previous years, SALT will use the forum to focus on a pressing socio-legal issue; this year’s session is devoted to the continuing post-hurricane struggle for basic human services and legal process in the Delta region.

SALT has established a working relationship with the Student Hurricane Network (SHN), which has been operating for more than a year to coordinate legal relief efforts. Among other things, the SHN has established committees focused on particular strategies. These include pro bono service trips, remote research, disaster preparedness, and assistance to displaced persons. SALT’s role is to marshal the power and authority of the legal academy in some of these ongoing efforts. Law schools can also support student direct service efforts through law clinics, pro bono projects and other initiatives.

Representatives of the national SHN will be a central part of the Robert Cover Study Group. They and faculty from Delta Region law schools will describe the situation and where legal help is needed. In addition, students, faculty, deans and pro bono coordinators who are already working on specific projects will be on hand to describe concrete examples of how law faculty and administrators can contribute to the post-Katrina justice movement. The workshop will be an opportunity to listen and discuss, but it will also be a time to organize and make commitments. It will therefore be set up to facilitate and encourage commitments to a course of action.

Can’t Come to DC, But Still Want to Get Involved?

Those who are not able to be part of this year’s Cover Study Group can still get involved. Here are some of the opportunities:

1. Organize a group at your school to participate in a pro bono trip to the hurricane-affected region over winter or spring break. The Student Hurricane Network connects volunteer groups with specific organizations and projects. Volunteers are needed to perform both legal work and physical labor. In the legal area, projects are being divided according to civil and criminal practice.
2. Supervise a student or a whole class of students doing legal research. A list of topics and specific needs is in the making.
3. Consider being part of a team that will develop a disaster-preparedness manual or model handbook in your state. Each state’s team will consist of Equal Justice Works Americorps attorneys, students, and pro bono lawyers.
4. Mentor a student volunteer who will work with an individual or family who was displaced by the events of 2005 and is trying to get back home or just recover enough to start over.
5. Fund raise at your home school or community to support volunteer students and faculty.
6. Come up with a different idea and send it on.

Your ideas and offers of assistance can be sent to Nancy Cook at ncook@rwu.edu or directly to the Student Hurricane Network. More information is available on their website at studenthurricanenetwork.org.

SALT Founder Norman Dorsen to Receive AALS Award

The AALS has announced that Norman Dorsen (NYU) will be the first recipient of its “Award for Lifetime Contributions to the Law



Norman Dorsen

and to Legal Education.” (See the official announcement at the end of this article.) The award will be presented on Thursday, January 4, 2007 at the annual meeting luncheon. We hope that you will join us and many other SALT members to congratulate and celebrate Norman, SALT’s founder and first president, who continues to play a huge role in SALT through the creation and generous support of the Norman Dorsen Fund. The significance of Norman’s selection as the inaugural recipient of this prestigious AALS award is best described in the following statement from former Touro Law Center Dean Howard Glickstein, another former SALT president:

“Norman Dorsen receiving an award from the AALS is comparable to Nelson Mandela becoming President of South Africa. In the early 1970s, Norman was an anathema to most of the leaders of the AALS. He had the audacity to question the AALS’s leadership role in legal education. He led law professors into a competing organization—SALT—which proposed to confront significant social and political issues that the AALS would not touch. I doubt whether Norman would have been a particularly welcome guest at AALS functions in the early 1970s.

“We have come a long way from the days when SALT was not allowed

to hold functions in the hotels that housed the AALS annual meeting to the day when SALT's principal founder will receive the AALS's Lifetime Achievement Award. I think it would be wonderful if there were a large SALT contingent at the luncheon so we could shout our cheers in appreciation of what has been accomplished through Norman's foresight."

Norman Dorsen to Receive AALS Award for Lifetime Contributions to the Law and to Legal Education

Earlier this year the AALS Executive Committee created an award for Lifetime Contributions to the Law and to Legal Education, and solicited nominations for who should receive the Award. There were a number of highly qualified nominees who were considered by a subcommittee of the AALS Executive Committee consisting of AALS President Judith Areen, Georgetown; John Garvey, Boston College; and Stephanie Wildman, Santa Clara.

In recognition of his many outstanding activities, Professor Norman Dorsen of New York University has been chosen to receive the first AALS Award for Lifetime Contributions to the Law and to Legal Education. Professor Dorsen will be presented with the award at the AALS Annual Meeting Luncheon on Thursday, January 4, 2007.

Norman Dorsen is the Frederick I. and Grace A. Stokes Professor of Law, New York University School of Law, and co-director of its Arthur Garfield Hays Civil Liberties Program. He has taught at NYU since 1961 and has played an active role in major developments at the School. He was the founding director of the NYU School of Law's innovative Hauser Global Law School Program in 1994, and has been editorial director of the *International Journal of Constitutional Law* from its inception.

Professor Dorsen is the author, coauthor, or editor of numerous books and articles

including "The Evolving Constitution" (1987), "Human Rights in Northern Ireland" (1991), "Democracy and The Rule of Law" (2000) and "The Unpredictable Constitution" (2001). He has been a co-editor of three casebooks, on political and civil rights, professional responsibility and comparative constitutional law.

Professor Dorsen served as president of the American Civil Liberties Union from 1976 to 1991. When he served as general counsel to the ACLU (1969-76), he participated in dozens of Supreme Court cases, arguing among others those that won the right to due process for juveniles accused of delinquency, upheld constitutional rights of nonmarital children, and advanced abortion rights. He appeared through amicus briefs in the *Gideon* case, the *Pentagon Papers* case, *Roe v. Wade*, and the *Nixon Tapes* case.

Professor Dorsen was the founder and first president of the Society of American Law Teachers (SALT) in 1973. He was chairman of the Lawyers Committee for Human Rights from 1996-2000, and in 1996 he was the founding president of the U.S. Association of Constitutional Law, an affiliate of the International Association of Constitutional Law. He has chaired two U.S. Government commissions and received many awards and

honorary degrees, including the Presidential Eleanor Roosevelt Award for Human Rights. He is a Fellow of the American Academy of Arts and Sciences and a member of the Council on Foreign Relations. He currently serves as the U.S. member of the first Board of Directors of the International Association of Law Schools.

When asked about the selection of Professor Dorsen, AALS President Areen said: "No one could better exemplify the qualities the Association of American Law Schools intended to honor with this award than Norman Dorsen. His important contributions to the development of law and legal education through his work both inside and outside the academy serve as a model for us all. I am delighted with his selection."

We hope many legal educators will be able to attend the luncheon at which former AALS President, and current New York University President John Sexton, will present the award to Professor Dorsen. To attend the luncheon you must be registered for the Annual Meeting and purchase a luncheon ticket in advance. You can register online at: www.aals.org/am2007. Tickets may be purchased on site until 8:00 p.m. on January 3rd.

