

SALT EQUALIZER

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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



Eileen Kaufman and Tayyab Mahmud

These are exciting times for SALT. Over the spring and summer, SALT remained engaged in resisting assaults on academic freedom, civil liberties, and the rule of law. Concurrently, historic steps were taken to solidify the infrastructure of the organization so that it can play an even more effective role in the struggle for social justice, diversity and academic excellence.

We are thrilled to report that SALT has been awarded a generous multi-year capacity-building grant by the Open Society Institute (OSI). This will enable us to supplement our hard-working volunteer Board with full-time professional staff. Earlier, OSI had funded a SALT Board retreat in 2006 at which we drew up a long-term strategic plan for the organization. In light of this plan, we submitted a grant application to enable us to hire full-time professional staff. Following the positive decision on our application, the Board's Planning Committee, consisting of Margaret Barry, Carol Chomsky, Howard Glickstein, Phoebe Haddon, Joan Howarth, Beto Juarez, Jr., Eileen Kaufman, Holly Maguigan, Tayyab Mahmud and Deborah Post, developed a job description for an Executive Director and advertised for the position widely. The skills we were seeking included demonstrated commitment to social justice, management experience, leadership, fundraising and development skills, and demonstrated experience in promoting diversity. We received more than 50 applications from people with a wide variety of backgrounds. Five candidates were selected for telephone interviews. Following the telephone interviews, two candidates were selected for detailed face-to-face interviews. Finally, the Board approved the Committee's recommendation to offer the position to Hazel Weiser. Hazel has accepted our offer and will start as the first Executive Director of SALT in September.

Hazel combines marketing and development experience in the non-profit sector with years of litigation, law teaching and administration and community service. For the last ten years, she has worked in the non-profit community, writing grants and funding reports, assisting in philanthropic planning, devising marketing and communications plans for the Long Island Community Foundation (LICF) and other nonprofit organizations, and creating legal education programs for local bar associations. She is currently the Director of Foundation Advancement at the LICF, a grant-making



*New SALT Executive Director
Hazel Weiser*

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organization with over 40 million dollars in assets. She spearheaded the LICF initiative ERASE Racism, by helping to organize its first regional conference, and helping to secure funding and promote its message to identify and eradicate institutional racism in public and private institutions. She was a founding board member of the Long Island Fund for Women & Girls and helped that organization transition from having an all-volunteer Board to having first a managing director and then an executive director. She has also been a teacher and an administrator in law schools, including New College of California, JFK University School of Law, and Touro Law School, where she was the Director of Legal Writing from 1987-1997.

Related and equally exciting news is the opening of a permanent bricks and mortar SALT office in September 2007. Touro Law Center has very generously furnished us office space in the Public Advocacy Center of its new building. Housing the Executive Director and other support staff, this office will serve as the nerve center of the organization. This historic milestone signals a new phase in the growth of SALT, whereby it is emerging as an even stronger and effective organization of progressive law teachers.

Yet another exciting new project is the launch of the SALT Law School Representative initiative. As Adele Morrison reports in this issue, this initiative aims at having a resident SALT Representative at all law schools. These Representatives will serve as liaisons between the SALT Board and their respective schools. They will keep the Board informed about local issues, struggles and campaigns, keep the different constituencies at their schools informed about SALT's programs, initiatives and mobilization, and propose policies and programs for adoption by the SALT Board. We believe this initiative will help reenergize SALT as an organization

and will help facilitate efficient communication between the members, administrative staff and the Board of Governors.

Another exciting new project is a brand new, cutting-edge SALT website. As Christian Halliburton reports, the new website will be up and running in September. The pleasing and efficient design and enhanced capabilities of the new website will make it a vehicle for community-building and organizational development by serving as a vital source of information for SALT members and others. It will feature more interactive links, easier access to others in the SALT community, and online membership renewals and conference registration.

A companion to our new website is an extraordinary new electronic resource that provides vital information and authoritative data regarding the state of law school admissions as they relate to African Americans and Mexican Americans. This website was created by Columbia Law School students under the guidance of SALT Board member Conrad Johnson. Besides furnishing statistical data, this compelling and accessible website provides model "Best Practices" and the applicable law in light of Grutter. We are enormously grateful to Professor Johnson and his students and we urge you to visit and utilize this affirmative action website.

As the infrastructural changes listed above were unfolding, the substantive work of SALT continued unabated. As Natsu Saito reports, the Peace-Post 9/11 Committee's primary focus was on legislative initiatives concerning immigration reform and the restoration of the right of habeas corpus to all persons detained by the United States. The Board adopted a thorough statement about anti-immigrant measures drafted by Raquel Aldana and Steve Bender. SALT joined other organizations to call for congressional action to restore all protections of the right of habeas corpus to all detainees. Both questions remain unresolved and we expect SALT members to remain engaged in this struggle.

As Nancy Ehrenreich reports, SALT continued to weigh in on the assault on academic freedom evidenced by the investigation and firing of Professor Ward Churchill by the University of Colorado. SALT firmly believes that the freedom and right of university professors as public intellectuals to criticize public policy is essential to the health both of the academy and democracy.

SALT remained actively engaged in responding to the legal needs of those affected by Hurricane Katrina in the Gulf region. As Nancy Cook reports, SALT has coordinated its efforts with other public interest and social justice organizations. A highlight has been the formation of a working group to help marshal the resources of the legal academy to assist the efforts of the Student Hurricane Network. We urge SALT members to get involved in the efforts to work with those affected by Katrina.

SALT's efforts to help lift the ban on gays in the military continue unabated. As Kathleen Clark reports, on March 25-27, 2007, students and faculty from different law schools went to Washington, D.C., to lobby Congress to adopt legislation to repeal the ban. Furthermore, SALT, in concert with FAIR, submitted written objections to the Defense Department's new regulation to implement the Solomon Amendment. Next year's Lobby Day will be March 6-7, 2008; we urge all SALT members and particularly those in the vicinity of Washington, D.C., to participate.

2007 was another successful year for SALT Public Interest and Social Justice Retreats. The Annual Robert M. Cover Retreat was held March 2-4, 2007, at Boston University's Sargent Camp in Peterborough, New Hampshire. The theme this year was "Lawyering for Social Change." The Grillo Retreat ventured out of its traditional home at Santa Clara and was held at Seattle University School of Law on March 8-9, 2007. The theme this year was "Justice Across Borders." From now on, the venue of this

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Deanship Workshop Set for September 28-29 in Seattle

Kellye Testy, Seattle University School of Law

Interested in becoming a dean? Seattle University School of Law is partnering with SALT 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 from September 28-29, 2007. The

conference will run from 9 a.m. to 5 p.m. on Friday (reception to follow), and from 9 a.m. to 2 p.m. on Saturday.

Speakers will include current and former deans and several leading associate deans from more than 25 law schools, including: Gail Agrawal (Kansas); Peter Alexander

(Southern Illinois); Linda Ammons (Widener); David Brennan (Georgia, AALS); Jim Chen (Louisville); Annette Clark (Seattle); Linda Crane (John Marshall); Larry Dessem (Missouri-Columbia); Kristin Booth Glen (CUNY at Queens, New York Supreme Court); Joan Howarth (UNLV); Beto Juarez (Denver); Kevin Johnson (UC Davis); Joe Knight (Washington); SALT Co-President Tayyab Mahmud (Seattle); William Mock (John Marshall); LeRoy Pernell (Northern Illinois); Ed Rubin (Vanderbilt); Avi Soifer (Hawaii); Rennard Strickland (Oregon); Kellye Testy (Seattle); David Van Zandt (Northwestern); Barry Vickrey (South Dakota); and Frederic White (Golden Gate). We are in the process of confirming other speakers.

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 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, and registrar), budgets (including setting tuition and university overhead), advancement (including communications, development, alumni relations, and public relations); external relations (including public speaking and media relations), university relations, accreditation and special issues (including stand-alone law schools

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Retreat will rotate among the law schools that are members of the Grillo Retreat Consortium. In 2008, the Retreat meets at UNLV, Las Vegas. The 2007 Norman Amaker Social Justice and Public Interest Law Retreat, with the theme "Holistic Justice," was held at Bradford Woods, Indiana, on February 23-25, 2007. This was the sixth year for this student-run retreat. These retreats offer unique opportunities for law students, practitioners and activists to share their knowledge and experience regarding public interest and social justice lawyering. The SALT Board is very keen that a similar project be initiated in the South. Some progress has been made in this regard and we expect to have some good news by the end of this year.

Please mark your calendars for the following exciting upcoming events organized by SALT. The "Promoting Diversity in Law Deanships" conference will be held at Seattle University School of Law on September 28-29, 2007. The fifth annual LatCrit/SALT Junior Faculty Development Workshop will take place October 4-5, 2007, at the LatCrit conference in Miami Beach, Florida. The SALT Annual Dinner will be in New York on January 5, 2008, where Human Rights and Teaching Awards will be presented. "Teaching for Social Change" will be the theme of the SALT Teaching Conference at Berkeley on

March 14-15, 2008.

This is a uniquely exciting and challenging time for SALT. We are confident that the new Executive Director, the new website, and our SALT Law School Representatives will help enhance SALT's ability to advance its mission and deepen its impact. You surely recognize that the need to energize an organization such as SALT is even more important than ever in today's climate. With the pervasive threats to tenure, academic freedom and individual liberties, it is paramount to unite in our ongoing struggles for equality, diversity and social justice. We urge you all to renew your memberships, a process now made so much simpler by the new website. We also call upon you to volunteer to be a SALT Representative at your school, or to join one of the committees to help with specific tasks, or to contribute financially to the organization. Your continued support and commitment to SALT help cultivate a community of progressive teachers dedicated to making a difference through the power of law. The challenges to academic freedom, civil rights, diversity and social justice continue to confront us. We are confident that energized members and an active Board will prove up to the task.