Fall Semester with the Faculty Mentoring Committee

Adele M. Morrison, NIU College of Law

It has been a busy fall for SALT's Faculty Mentoring Committee (FMC). This committee has facilitated SALT's co-sponsorship, along with LatCrit, of the Fourth Annual Junior Faculty Development Workshop. The FMC furthered the 3M Project (Meeting and Mentoring Members) by hosting the SALT Gathering at the AALS Faculty Recruitment Conference in Washington, D.C., in November. We have been busy compiling lists for the Connection Project as we work on structuring ways for mentors and mentees

to connect. The FMC has also been actively engaged in connecting SALT with AALS sections and other related organizations. We have worked with other committees, individual members, other groups and board members to get the job done. Thanks to all who have helped. And if you want to join the committee, please e-mail Adele Morrison at amorrison@niu.edu.

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Faculty Mentoring Committee:

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Fourth Annual Junior Faculty Development Workshop

The Fourth Annual SALT/LatCrit Junior Faculty Development Workshop (FDW) was held just prior to LatCrit XI at the William S. Boyd School of Law, University of Nevada Las Vegas. UNLV's Associate Dean of Academic Affairs and Salt Board member Joan Howarth was on hand to welcome the group and kick off the two-day workshop. When all was said and done, more than 45 people had included their names on the sign-in sheet.

The FDW consists of facilitated discussions on the three key areas of legal academic life—teaching, scholarship and service—with an eye on providing the attendees an opportunity to discuss these core areas in the contexts of professionalism, balance, and constructing a life as a progressive and/or outsider legal academic. SALT Co-President Tayyab Mahmud provided foundation for the workshop with a presentation entitled “LatCrit/SALT Principles and Values.” This session both grounded the workshop and provided an opportunity for those in attendance to gain greater knowledge as to what SALT stands for and why being a member is important. As a perk for the attendees and to help increase membership, SALT provided complimentary one-year memberships to anyone who submitted a member form prior to the end of the FDW.

The workshop allows for junior and more senior, seasoned faculty members to exchange information about issues relating to professionalism, scholarship and “best practices for critical teaching.” The workshop places an emphasis on promoting progressive and critical values and maintaining balance between the personal and professional in order for a long and successful career in the academy. Also in attendance were several future legal academics. These individuals are planning or considering

entering the legal academy in the near (or a bit farther) future. Thanks must go out to all the presenters and attendees. Special thanks goes out to the Boyd School of Law at UNLV and the students, faculty and staff there who were great hosts. The FDW coordinating committee, consisting of Camille Nelson, Frank Rudy Cooper, Angela Onwuachi-Willig, Christian Halliburton, Catherine Smith, Jennifer Chacon and Reggie Oh, deserve a great big thank you as well. They, as always, were great to work with.

Save the date for the Fifth Annual Junior Faculty Development Workshop, which will be held next year in Miami on October 4-5, just prior to LatCrit XII. The College of Law at Florida International University will be the host and a sponsor. We encourage all faculty members, junior and senior, as well as those considering the legal academy, to come participate. Tenured, tenure track, doctrinal, clinical, and research and writing faculty and staff, along with deans and directors, are all welcome.

Second SALT Gathering at the AALS Faculty Recruitment Conference

On Friday, November 3, SALT hosted a Gathering for those in attendance at the AALS Faculty Recruitment Conference. This was billed as a “gathering” in order to lower the tension and formality attendant with the receptions” that occur as part of the FRC. The get-together provided a casual atmosphere where recruiters and candidates could “check out SALT and chill a bit” (as the flyer offered).

The well-attended gathering was designed to raise the profile of SALT within and among those who are working to enter the legal academy. The gathering also gave recruiters who are SALT members—of whom there are many—or those simply interested in SALT a chance to mix and mingle with other SALTines. (I have an idea for what the “ines” in SALTines stands for, but please

e-mail me at amorrison@niu.edu with your ideas or suggestions. I'll let you know what we come up with in a future *Equalizer*.) As the event flyer noted, we are “the largest independent group of law teachers in the country comprised of a progressive group of legal educators committed to social justice, diversity and academic excellence.”

This year's gathering, stocked with wine and fancy snacks, had a great location because of the work of SALT Co-President Eileen Kaufman of the Touro College Jacob D. Fuchsberg Law Center. Thanks to Touro Vice-Dean Gary Shaw for his generosity in lending us the Touro suite for a good part of the evening. And thanks to Tayyab Mahmud, Eileen Kaufman and Deborah Waire Post for shopping and set-up.

The Connection Project

The Faculty Mentoring Committee is still working on connecting mentors and mentees. There are a number of ways you can volunteer to mentor or let us know if you want to be a mentee. You can go to the SALT web site (www.saltlaw.org), sign up when you renew or submit your membership, or e-mail the Faculty Mentoring Committee Chair, Adele Morrison, at amorrison@niu.edu. The committee is gathering names and developing the process to connect mentors and mentees.

Another part of the Connection Project is an informal program called the SALT Ambassadors. This “program” is in full effect when SALT members talk up SALT with junior faculty. Being a SALT Ambassador includes serving as a formal or informal mentor to junior faculty within and outside your own institution. Also, whenever you have a chance, as a SALT Ambassador, you should remember to drop the SALT name at appropriate occasions. We have new brochures, buttons and T-shirts. Get and wear your buttons and tees proudly as you recruit new SALT members, and get others (including yourselves) to renew SALT membership.

Save the Date: SALT Events at the AALS Annual Meeting in Washington, D.C.

SALT and National Lawyers Guild Welcoming Reception

Wednesday, January 3, 2007
6:30 p.m. to 8:15 p.m.
Military Room, Concourse Level,
Hilton Washington

SALT's Robert Cover Study Group

Wednesday, January 3, 2007
8:30 p.m. to 10:00 p.m.
Hemisphere, Concourse Level,
Hilton Washington

SALT and Alliance for Justice show the documentary "Quiet Revolution"

Friday, January 5, 2007
5:00 p.m. to 6:00 p.m.
Alliance for Justice Offices,
11 Dupont Circle N.W., 2nd Floor

SALT's Annual Awards Dinner

Friday, January 5, 2007
6:00 p.m. to 9:00 p.m.
Woman's National Democratic Club,
1526 New Hampshire Avenue N.W.

SALT Board of Governors Meeting

Saturday, January 6, 2007
Noon to 3:00 p.m.
Location TBA

All SALT members are invited and encouraged to attend all of these events, including the SALT Board of Directors meeting.

SALT Teaching Conference a Great Success

Patricia J. Falk, Cleveland-Marshall College of Law

On Friday, September 8th, and Saturday, September 9th, SALT convened its bi-annual teaching conference at Suffolk University Law School's new building in downtown Boston. One major theme of the teaching conference was "Academic Freedom and Teaching Activism in the Post-9/11 World." The conference was dedicated to Professor John Otis Calmore, the Reef C. Ivey II Research Professor of Law at the University of North Carolina. At the beginning of the conference, the dedication was given by Stephanie Wildman, by a letter written by John a Powell, and by Florence Wagman Roisman. A bio-bibliography of John's work was prepared and distributed; conference attendees had the opportunity to sign a card of support and admiration.

The conference was a great success on many levels. Between 90 and 100 law professors, lawyers, and other members of the academy came together to discuss



Florence Wagman Roisman

academic freedom inside and outside the legal academy. In the first plenary, "Rolling Back the Clock: Post 9/11 Assaults on Academic Freedom and Equal Protection," Natsu Saito and Jill Soffiyah Elijah situated recent assaults on academic freedom in a larger context in which civil and political rights and protections have been eroded in the years since the

9/11 attacks. They argued that the assaults on academic freedom are only one manifestation of this larger attack on citizens' civil



Natsu Saito

rights. The afternoon plenary shifted to more practical strategies for dealing with the



Jill Soffiyah Elijah

assaults on academic freedom.

Laura Rovner and Merle Hope Weiner shared their stories about assault on academic freedom. Robin Barnes, Deborah

Waire Post, and Cecil Hunt followed with concrete suggestions for methods to combat these assaults. The morning and afternoon plenaries were followed by break-out group discussions of difficult teaching issues, immigration laws, and the aftermath of Hurricane Katrina.

The second day of the conference explored three timely and explosive topics:

(1) Hurricane Katrina's impact on race and class issues in America, (2) the future of affirmative action in law schools, and (3) the implications of the *FAIR v. Rumsfeld* litigation. In the first panel, Hope Lewis, Robert Westley, Reynaldo Valencia, and Anthony Farley provided powerful and compelling critiques of the United States' response to Hurricane Katrina and how that response was divided along race and class lines. In the



Deborah Waire Post

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Teaching Conference:

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second plenary, Leonard Baynes, Vernellia Randall, Charles Walker (Executive Director of the Lawyers Committee for Civil Rights), Leland Ware, and Phoebe Haddon brilliantly discussed the Supreme Court’s decision in *Grutter* and the diminishing enrollment and graduation rates of African-American law students, and suggested strategies that might be deployed to combat that decline, including new pipeline projects. Finally, the *FAIR v. Rumsfeld* panel, Kent Greenfield, Kathleen Clark, and Paula Johnson, provided a fascinating dissection of the litigation strategy in the case and of the Supreme Court’s opinion, and offered suggestions for future actions, including organizing protests and continuing the larger struggle for gay rights.

Two keynote speakers enlivened the conference. Peter Irons, the well-known author of eight books on the Supreme Court and constitutional litigation, and a practicing civil rights and liberties attorney, gave an address entitled “War Talk.” Professor Vijay Prashad, who holds a Ph.D. in History and teaches at Trinity College, talked on “Teach-



Frank Rudy Cooper, Christian Halliburton and Camille Nelson

ing by Candlelight: The Economics of Academic Freedom.” Professor Prashad made a powerful argument that the debt carried by most college students and their parents

is having a profound effect on the types of career choices these students are making and their attitudes toward our society.

Special thanks are due to Michael Avery, Frank Rudy Cooper, and Dean Bob Smith of Suffolk University Law School, who were



Karen Lash and Michael Avery



Suffolk Dean Bob Smith

the perfect hosts for the teaching conference; the conference would simply not have been possible without them. In addition, thanks to the other

members of the organizing committee: Camille Nelson (co-chair), Tayyab Mahmud, Eileen Kaufman, Natsu Saito, Andi Curcio, Cecil Hunt, and Deborah Waire Post. Thanks are also due to many other SALT members who gave generously of their time, including Emily Houh, who organized the production and mailing of the conference brochure, which her husband, Andrew Lehman, had designed for us.



Cecil Hunt and Adele Morrison

Academic Freedom Committee Report

Natsu Taylor Saito, Georgia State University College of Law

Attacks on academic freedom continue apace. Departments and programs that focus on race, gender, peace, or Middle Eastern studies have been most frequently targeted, as have professors who teach in these areas. Over the past few months we have continued to receive reports of attempts to discredit these fields of scholarship, to remove teachers who criticize U.S. policy or otherwise raise critical perspectives, and to prevent student organizations from inviting “controversial” speakers to campuses.

As a SALT committee, this concerns us at a number of levels. Within the legal academy, law professors and particular courses have been targeted in the media or by organizations devoted to ridding higher education of its purported “left wing bias,” and clinics have faced political criticism for their choice of cases and clients. Inevitably this has a chilling effect, making us think twice about the subjects we address in the classroom, the critiques we present in our scholarship, and, the decisions we make in hiring faculty. In addition, it’s important for law professors, in our individual and institutional capacities, to respond to these attacks on academic freedom because, as lawyers and legal scholars, we are often regarded as setting the standard for protecting constitutional rights in this arena.

With that responsibility in mind, the Academic Freedom Committee worked closely with the Teaching Conference Committee to develop the program for this year’s teaching conference on “Academic Freedom and Teaching Activism in the Post-9/11 World.” In particular, as is discussed in Patti Falk’s article elsewhere in this issue, the first day of the conference both considered the relationship between the attacks on academic freedom and the rollback of rights in other

areas, and addressed such particular questions as how to foster open discussions of sensitive political questions in the classroom.

The committee is continuing to weigh in on high profile cases (see the SALT Board letter concerning the University of Colorado’s treatment of Professor Ward Churchill, available at <http://www.saltlaw.org/Churchill%20Letter.doc>) and to monitor attacks on academics in a growing number of substantive areas – from the government’s handling of the “war on terror” to the teaching of evolution to the attempts to discredit scientists who warn of the dangers of global warming. Based upon a recent speech by Michael Chertoff, Secretary of Homeland Security to the Federalist Society (DHS Press Release of Nov. 17, 2006), it appears that international law scholars may soon be targeted as well.

We welcome input from the SALT membership about specific experiences at your institutions or additional issues that the committee should consider.

Lift the Military’s Gay Ban: Lobby in D.C. on March 26, 2007

Kathleen Clark, Washington University School of Law

This school year, law schools continue to be confronted with the issue of the military’s ban on service by open gays, lesbians and bisexuals, as JAG officers come to campus to recruit students who are not openly gay, lesbian or bisexual.

It may seem frustrating to be confronted with an institution that blatantly discriminates against law students based on their sexual orientation. But these recruiting visits actually provide an opportunity for law students and faculty to organize a response to the military’s discrimination, rather than simply shunning the military because of that discrimination.