Best wishes,
Eileen & Tayyab

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- 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. Additionally, a special presentation will be made by Professors Bryan Adamson (Seattle) and Antoinette Lopez (New Mexico) on the two recent studies of best practices for legal education (Carnegie's "Educating Lawyers: Preparation for the Profession of Law" and Roy Stuckey's "Best Practices for Legal Education: A Vision and A Road Map").

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.

The registration fees, which include workshop materials and meals, are as follows:

Registration received by August 31, 2007:

- \$250 for SALT members
- \$350 for non-members of SALT

Registration received after August 31, 2007:

- \$300 for SALT members
- \$400 for non-members of SALT

To register and get full information about the conference, please visit: www.law.seattleu.edu/news/archive/2007/deanship-conference. For additional information, or if you have questions, feel free to contact Leann Wagele at wagelel@seattleu.edu or (206) 398-4281.

Annual Faculty Development Workshop for Progressives to Take Place October 4-5

Frank Rudy Cooper, Suffolk University Law School

The fifth annual LatCrit/SALT Junior Faculty Development Workshop will take place from 2:45 p.m. on Thursday, October 4, through 1:45 p.m. on Friday, October 5, 2007, at the LatCrit conference at the Alexander Hotel, Miami Beach, Florida. The goal of the workshop is to make POTs: Progressive Outsiders Tenured. The workshop helps create those people by providing progressive junior faculty, including clinicians, with some of the unwritten rules for success. It does so in a space that is safe and fosters discussion. Please tell your "tenure-free" colleagues to read more about this invaluable event at <http://www.latcrit.org>.

[T]he workshop is an excellent place for junior faculty to network with fellow progressives. . . . Help us help your progressive junior colleagues by encouraging them to attend the workshop.

There are three main components to the workshop: Discussion of unwritten rules, concrete advice on scholarship and teaching, and creation of networks. Within a year of joining a law faculty, we realize that demonstrating knowledge of the unwritten rules is a fourth category of tenure evaluation alongside scholarship, teaching, and service.

The workshop begins with a session entitled "On Jurisprudence," which summarizes LatCrit principles. It is designed to give us a shared language for critical writing, teaching and practice.

The second session, "On Professionalism and Balance," concentrates on how to play institutional politics and demonstrate "collegiality." While "all tenure is local and personal," most of the pitfalls at a given institution have also been sprung on people somewhere else. We will present a list of common unwritten rules and then allow junior faculty to ask questions about what to do in the situations they are actually facing. We will also ask how we can balance professional demands with family responsibilities and personal interests. We will provide advice on how to carve out a personal life while still satisfying the written and unwritten job requirements.

Our third session is a group of breakout sessions. A "Just Juniors" session will discuss pre-tenure issues of professionalism and balance. A "Suddenly Seniors" session will discuss the issues faced by the newly-tenured, such as pursuing leadership roles and navigating divisions between types of law faculty. A "Sisters" session will allow women of color to develop their own agendas for professionalism and balance in a safe space.

Of course, many people are tripped up by the scholarship and teaching requirements. Because we are the rare academics who do not usually go through a training program, lots of us who have the desire to be great scholars and teachers are not sure how to accomplish our goals. Many people have to be pulled aside by a friendly colleague and told what a good article and good class

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look like. We hope to serve that function. In our fourth session, “On Scholarship,” both doctrinal and clinical scholars will provide roadmaps for how to conceive of, research, draft, finalize, and market an article. We strongly encourage attendees to bring drafts so that we can assign readers who will be constructively critical but never discuss an article’s early flaws with anyone else. The fifth session, “On Pedagogy,” will also provide step-by-step guides for teaching a class from both a doctrinal and clinical perspective. This session will pay special attention to the ways in which students often challenge progressives and outsiders. Again, specific questions will be encouraged.

Beyond the agenda, the workshop is an excellent place for junior faculty to network with fellow progressives. One network we will help form is the group of junior colleagues at other schools who provide support and answers to the many junior faculty questions that begin with: “Is this a crazy question?” A second network the workshop will help develop is a group of senior colleagues at other schools who can be called on for perspective and advice. Both of those groups can save juniors from “career-limiting gestures.”

If we are going to fight the Bush retrenchment in law schools and our wider communities, we are going to need more POTs. Help us help your progressive junior colleagues by encouraging them to attend the workshop. To register for the conference, go to <http://www.latcrit.org> or contact Frank Rudy Cooper at the Suffolk University School of Law in Boston.

Teaching Conference Scheduled for March 14-15 in Berkeley

Patricia J. Falk, Cleveland-Marshall College of Law

On March 14-15, 2008, at the University of California-Berkeley, Bolat Hall, SALT and Boalt’s Thelton E. Henderson Center for Social Justice will co-sponsor a teaching conference. The conference theme is “Teaching for Social Change,” and it will be dedicated to the memory of University of Hawaii law professor Chris Iijima.