The military will continue to discriminate against gays, lesbians and bisexuals until a court declares that policy unconstitutional, or until Congress repeals the law, 10 U.S.C. § 654, that codified that policy. This year, three federal district courts have dismissed challenges to the military’s gay ban: *Cook v. Rumsfeld*, 429 F. Supp. 2d 385 (D. Mass. 2006); *Witt v. Air Force*, 444 F. Supp. 2d 1138 (W.D. Wash. 2006); and *Log Cabin Republicans v. United States*, No. CV 04-8425 (C.D. Cal. Mar. 21, 2006) (available at <http://www.pageoneq.com/images/perm/LCR.pdf>). Legislation that would repeal the ban, the Military Readiness Enhancement Act, has been introduced in Congress. Law students and law faculty can play an important role with respect to this legislation.

During the 109th Congress, which will end in December, 2006, 123 members of Congress co-sponsored the bill to lift the military’s gay ban. With the newly elected 110th Congress, prospects are stronger for broad Congressional support, including in-

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roduction of the bill for the first time in the Senate. The only way that Congress will pass this bill is if it hears from those who oppose the military's discrimination. Law students and faculty can let their members of Congress know that they oppose the military's discrimination by writing their Congressmembers, and by coming to Washington, D.C., to lobby personally.

To write your members of Congress, go to: http://ga1.org/campaign/write_your_rep and http://ga1.org/campaign/write_your_senator.

To lobby your members of Congress personally, come to a Lobby Day sponsored by Servicemembers Legal Defense Network (SLDN) on Monday, March 26, 2006, in Washington, D.C. Contact Jill Raney (jlr@sldn.org), and check the SLDN web site (www.sldn.org) for more information and to register.

Vermont Law School (VLS) appears to be taking the lead in organizing a response to the military's discrimination. According to Associate Professor Jackie Gardina, the school is taking a four-pronged approach:

1. VLS keeps military recruiters off campus by refusing to accept federal funds affected by the Solomon Amendment.
2. The school is setting up a letter-writing campaign to make it easy for VLS students, who come from all over the country, to write their Senators and Representatives, urging them to lift the ban on gays in the military. The LGBT student group will then take care of sending the letters to members of Congress.
3. Faculty and students plan to come to the Lobby Day on Monday, March 26th, and the Dean has promised to provide transportation to Washington, D.C., for that effort.

4. Faculty and students plan to introduce resolutions in the Vermont legislature and at town meetings urging Congress to lift the ban.

Another law school that has been very active in responding to the military's discriminatory policy is American University. According to Professor David Chavkin, "it is hard to describe the Solomon Amendment as a blessing in disguise, but it does serve a purpose within [our] community. Disparate members of the community come together in valuing nondiscrimination and people engage in discussions in the lobby and at the luncheon programs in a civil way about a sometimes contentious topic Our attitude is that *every* member of the law school community is diminished by allowing any recruiter on campus that discriminates against *any* member of the law school community. Therefore, it is our joint responsibility to communicate to the entire law school community that they are valued by us, even if they are not valued by the military."

One American University law student, Becca Levin, is leading a consortium of LGBT students at Washington, D.C., area law schools. The students coordinate responses to the military recruiters, and plan to participate in Lobby Day on March 26.

Affirmative Action Committee Update

Margaret Martin Barry, Catholic University of America, Columbus School of Law

SALT's Affirmative Action Committee continues its work to develop a website as a resource for best practices in achieving diversity. We are heartened that the ABA is standing by its modest revisions to Standards for Approval of Law Schools 210 and 211, despite harsh and misleading attacks by Ward Connerly and his supporters challenging the ABA's recertification as the law school accrediting agency because of those revisions. SALT Co-Presidents Tayyab Mahmud and Eileen Kaufman will testify in December in support of ABA recertification and against attacks that the ABA acted improperly in seeking to have law schools pursue diversity, as permitted by *Grutter*.

Ward Connerly's initiative passed in Michigan, but University of Michigan President Mary Sue Coleman's response, reprinted below, is instructive for all of us. As she says, failure is indeed impossible. We must vigorously oppose initiatives cynically designed, under the veneer of equality, to exclude those who history still tells us have been and will continue to be excluded without commitment to diversity.

[Editor's note: *University of Michigan President Mary Sue Coleman addressed her university community at the University of Michigan Diag on November 8, one day after Michigan voters approved Proposal 2. Following is the text of her remarks.]*

Diversity matters at Michigan, today more than any day in our history.

It matters today, and it will matter tomorrow. It will always matter because it is what makes us the great university we are.

I am deeply disappointed that the voters of our state have rejected

affirmative action as a way to help build a community that is fair and equal for all. But we will not be deterred in the all-important work of creating a diverse, welcoming campus. We will not be deterred.

Universities are models for the civil exchange of ideas, and the debate over Proposal 2 has been no exception. Still, it has been a particularly difficult campaign, and I regret the pain and concern it has caused people on our campus.

But there has been a positive outgrowth of the debate about Proposal 2. It has brought together so many different people to say: Diversity matters at the University of Michigan. Many, many people were passionate in delivering this message, and I want to thank them for their hard work.

If November 7th was the day that Proposal 2 passed, then November 8th is the day that we pledge to remain unified in our fight for diversity. Together, we must continue to make this world-class university one that reflects the richness of the world.

I am standing here today to tell you that I will not allow this university to go down the path of mediocrity. That is not Michigan. Diversity makes us strong, and it is too critical to our mission, too critical to our excellence, and too critical to our future to simply abandon.

This applies to our state as much as our university. Michigan's public universities and our public bodies must be more determined than ever to provide opportunities for women and minorities, who make up the majority of our citizenry.

Last week I received an email from Miranda Garcia, a Michigan graduate who shared my concern about the dangers of Proposal 2, and how it

jeopardizes the fiber of our university.

"My four years in Ann Arbor," she said, "were a life-changing experience. I met students from every area of the country, from all different socio-economic and cultural backgrounds."

She was blunt in saying her life-changing experience would not have been possible without affirmative action.

I should add that Miranda lives in California, a state whose voters banned affirmative action 10 years ago. It has been a horribly failed experiment that has dramatically weakened the diversity of the state's most selective universities.

It is an experiment that we cannot, and will not, allow to take seed here at Michigan.

I will not stand by while the very heart and soul of this great university is threatened. We are Michigan and we are diversity.

I am joined on these steps by the executive officers and deans of our university. We are united on this. You have my word as president that we will fight for what we believe in, and that is holding open the doors of this university to all people.

Today, I have directed our General Counsel to consider every legal option available to us.

In the short term, we will seek confirmation from the courts to complete this year's admissions cycle under our current guidelines. We believe we have the right, indeed the obligation, to complete this process using our existing policies. It would be unfair and wrong for us to review students' applications using two sets of criteria, and we will ask the courts to affirm that we may finish this process using the policies we currently have in place.

This is our first step, but only our first step.

I believe there are serious questions as to whether this initiative is lawful, particularly as it pertains to higher education. I have asked our attorneys for their full and undivided support in defending diversity at the University of Michigan. I will immediately begin exploring legal action concerning this initiative. But we will not limit our drive for diversity to the courts, because our conviction extends well beyond the legal landscape.