Possible topics for plenary sessions, panels, and workshops include:

- Teaching for the Future
- Implications of the Supreme Court’s recent decision in *Parents Involved in Community Schools v. Seattle School District* and *Meredith v. Jefferson County Board of Education*
- When You’re Not Preaching to the Choir: Strategies for Teaching for Social Change to Non-Progressive Students
- Taking Risks When Your Presence Puts You at Risk: Guidelines for Women and Faculty of Color
- Learning by Doing/Putting Theory into Practice: How to Incorporate Activism into Your Course
- Bringing It All Together: Steps for Selecting a Casebook, Supplementing with Your Own or Someone Else’s Reader, or Putting Together Your Own Materials
- Deaning for Social Change
- Using Technology in the Classroom for Transformative Change
- Teaching Torts, Contracts, Property, Criminal Law for Social Change
- Teaching Constitutional Law in Our Times

If you have ideas for a panel, plenary, or speaker, or if you are interested in otherwise participating in the conference, please contact Patti Falk at patricia.falk@law.csuohio.edu. Other members of the organizing committee include: Lori Bannai (bannail@seattleu.edu), Diane Chin (dchin@law.berkeley.edu), Jane Dolkart (dolkartj@gmail.com), Tayyab Mahmud (mahmud@seattleu.edu), Reggie Oh (reginald.oh@law.csuohio.edu), and Angela Onwuachi-Willig (angela-onwuachi@uiowa.edu).

Please share information about the Teaching Conference with your colleagues, particularly new and junior faculty who are not yet members of SALT, and please visit www.saltlaw.org for further details.

LGBT Committee Update: Lobbying to Lift the Military's Gay Ban; Opposing New Solomon Regs

Kathleen Clark, Washington University in St. Louis

2007 has seen two significant developments in SALT's efforts to lift the ban on gays in the military. First, law students and faculty from around the country lobbied Congress to lift the ban. Second, the Defense Department proposed new regulations implementing the Solomon Amendment (which requires educational institutions that receive federal funding to permit military recruiters to come onto campus), and SALT commented on these proposed regulations.

Lobby Day

The Military Readiness Enhancement Act (H.R. 1246), which would lift the ban on gays in the military, has 131 sponsors in the House of Representatives, and is expected to be introduced in the Senate later this year. On March 25-27, 2007, more than fifty law students and faculty from fourteen law schools came to Washington, D.C., to urge Congress to pass this legislation. Participating law schools included American University, Boston College, Columbia, Fordham, Franklin Pierce, Georgetown, Harvard, New York Law School, NYU, Seton Hall, Touro, Vermont, Washington University in St. Louis, and University of Maine.

While this was the fifth annual Lobby Day to lift the military's gay ban, it was the first time there was substantial law school



Kathleen Clark, Mike Rankin, Tom Field, SALT Co-President Eileen Kaufman and Marjorie Silver rally for Lobby Day

participation, and that was thanks to SALT's efforts. Students from Fordham, NYU, and Columbia law schools arranged for a bus from New York City to D.C., with help from Sylvia Law of NYU and Suzanne Goldberg of Columbia and financial support from their law schools. Jackie Gardina led a delegation of 23 students, faculty and staff from Vermont Law School, including the school's Dean/President.

Boston College law students organized a letter-writing campaign among 25 law schools, producing 5,000 constituent letters urging members of Congress to lift the ban, including 1,800 letters collected by University of Maine law student David Albright. Students, faculty and other Lobby Day participants received training on how to lobby, fanned out to every member office on Capitol Hill, and participated in a rally on the Capitol's west lawn. Many participants also took part in follow-up visits to 42 Senators and Representatives who will be key to passage of this legislation.

Next year's Lobby Day will take place March 6-7, 2008, in Washington, D.C. Plan to join us!



Lobby Day participants

New Solomon Amendment Regulations

In May, the Defense Department proposed new regulations (found at <http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/E7-8662.htm>) to implement the Solomon Amendment (10 U.S.C. § 983), a statute that requires educational institutions that receive federal funds to permit military recruiters on campus. The Defense Department is revising these regulations in light of the Supreme Court's decision in *Rumsfeld v. FAIR*, 547 U.S. 47 (2006), which upheld the Solomon Amendment. SALT joined with FAIR (the Forum for Academic and Institutional Rights) in objecting to three parts of the new regulations.

First, SALT and FAIR objected to the proposed definition of equal access for military recruiters. The proposed regulation requires law schools to provide the "same access . . . provided to the nonmilitary recruiter receiving the most favorable access." The SALT/FAIR letter points out that this "most favorable access" requirement could enable military recruiters to demand "whatever assistance they desire, without regard to the expense, necessary resources,

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David Albright presents constituent letters to a Senate staffer

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or reasonableness. They will be able to justify any such request on the grounds that some other employer, at some point, received a similar accommodation B without regard to whatever particular circumstances might have justified the particular accommodation at that time.”