It is a cause that will take our full focus and energy as an institution, and I am ready to begin that work right now. We will find ways to overcome the handcuffs that Proposal 2 attempts to place on our reach for greater diversity.

As Susan B. Anthony said in her crusade for equal rights, "Failure is impossible."

I know many in our community have been wondering what this election outcome means for you in a directly personal way.

For our current students, I promise that we will honor all financial commitments we have made to you. This is a contract we have with you, and the University of Michigan honors its contracts.

Your scholarships, fellowships and grants will remain just that: yours. The funds we awarded you are available today, and they will be there for you tomorrow, because the University of Michigan embraces diversity.

For University employees who fear that their livelihood is at risk with the passage of this proposal, please know that you have no cause for worry. No one's job at the University of Michigan will go away because of Proposal 2.

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Affirmative Action:

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We will continue to review all of our programs dedicated to minority affairs and campus diversity to ensure that they comply with the law, as we have done for many years.

Let me be very clear about this: Your work is more important now than ever before. I will do everything I can to support you in this work, because the University of Michigan promotes diversity.

To the hundreds of thousands of Michigan alumni, I ask for your support in recruiting the finest students for your alma mater. You more than anyone know the benefits of an education at this great university.

I urge you to share that enthusiasm with prospective students, because the University of Michigan wants diversity.

To high school principals, counselors and teachers throughout Michigan, please know that our outreach efforts to your schools will continue. We believe this outreach is on firm legal ground, and we will continue these programs because we want your graduates at our university. Our high school partnerships are critically important pipelines for drawing great students to Michigan, and those programs will go on.

Those programs will go on because the University of Michigan believes in diversity.

Finally, to high school students and their families, my message is simple: We want you at the University of Michigan. We want your intellect, we want your energy, and we want your ambition. We have one of the finest universities in the world, and it is remarkable precisely because of our

students, faculty and staff. We want you to aspire to be part of this amazing community.

It is amazing because the University of Michigan is diversity.

We know that diversity makes us a better university—better for learning, for teaching, and for conducting research. Affirmative action has been an effective and important tool for creating this rich, invigorating environment.

We believe so strongly in affirmative action that we went before the United States Supreme Court to defend its use, and we prevailed.

Today, I pledge that the University of Michigan will continue that fight.

Look around you. We are standing at the heart of our campus, where all the divergent pathways of the Diag come together.

We still have much to do to bring together all the people of our university. All walks of life must be present and welcome at the University of Michigan.

We should never forget a challenge issued by Henry Tappan, the university's first president, who said, "We must take the world as full as it is."

Ours is a university of the leaders and best. We must always be vigilant about recruiting and retaining the best students and staff and the finest faculty—individuals of all backgrounds and experiences—so that they may further enrich the fabric of this university. We simply cannot lose these bright minds.

As the days and weeks unfold, I know you will have questions about what this proposal means—for the University overall and for you personally, as students, faculty and staff. We do not yet have all the answers, but I vow to keep you fully informed as we

explore the full effects of this initiative.

Of course the University of Michigan will comply with the laws of the state.

At the same time, I guarantee my complete and unyielding commitment to increasing diversity at our institution.

Let me say that again: I am fully and completely committed to building diversity at Michigan, and I will do whatever it takes.

I will need your help. As individuals and as a University, we absolutely must continue to think creatively about how to elevate Michigan's role as a national model for diversity in higher education.

In the days and weeks ahead, you will hear from us about specific ways you can help in our cause. Starting today, I am asking all of our students and alumni of this great university to fire up their networks and spread the word. Tell people, "I am what a U-M education looks like—please join us."

Together, we must always work to make ours a welcoming campus. Always. Let the world know that we are a university that embraces all. No one—no one—should ever forget that every student at Michigan is highly qualified, and has rightfully earned his or her place here.

Martin Luther King Jr. told us: "The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy."

Let's stand together to tell the state and the nation that the University of Michigan embraces . . . promotes . . . wants . . . and believes in diversity.

Let's stand together to say we value all those on our campus who make this such a remarkable institution.

Let's stand together to say: We are Michigan and we are diversity.

Peace Post 9/11 Committee Update

Deborah Waire Post, Touro College, Jacob D. Fuchsberg Law Center

The Peace Post 9/11 Committee is working on the creation of an online resource center with statements or position papers and links to related sites discussing issues of particular relevance to the administration's War on Terror. The topics covered would include, among others, the establishment of the military tribunals, the suspension of habeas corpus, the definition of enemy combatant, the treatment of prisoners and other detainees, and interrogation practices used by agents of the United States government.

In September, when Congress considered the Military Commissions Act of 2006, SALT responded with a letter addressed to Congress urging our elected representatives and senators to vote against the bill. The letter was drafted by Deborah Post at the instance and with the collaboration of Lynn Henderson, UNLV. A copy of the letter was mailed to the SALT membership and will appear on the website. The text of the letter is reprinted below.

Another related issue that falls within the Committee's charge is the treatment of immigrants to the United States. Steve Bender, co-chair of the Peace Post 9/11 Committee, is collaborating with Raquel Aldana, another committee member, to write two position papers on immigration policies. The first will address populist and nativist sentiments, so reminiscent of the early twentieth century, expressed in anti-immigrant legislation passed by small cities, villages and counties. This legislation gained national attention when the city of Hazelton, Pennsylvania, adopted an ordinance making English the official language of the city and imposing fines on those who hire and those who rent to undocumented workers or immigrants. Even though this legislation was immediately challenged, it has since been adopted in a number of different communities across the country including New Jersey, California, Nevada, Florida and Texas.

If any member has an idea for a position paper he or she wishes to write on the legal issues arising from or related to the War on Terror or immigration policy, or if you can recommend an online source to which we could provide a link, please contact Deborah Post or Steven Bender.

September 26, 2006

To Members of Congress:

We are writing on behalf of the Society of American Law Teachers (SALT) to express our strong opposition to the proposed Military Commissions Act of 2006. SALT is the largest organization of law professors in the country, with over 800 members at more than 150 law schools. Its members include law deans and law professors. SALT is committed to promoting public service in the legal profession, promoting social justice and advancing human rights.

At the outset, we note our dismay that a bill of the complexity, length and importance of the Military Commissions Act is about to be voted on without adequate time for study and reflection. This expedited process is precipitous. The Act should be examined deliberately and with due regard for the importance of the definitions, procedures and policies that it contains. This is particularly true when key provisions have been revised overnight.

Apart from the precipitous process, there are several provisions of the bill that we find particularly troubling – the elimination of habeas for detainees, the open ended and unclear definition of enemy combatant, and the definition of torture.