Second, the SALT/FAIR letter objected to a provision requiring schools to enforce “time, place, and manner policies . . . such that the military recruiters [do not] experience an inferior . . . recruiting climate.” The letter points out that “[m]ilitary recruiters will undoubtedly claim that they ‘experience an inferior . . . recruiting climate’ compared to non-discriminating employers, when a school-sponsored protest takes place on the day they come to campus.” This provision “threaten[s] the schools’ right to protest against the military recruiters and their discriminatory recruiting policy, a right carefully safeguarded by the Supreme Court.”

The third objectionable provision forbids schools from having policies or practices that “in effect den[y] students permission to participate, or ha[ve] prevented students from participating in [military] recruiting activities,” and requires schools to aver in writing that they have no such policies. The SALT/FAIR letter expressed concern that these provisions would be interpreted to prohibit schools from expressing disagreement with the military’s discriminatory recruiting policies, and from advocating these views to students.

You can download a copy of the complete SALT/FAIR letter at: www.saltlaw.org/positions.htm#solomon.

Bar Exam Committee Urges SALT Members to Help Keep the ABA from Adopting Bar Passage Standards that Threaten Diversity in the Law Schools and Legal Profession

Peggy Maisel, Florida International University College of Law

This has been an extremely active six months for the members of SALT’s Bar Exam Committee, as we have organized opposition to the ABA’s proposed new Interpretation 301-6 to the Standards for the Approval of Law Schools. SALT submitted comments in May to the ABA Standards Review Committee, opposing the proposed Interpretation

SALT members should contact members of Congress as well as the media to help stop the government agenda that, if implemented, will result in African-American and Hispanic law students finding it harder to gain law school entry.

that would have required a 70% bar pass rate for a law school’s first-time bar exam takers. SALT’s statement asked the Standards Review Committee to move away from first-time bar passage data as a part of accreditation in favor of a standard that facilitates rather than hinders the diversification of the profession. The statement can be found on the SALT website, www.saltlaw.org.

The proposed Interpretation would likely have had a devastating impact on diversity at law schools and in the legal profession,

but as a result of SALT and other organizations’ statements and testimony, the Council on Legal Education re-drafted the proposed Interpretation for final action by the House of Delegates in August. SALT again submitted comments strongly opposing the revised Interpretation and arguing that it would still result in the possible de-accreditation of law schools who serve largely minority populations. SALT also maintained its long-standing position that current bar examinations are not necessary or reliable indicators of law graduates’ preparation for practice or success in the profession. We also argued that the Interpretation would result in inequities due to wide variations from jurisdiction to jurisdiction in the bar exam.

Shortly before the August ABA meeting, the Council on Legal Education voted to withdraw its proposed Bar Passage Interpretation pending further study. The serious objections of SALT and other organizations had a big impact. However, the ABA’s plan now is to submit a new Interpretation to the ABA House of Delegates in February 2008.

The Bar Exam Committee therefore asks SALT members to organize and apply political and media pressure to stop the Department of Education (DOE) from pressing the ABA to adopt a new Bar Passage Standard that will impose a bright-line standard for bar passage and damage law school and legal profession diversity. The DOE decides who will accredit law schools and the ABA is under DOE pressure to adopt new bar passage standards. SALT members should contact members of Congress as well as the media to help stop the government agenda that, if implemented, will result in African-American and Hispanic law students finding it harder to gain law school entry.

New Website on State of African-American and Mexican-American Law School Admissions

Conrad Johnson, Columbia University School of Law

Those who wish to know more about the decline in law school admissions of African Americans and Mexican Americans now have a new resource. SALT has teamed up with Columbia Law School's *Lawyering in the Digital Age Clinic* to provide easy access to helpful information and authoritative data regarding the state of law school admissions as it relates to African Americans and Mexican Americans. Check out <http://www2.law.columbia.edu/civilrights>. The results may surprise you.

Over the past 15 years, African Americans and Mexican Americans have been applying to law schools in relatively constant numbers. These African-American and Mexican-American applicants are doing better than ever on the leading indicators used by law schools to determine admissions: undergraduate grade point average and LSAT scores. During the same 15-year period, the size of law school classes and the total number of law schools have increased, resulting in nearly 4,000 more matriculants. In addition, the Supreme Court, in *Grutter*, found that "student body diversity is a compelling state interest that can justify the use of race in university admissions."

Yet the percentage representation of both groups has actually trended *downward* since 1992. In real numbers, there were fewer African-American and Mexican-American first-year law students in the Fall 2005 class (3,595 combined) than in Fall 1992 (3,937). Even taking into account the 2006 upswing in African-American entering enrollees, heralded as the largest such increase in the past ten years, first-year African-American and Mexican-American enrollment has declined (3,937 combined in 1992 v. 3,914 combined in 2006). Mexican-American first-year enrollment has diminished by almost ten percent since 1992.

The net result is that for African Americans and Mexican Americans, law schools are not progressing towards more inclusive admissions. This affects everyone who is concerned about better education and a more representative legal profession.

The website was created by Columbia Law School students Cristina Quintero and Jeff Penn, with assistance from this author. It provides detailed statistical information, as well as an analysis of *Grutter* prepared by SALT's Paula Johnson. Additional thanks go to Emily Houh and Margaret Martin Barry of SALT's Affirmative Action Committee.

Click through the twelve graphs and roll over the nearly 200 combined data points to reveal the LSAC statistics for each year. View the "Best Practices," "*Grutter*" and "Diversity Resource" sections to gain a fuller understanding of the applicable law, as well as of the actions that law schools can take within the law to promote diversity.

The website tells an important story in a compelling, accessible way. The message is news to far too many and it is a message that cannot be found elsewhere on the web in any authoritative format. SALT hopes that you will visit the site and use it to raise awareness about this disturbing trend.

Whither *Brown*: Supreme Court Decides *Parents Involved in Community Schools v. Seattle School District* and *Meredith v. Jefferson County Board of Education*

Paula C. Johnson, Syracuse University College of Law

Editor's note: SALT weighed in with a press release on the Supreme Court's recent decision to strike down the race-conscious school assignment policies in Washington and Kentucky, the subject of Professor Johnson's essay. The press release, in which Co-Presidents Eileen Kaufman and Tayyab Mahmud expressed disappointment at the Court's complete disregard of the continuing pernicious effects of segregation and of the unfulfilled promise of *Brown*, can be found on the SALT website, www.saltlaw.org.

As American society readies for another new school year, it is disheartening to know that the U.S. Supreme Court has made it ever more difficult for state and local jurisdictions to address the racial disparities that pervade secondary educational programs across the country. On Thursday, June 28, 2007, the Supreme Court found the voluntary integration programs that were implemented by Seattle, Washington, and Louisville, Kentucky, to violate the Equal Protection Clause of the Fourteenth Amendment. Chief Justice Roberts wrote the plurality opinion for the divided Court (5-4), which also included a concurrence by Justice Thomas, a pivotal concurrence in the judgment by Justice Kennedy, and strongly worded dissenting opinions by Justices Stevens and Breyer.

These cases involved the first time that

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the Court decided whether voluntarily-implemented school desegregation programs were constitutionally permissible. A plurality of Justices found that the schools had not met their burden to justify the means adopted in making school assignments, which were not narrowly tailored to achieve a compelling governmental interest. The Court has previously recognized two circumstances in which a compelling state interest in race-conscious governmental decision-making regarding education: to remedy past discrimination (*Freeman v. Pitts*); and to achieve diversity in higher education (*Grutter v. Bollinger*).

The opinion by the Chief Justice and concurrence by Justice Thomas relied heavily on the distinction between *de jure* and *de facto* segregation to determine whether there was a compelling state interest in using race to make school assignments. Under such analysis, the former permits race-conscious remedial measures by the state, while the latter does not. The Court noted in this regard that the Seattle School District had never been subject to a court desegregation decree for intentional racial discrimination, and that the desegregation order previously in effect in the Louisville district had expired in 2000. However, this distinction is misleading, as Justice Breyer noted in dissent that the plans of both school districts had grown out of prior remedial efforts and subsequent evidence of resegregation. Indeed, far from having an altruistic impetus for racial integration in the public schools, Seattle adopted its plan after a federal lawsuit was threatened and after the settlement of a segregation complaint filed with the Office of Civil Rights. At the heart of the matter, though, as Justice Breyer further noted, “the distinction between *de jure* segregation (caused by school systems) and *de facto* desegregation (caused, e.g., by housing patterns or gener-

alized societal discrimination) is meaningless in the present context.”

De facto segregation, as the majority intimates, is the result of voluntary decisions that individuals and families make regarding where to live, work, or go to school. Beneath this uncritical paean to individual choice, however, is the reality that overt and subtle race-based housing discrimination remain deeply entrenched in U.S. real estate practices that adversely affect the housing

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choices of Black, Brown, and other people of color who are renters or homeowners, irrespective of income level. Thus, far from being voluntary, insofar as people of color are concerned, these determinations of where people live are invariably racially determined. This disturbing fact is reflected in the reality that there is currently greater residential segregation than in the *Brown* era.

The School Districts argued that in addition to integration, their use of race-conscious school assignments was designed to ensure the educational benefits of a diverse learning environment for students on the secondary level, in compliance with the Court's 2003 decision in *Grutter v. Bollinger*. In *Grutter*, the Supreme Court upheld the University of Michigan Law School's rationale of ensuring a “critical mass” of racially diverse students

in the student body which was justified by the educational benefits to accrue to all members of the class and as a bulwark against racial isolation. The plurality rejected this argument. While stating that *Grutter* did not apply to the school districts' cases, Chief Justice Roberts applied its reasoning upon finding that race as a “tiebreaker” in the Seattle system, and in the use of 15-50% racial guidelines in Jefferson County, were measures in which race operated as a decisive factor, rather than as one of a variety of factors in a holistic admissions approach as approved in *Grutter* and prohibited in *Gratz*, the University of Michigan undergraduate admissions case.