First, the bill purports to divest the federal courts of jurisdiction to hear habeas petitions

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Save the Date

6th Annual Norman Amaker Public Interest Law and Social Justice Retreat

February 23-25, 2007

Bradford Woods, Indiana

The 6th Annual Norman Amaker Public Interest Law and Social Justice Retreat will be held February 23-25, 2007, at Bradford Woods, Indiana, a short drive south of Indianapolis. The theme of the 2007 Retreat is "Holistic Justice." The keynote speaker is Robin G. Steinberg, Executive Director of the Bronx Defenders. Panels will include "Legal Counseling of Clients: Helping Clients Impact Social Change"; "Counseling Clients on Financial Matters"; "Mental Illness"; "Homelessness"; and "International Human Rights and Gender Issues." The planning committee is also still considering other topics for discussion. If you wish to participate in the Retreat as a speaker, please send your proposal to amaker@iupui.edu.

The Amaker Retreat is a great weekend during which social justice-oriented students can come together with like-minded faculty and practitioners and share ideas, aspirations, and rejuvenate. We encourage all interested SALT members to participate in the Retreat and issue a standing invitation. The Registration fee of \$100 covers food and lodging for the entire weekend. Bradford Woods is Indiana University's retreat and conference facility offering modern but modest accommodations in a beautiful wooded setting. Participants have plenty of free time to hike through the nature trails or converse by the fire.

You can register by sending your name and school affiliation to amaker@iupui.edu. We hope to see many of you there.

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to challenge the legality of executive detention at Guantanamo and elsewhere outside the United States. In short, it would permit the indefinite detention of prisoners at Guantanamo and elsewhere for years without charge or trial. This legislation would preclude any challenge to that detention. While the Administration refers to everyone who is currently in detention in Guantanamo Bay and elsewhere outside the United States as an “unlawful enemy combatant,” there is no evidence that everyone who is in executive detention is an enemy of the United States. In fact, there are facts which suggest that some of those who were detained were not enemy combatants but individuals who happened to be in the wrong place at the wrong time.

Deprived of the right to challenge their detention, innocent people may be condemned to live out their lives incarcerated in a foreign country far from family and friends. As law professors, we condemn this attempt to strip courts of jurisdiction. There is a very real risk in such a case that the resulting lack of accountability will undermine American democracy. The U.S. Constitution expresses cherished shared values, including a commitment to due process. These values cannot be defended or vindicated if courts are stripped of the power to hear complaints by those who claim they have been illegally detained.

There are many reasons why this Act is repugnant to those who respect the Rule of Law and the fundamental principles of American democracy. This legislation gives the Executive Branch complete freedom to violate Constitutional principles that are generally enforced by the judiciary. A basic protection for those who have been detained and imprisoned by the government is the Writ of Habeas Corpus. It not only protects individual liberty, it restrains the government’s exercise of power. Only in the most extreme circumstances can habeas be suspended: in the case of rebellion or invasion.

In the Global War on Terrorism, the theatre of operations is the Middle East, primarily Afghanistan and Iraq. The American people have been assured repeatedly that the United States is safer because the terrorists have been engaged abroad. The presence or suspicion that there might be Al Qaeda cells in the United States is not an invasion. When Al Qaeda cells have been uncovered in the United States, the accused have been convicted in criminal proceedings which satisfy the requirements of due process. There has been, in those instances, no threat to public safety occasioned by a public trial. If there is no threat to public safety in those instances, there cannot be a threat to public safety simply because a detainee petitions the courts for redress.

Second, the Act, in § 948a, redefines an enemy combatant to include anyone who gives “material aid” to terrorists and § 948d leaves it to the Secretary of Defense or the President to further define this category. The potential for misidentification as an enemy or one who supports the enemy is already great. Under this indeterminate and elastic definition, there is potential for the miscarriage of justice, as in documented cases of persons unjustly accused of terrorism or material support for terrorism. It was only access to courts and the ability to challenge the accusations under a system that guaranteed due process of law that protected those who were not guilty.

Third, we are concerned that the terms of the Act can be interpreted in a manner that is inconsistent with the Geneva Convention, the McCain Detainee Treatment Act as originally promulgated and general standards of decency. The Administration continues to argue

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SALT Board Transitions

Joan Howarth, William S. Boyd School of Law, University of Nevada, Las Vegas

Congratulations to Margaret Martin Barry (Catholic) and Deborah Waire Post (Touro) on having been elected as SALT Co-Presidents



Margaret Martin Barry

Elect. Margaret and Deborah will be Co-Presidents Elect until January '08, when they



Deborah Waire Post

will succeed Eileen Kaufman and Tayyab Mahmud, SALT’s current Co-Presidents.

Beginning in January '07, the SALT

Board of Governors will be joined by new members Ruben Garcia (Cal Western), Beth Lyon (Villanova), and Peggy Maisel (Florida International). Incumbent Board members Margaret Barry, Steve Bender (Oregon), David Brennen (University of Georgia), Nancy Cook (Roger Williams), Joan Mahoney (Wayne State), Deborah Post, Bill Quigley (Loyola-New Orleans), and Natsu Taylor Saito (Georgia State) were re-elected to three-year terms. As we congratulate our new and returning board members, we can also thank Bob Dinerstein (American) and Kent Greenfield (Boston College), who are leaving the board, for their fine work on behalf of SALT. In addition to their many other contributions, Bob has been at the center of SALT’s Judicial Nominations efforts, and Kent was a leader of SALT’s efforts to challenge the Solomon Amendment in *FAIR v. Rumsfeld*.

SALT’s election process was different in two ways this year. First, the elections were conducted under SALT’s new bylaws, which provide for nominations by the board in the

spring and a period for additional nominations by the membership over the summer, with the election in the fall. Second, for the first time SALT conducted its elections using an online voting service. Many who voted found the process easy, and even fun, and it was cheaper and more efficient for SALT. Thanks to all who voted.

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that “harsh” methods are justified when it interrogates “high value” detainees. It does this despite historical evidence, which proves irrefutably that torture results in false confessions and that such confessions are generally repudiated when the torture is discontinued. If there is any lack of clarity with respect to the methods that can be used in interrogating detainees, it is partly a consequence of the Presidential signing statement accompanying the Detainee Treatment Act, which asserted the power of the President as Commander in Chief to construe the Detainee Treatment Act in a way that would achieve the end of “protecting the American People from further terrorist attacks.” As long as the President continues to assert his supreme authority, absent judicial oversight, there is no real assurance that the U.S. will respect the standards which bind it as a signatory of the Geneva Convention.