The Chief Justice disingenuously invoked *Brown v. Board of Education* as the precedent supporting the Court's decision, glibly instructing, “The way to stop discrimination on the basis of race is to stop discriminating on the basis of race.” Yet context, as the Chief Justice noted, is everything. It was thus that Justice Stevens' forceful dissent noted the “cruel irony” of the Court's use of *Brown*, and injected the historical accuracy on which that case was based: “The Chief Justice fails to note that it was only [B]lack schoolchildren who were [told where they could and could not go to school based on the color of their skin]; indeed, the history books do not tell stories of [W]hite children struggling to attend [B]lack schools. In this and other ways, the Chief Justice rewrites the history of one of this Court's most important decisions.” *Brown*, it must be remembered, emphasized integration as a means for attaining equal educational opportunity for Black students and as a blow against the racially stigmatizing effects of racial exclusion because Blackness was equated with inferiority. Clearly, the nation has yet to learn, much less to implement, the lessons of *Brown*.

Justice Kennedy provided the decisive fifth vote to overturn the school districts' policies. Justice Kennedy found a compel-

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Whither *Brown*:

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ling interest in promoting racial integration and avoiding racial isolation in the nation's secondary schools; however, he found that the means adopted by the two systems were not narrowly tailored to accomplish this goal. Writing separately to join in the judgment, Justice Kennedy deprived the plurality of consensus on the view that race can never be used in furtherance of educational equality, whether based on *de jure* or *de facto* resegregation. According to Kennedy, "[t]o the extent that the plurality opinion suggests the Constitution mandates that state and local school authorities must accept the status quo of racial isolation in schools, it is, in my view, profoundly mistaken."

Justice Kennedy's concurring opinion offered a glimmer of hope that the spirit of *Brown* may yet survive: "This Nation has a moral and ethical obligation to fulfill its historic commitment to creating an integrated society that ensures equal opportunity for all its children. A compelling interest exists in avoiding racial isolation, an interest that a school district, in its discretion and expertise, may choose to pursue. Likewise, a district may consider it a compelling interest to achieve a diverse student population. Race may be one component of that diversity, but other demographic factors, plus special talents and needs, should also be considered." Kennedy insisted that school districts must exhaust other—read: race-neutral—means to accomplish the goals of racial integration before classifying students on the basis of race to assign them to schools. The Justice's recommendations for permissible race-conscious mechanisms include "strategic site selection of new schools; drawing attendance zones with general recognition of the demographics of neighborhoods; allocating resources for special programs; recruiting students and faculty in a targeted fashion; and tracking enrollments, performance, and

other statistics by race."

The decisions in these cases further highlight the deficiencies in the diversity rationale as the primary basis for race-conscious school assignments. In this deeply racially divided and inequitable society, diversity alone does not suffice as the basis to hinge the educational opportunities of Black and many other students of color. Notwithstanding extensive findings on the positive pedagogic aspects of integration, no one has argued, as Justice Thomas suggests, that "integration is necessary to [B]lack achievement." Instead, the correlation between hyper-racially-segregated neighborhoods and schools, greater rates of family impoverishment, under-resourced schools, and poor academic achievement among predominantly Black and Brown student populations is indisputable and indefensible in a democratic society. This is what makes integration a compelling state interest as an educational principle, and especially as a matter of justice.

The impact of the Supreme Court's decisions at secondary and higher education levels can readily be seen. As Professor Walter Allen of UCLA recently commented, "admissions systems supposedly designed to favor merit are in fact systems that protect privilege and end up ripping off Black and Latino people generally—either as would-be students or as taxpayers." Put simply by Professor Allen, the "poor folks are subsidizing the educations of wealthy people." The evidence of this inequity is further found in the research of NYU higher education professor Robert Teranishi. Professor Teranishi's study of enrollment at University of California campuses showed that "the best way for a Black or Latino student to get into a University of California campus is to attend a 'White' high school." His data found that 88 percent of high schools in California have a racial majority of one group. Of those schools, 44.7 percent have a White majority, and 43.4 percent have a Black or

Latino majority. However, among incoming University of California students, 65.3 percent come from White majority schools and only 21.7 percent come from Black or Latino majority schools. Teranishi concluded from this data that nearly 50 percent of minority students admitted to Berkeley came from White majority schools, while 34 percent attended majority Black or Latino high schools. So much for merit, so much for equal educational opportunity, and so much for race-neutral means to rectify such obvious disparity and inequality.

To paraphrase Professor Cornel West, "integration matters." When all of America's children are learning with and from each other in all of America's classrooms, the chances that the entire society will invest in their academic and creative potential increase exponentially. Under such a scenario, there can be no flight from the effective race-conscious solutions that Seattle, Louisville and countless other school districts have implemented to enhance the educational opportunities for all students. Sadly, the Supreme Court's decision undermines successful efforts to reach this goal.