For example, Sections 950rr and 950ss require that an injury to a member or organ or mental faculty be “protracted” and further requires specific intent before a person can be prosecuted for the cruel and inhuman treatment of a detainee. The expressed desire on the part of the Administration for “clarity” with respect to the standards contained in the Geneva Convention follows disturbing revelations over the past few years about practices employed by the CIA and other government operatives to interrogate prisoners in U.S. custody in Iraq, Afghanistan and in secret prisons around the globe. No doubt those who are accused of torture would argue that at the time of the infliction of injury, he or she had a good faith belief in an imminent risk to the United States and its citizens and the urgency of the situation justified the use of unusual or innovative interrogation techniques. Human ingenuity being what it is, if the statute outlaws only “protracted” injuries, methods of interrogation may well be devised that cause temporary, but severe and debilitating, injury. In our opinion, while these might not be “protracted” they would still be torture under the Geneva Convention and under § 2441 of the War Crimes Act, unless that statute is amended as proposed by the Military Commissions Act. Contrary to the public perception that the Administration seeks clarity in this legislation, the Act gives the President unlimited discretion to “interpret the meaning and application of the Geneva Convention and to promulgate higher standards . . . for violations of treaty obligations which are not grave breaches.” The issue here is not clarity, but absolute and unfettered executive power.

Beginning soon after the horrific attack on the World Trade Center in September of 2001, the President and members of his Administration have made extraordinary claims to power without accountability. As the Supreme Court declared in *Hamdi v. Rumsfeld*, 542 U.S. 507 (2004): “It is during our most challenging and uncertain moments that our Nation’s commitment to due process is most severely tested; and it is in those times that we must preserve our commitment at home to the principles for which we fight abroad.” The decision by the Supreme Court affirms the fact that the Rule of Law and the Constitution still obtain in the United States. If the Military Commissions Act of 2006 is enacted, it would provide a Congressional imprimatur of the President’s unprecedented assertion of power. We strongly urge you to vote against this legislation.

Sincerely,
Eileen Kaufman & Tayyab Mahmud
Co-Presidents of Society of American Law Teachers

Reminder: Please Make Sure Your School Completes SALT's Salary Survey Form

Aviam Soifer, William S. Richardson School of Law, University of Hawai'i

Once again this year, Avi Soifer (Dean, Hawai'i) is collecting data for SALT's important annual salary survey. The survey collects and disseminates the median salaries and fringe benefits for tenure and tenure-track law faculty ranks (assistant, associate and full professor). By the time you read this, letters and the easy-to-complete forms will be in the offices of all law school deans in the United States and Puerto Rico.

Last year, 87 law schools furnished salary information. In other words, more than half of our nation's law school deans did not participate in the survey. The percentage of non-responding schools has been creeping up over the past five years, growing from nearly 46 percent to more than 50 percent.

While there is still plenty of time to complete and turn in the survey forms, as of November 27, the following law schools had not yet responded, or had refused to participate in the survey:

University of Alabama School of Law	Chicago-Kent College of Law Illinois Institute of Technology	Inter American University of Puerto Rico School of Law
American University Washington College of Law	University of Cincinnati College of Law	University of Iowa College of Law
Appalachian School of Law	Cleveland State University Cleveland-Marshall College of Law	The John Marshall Law School
University of Arizona James E. Rogers College of Law	University of Colorado School of Law	John Marshall Law School - Atlanta
Arizona State University College of Law	Columbia University School of Law	Judge Advocate General's School U.S. Army
Ave Maria Law School	University of Connecticut School of Law	University of Kentucky College of Law
Barry University Dwayn O. Andreas School of Law	Cornell Law School	University of LaVerne College of Law
Baylor University School of Law	Creighton University School of Law	Lewis & Clark Law School
Boston College Law School	University of Dayton School of Law	Liberty University School of Law
Boston University School of Law	DePaul University College of Law	Louisiana State University Paul M. Hebert Law Center
Brigham Young University J. Reuben Clark Law School	University of Detroit Mercy School of Law	University of Louisville Louis D. Brandeis School of Law
Brooklyn Law School	Drake University Law School	Loyola Law School
State University of New York at Buffalo School of Law	Duke University School of Law	Loyola University-Chicago School of Law
University of California-Berkeley School of Law	Duquesne University School of Law	University of Maine School of Law
University of California-Davis School of Law	Emory University School of Law	University of Maryland School of Law
University of California-Hastings Hastings College of Law	Faulkner University Thomas Good Jones School of Law	University of Miami School of Law
University of California-Los Angeles School of Law	Florida A&M University College of Law	University of Michigan Law School
California Western School of Law	Florida Coastal School of Law	Michigan State University Detroit College of Law
Campbell University Norman Adrian Wiggins School of Law	Florida International University College of Law	University of Minnesota Law School
Capital University Law School	Florida State University College of Law	Mississippi College School of Law
Case Western Reserve University Franklin T. Backus School of Law	Fordham University School of Law	University of Missouri-Kansas City School of Law
Catholic University of America Columbus School of Law	Franklin Pierce Law Center	New England School of Law
Chapman University School of Law	George Mason University School of Law	New York Law School
University of Chicago Law School	George Washington University Law School	New York University School of Law
	Georgetown University Law Center	North Carolina Central University School of Law
	Golden Gate University School of Law	Northern Illinois University College of Law
	Harvard University Law School	Northwestern University School of Law
	Hofstra University School of Law	Notre Dame Law School
	University of Houston Law Center	Nova Southeastern University Shepard Broad Law Center
	Indiana University School of Law-Bloomington	
	Indiana University - Indianapolis School of Law	

Ohio Northern University Claude W. Pettit
College of Law

Ohio State University Moritz College of Law

Oklahoma City University School of Law

University of the Pacific McGeorge School of Law

University of Pennsylvania Law School

Pepperdine University Odell McConnell
Law Center

Pontifical Catholic University of Puerto Rico
Faculty of Law

University of Puerto Rico School of Law

Quinnipiac University School of Law

Regent University School of Law

University of Richmond T.C. Williams School
of Law

Roger Williams University Ralph R. Papitto School
of Law

Rutgers University-Camden School of Law

Saint Louis University School of Law

Samford University Cumberland School of Law

University of San Diego School of Law

University of San Francisco School of Law

Santa Clara University School of Law

Seattle University School of Law

Seton Hall University School of Law

University of South Dakota School of Law

South Texas College of Law

University of Southern California Law School

Southern Methodist University Dedman School
of Law

Southwestern University School of Law

St. John's University School of Law

St. Mary's University School of Law

University of St. Thomas School of Law

St. Thomas University School of Law

Stanford University Law School

Stetson University College of Law

Syracuse University College of Law

Temple University James E. Beasley School
of Law

University of Texas School of Law

Texas Wesleyan University School of Law

Thomas Jefferson School of Law

University of Toledo College of Law

Touro College Jacob D. Fuchsberg Law Center

Tulane University School of Law

University of Tulsa College of Law

University of Utah S.J. Quinney College of Law

Vanderbilt University Law School Law School

Vermont Law School

Villanova University School of Law

University of Virginia School of Law

Wake Forest University School of Law

University of Washington School of Law

Washington and Lee University School of Law

Washington University School of Law

Western State University College of Law

Whittier Law School

Widener University

Willamette University

College of William and Mary

University of Wisconsin Law School

Yale University Law School

Yeshiva University Benjamin N. Cardozo School
of Law

Please help make sure that your school participates, using whatever persuasive methods you deem legal and appropriate. The completed forms should be mailed or faxed to Avi at 808-956-6402 by January 5th.

If you or others have any questions, please contact Avi at 808-956-6363 or soifer@hawaii.edu.

Save the Date

20th Annual Robert M. Cover Public Interest/Social Justice Law Retreat

March 2-4, 2007

*Boston University's Sargent Camp,
Peterborough, New Hampshire*

The 20th Annual Robert M. Cover Public Interest/Social Justice Retreat, sponsored by SALT, will be held March 2-4, 2007 at the Boston University Sargent Center in Peterborough, New Hampshire. This year's Cover Retreat, organized by students from the Yale Law School, will honor the vision of professor and social change activist Robert Cover by bringing together a dynamic group of progressive practitioners, public interest-minded law students, and their teachers, to share and develop individual and collective strategies for achieving social justice.

This year's retreat—under the banner of “Lawyering for Social Change”—will affirmatively explore the many approaches to progressive lawyering in the public interest. The aim of the weekend's panels, workshops, and other more informal opportunities for exchange will be to present and explore the strategies and merits of various methods employed by public interest lawyers to achieve social change. Among other topics, practitioners, students and teachers will consider direct legal services, impact litigation and class actions, community organizing and education, issue-oriented lobbying, policy formation and law reform in government, law teaching, and creative and original projects in the nonprofit sector. A number of sessions will also tackle the practical realities of starting a career in the public interest, including finding fellowships, getting training, and managing a healthy work-life balance.

As has been its tradition in each of the last twenty years, the weekend will provide a unique opportunity for coalition-build-

Cover Retreat continued on page 18

Cover Retreat:

▼ *continued from page 17*

ing, recharging, networking, learning, and sharing among public interest lawyers and future public interest lawyers, with the goal of inspiring – and creating – law professionals capable of generating and motivating political, social and legal change.

Contact Theresa Sgobba (theresa.sgobba@yale.edu) with questions or visit <http://www.law.yale.edu/3402.asp> for details.

Save the Date

9th Annual Trina Grillo Public Interest and Social Justice Law Retreat

March 9-10, 2007

Seattle University School of Law

The 9th Annual Trina Grillo Public Interest and Social Justice Law Retreat will be held March 9-10, 2007, at Seattle University Law School in Seattle. This year the theme is “Justice Across Borders.” Participants will focus on public interest and social justice lawyering that crosses international boundaries, with an emphasis on the challenges of representing clients who are not U.S. citizens. Topics for plenaries and roundtables include Farm Workers’ Rights, Civil Liberties Post-9/11, Intersections of Immigration and Criminal Law, Human Trafficking, and Immigrant Rights Groups & Impact Litigation. The retreat is designed to facilitate close interactions between law professors, practitioners and law students around issues of common interest. Students will also get an opportunity to explore their career choices in public interest and social justice lawyering.

The keynote speaker will be Brandt Goldstein, author of “Storming the Courts,” the compelling story of the law students and human rights advocates who filed suit against the first Bush and Clinton administrations to free HIV-positive Haitian refugees detained at Guantanamo Bay during the 1990s.

The Grillo Retreat is a wonderful example of the way that SALT works together with law students and professors from around the country to promote public interest and social justice lawyering. Seattle University, University of Oregon, University of San Francisco, Golden Gate University, University of Nevada, Santa Clara University, University of California-Los Angeles and Stanford University form the consortium that facilitates the Retreat.

For more information and a complete program listing, please log on to www.law.seattleu.edu/accesstojustice or call Seattle University School of Law’s Access to Justice Institute at (206) 398-4173.

Save the Date

Deanship Workshop Sponsored by SALT and Seattle University School of Law

May 18-19, 2007

*Seattle University School of Law
Seattle, Washington*

SALT is partnering with Seattle University School of Law to sponsor a two-day workshop to encourage and assist members of underrepresented groups to pursue deanships. The workshop will be held at Seattle University School of Law May 18-19, 2007. Both SALT and SU Law have long-standing commitments to achieving diversity in the legal profession and in the legal academic setting. This workshop is designed to increase the ability of non-traditional dean candidates to break through the glass ceiling that is keeping these groups underrepresented in decanal ranks. Speakers will include experienced deans and associate deans, senior law school staff, and university administrators, who will address the following four core areas:

- Determining whether you want to be a dean and whether it is the right time and place to pursue a deanship;

- Understanding the nuts and bolts of the dean’s role: developing an administrative team, personnel matters, internal administrative matters (including library, technology, admissions, financial aid, career services, registrar), budgets (including setting tuition and university overhead), advancement (including communications, development, alumni relations, public relations), external relations (including public speaking, media relations), university relations, accreditation, and special issues (including stand-alone law schools and religiously affiliated law schools);
- Preparing yourself to be a successful dean candidate; and
- Negotiating the terms of your appointment and ensuring a successful transition to the decanal role.

In addition to the substantive program, there will be considerable time set aside for one-on-one consultation and interaction. It is expected that the relationships engendered by this workshop will provide attendees with ongoing mentoring and advisory relationships that will continue to be useful long after the workshop ends.

SALT members will benefit from a reduced registration fee for the workshop. In addition, SALT will provide a limited number of scholarships for faculty members who may not otherwise have access to other funding to attend the workshop.

To indicate your interest in serving as a presenter, or for further advance information about the conference, please contact Seattle University Dean Kellye Y. Testy at ktesty@seattleu.edu. Further details are available at www.law.seattleu.edu and online registration will open January 2007.

SALT ANNUAL AWARDS DINNER

Friday, January 5, 2007 • 6:00 P.M.

Woman's National Democratic Club

Dupont Circle • 1526 New Hampshire Avenue, N.W. • Washington, D.C.

_____ tickets at \$70 each (postmarked by Dec. 11)

\$80 each (postmarked by Dec. 28)

Tickets will be available at the door for \$85 each, but space is limited so we encourage you to purchase in advance.

If you need a subsidy to attend the dinner, please check here.

Reserved table for 10 – \$1,000 Name of party for reserved table: _____

Name: _____

E-mail: _____

**Please return this form with a check payable to “Society of American Law Teachers” to:
Professor Norman Stein, 12 Columbia Road, Portland, Maine 04103, nstein@law.ua.edu**

You will receive e-mail confirmation. Your tickets will be waiting for you at the door.

Society of American Law Teachers

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Enroll/renew me as a Regular Member. I enclose \$60 (\$40 for those earning less than \$50,000 per year).

Enroll/renew me as a Contributing Member. I enclose \$120.

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Enroll me as a Lifetime Member. I enclose \$900.

I am contributing \$ _____ to the Stuart and Ellen Filler Fund to support public interest internships.

I am contributing \$ _____ to the Norman Dorsen Fund to support the work of the SALT Board.

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Professor Raleigh Hannah Levine, Editor

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