Whither *Brown*? This is the question we face. It is the question we all must answer.

Coda: This essay is dedicated to the late Hon. Oliver W. Hill, who devoted his life to the struggle for racial equality in education and throughout American society. He died in Virginia on August 5, 2007, at age 100. Attorney Hill was a member of the 1954 *Brown v. Board of Education* litigation team, challenging the deplorable condition of schools for Black children in Virginia in one of the five lawsuits that comprised *Brown*. It must be remembered that after the decision, rather than follow the Supreme Court's order to desegregate, Virginia chose to close the public schools in the state. But the struggle continued, and we will continue to struggle in memory of and in gratitude to Oliver Hill and so many who dared and risked so much for all of us.

SALT Continues Its Active Role in Opposing Extremist Judicial and Related Nominations

Florence Wagman Roisman, Indiana University School of Law-Indianapolis

Since 2004, SALT has been actively involved in assessing federal judicial and related nominations and has spoken out in opposition to more than a dozen. SALT's most recent action in this respect was its June 6, 2007, letter to Senator Patrick Leahy, Chair of the Senate Judiciary Committee, expressing SALT's strong opposition to the nomination of Leslie Southwick to the U.S. Court of Appeals for the Fifth Circuit. While serving on the Mississippi Court of Appeals, then-Judge Southwick had created a record that the *New York Times* editorially described as evidencing "insensitivity toward workers, consumers and people injured by corporations." In one case, he had supported the claims of a white government employee who referred to a black colleague as "a good ole nigger." In another, he allowed an eight-year-old girl to be removed from the custody of her mother and joined a concurrence that maintained that the "choice" of homosexuality evokes consequences, including consideration of "the homosexual lifestyle as a basis for deciding child custody cases."

As this issue of the *Equalizer* goes to press, the Southwick nomination has not been taken up by the Senate Judiciary Committee, a sign that the nomination would not likely be approved if it were considered by the Committee. Some Republicans have complained bitterly about this, but Majority Leader Harry Reid, Judiciary Committee Chairman Leahy, and other Democratic members of the Senate Judiciary Committee seem to have heeded the strong opposition to Judge Southwick expressed by human rights proponents, including SALT.

Between 2004 and 2006, SALT also opposed the nominations of Samuel Alito to the Supreme Court and eleven other persons to the federal courts of appeals. Of these eleven, six have been confirmed: Brett Kavanaugh, Thomas Griffith, and Janice Rogers Brown

to the District of Columbia Circuit; David W. McKeague to the Sixth Circuit; William H. Pryor to the Eleventh Circuit; and Priscilla Owen to the Fifth Circuit. Three of the eleven nominations were withdrawn by President Bush in January, 2007, after the Democrats had won a one-vote margin of control of the U.S. Senate. The three withdrawn nominations were of William Haynes, Terrence Boyle, and William G. Myers, III. The nomination of Charles Pickering to the Fifth Circuit had been prevented by a filibuster, after which President Bush gave Judge

Pickering a recess appointment to that court. After the recess appointment expired, Judge Pickering retired from the federal bench. The nomination of Claude Allen also was not pursued after he resigned his position with the administration.

In 2005, SALT also opposed the nomination of Alberto Gonzales to be Attorney General of the United States. With regard to this and the judicial nominations, SALT members may congratulate themselves on their prescience.

SALT Peace-Post 9/11 Committee Update: Work on Immigration Reform, Habeas Restoration

Natsu Taylor Saito, Georgia State University College of Law

This summer, the primary focus of the Peace-Post 9/11 committee has been on pending legislation concerning immigration reform and the restoration of the right of habeas corpus to all persons detained by the United States.

Immigration Reform

SALT is greatly concerned about the increasing inequalities and injustices faced by our students, colleagues, clients, and other members of our communities who are not U.S. citizens, as a result of increasingly draconian federal immigration laws and enforcement, and the proliferation of local ordinances that single out undocumented immigrants.

This past spring, we have seen intensified national debate over proposals for comprehensive immigration reform, as embodied in several proposed bills, including the Security Through Regularized Immigration and Vibrant Economy (STRIVE) Act of 2007.

To address these issues, Peace-Post 9/11 committee members Raquel Aldana and Steve Bender prepared a very thorough SALT Statement on Post 9/11 Anti-Immigrant measures. In this statement, we emphasize the importance of creating viable paths to legalization for persons already in the United States and urge Congress to provide adequate family unification provisions and to eliminate excessively long waiting periods, required return to home countries, and high application fees. We also support the application of labor and worker protections to all temporary workers, and a reduction in immigrant visa backlogs, particularly for families. To read the full report, visit www.saltlaw.org.

In late July, the Senate approved a domestic security bill which would provide funding for more border "security," but it appears that all comprehensive immigration reform bills have been put on hold. We will continue to monitor developments and urge all SALT members

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to let us know about immigration developments in your communities.

Restoration of Constitutional Rights, Including Habeas Corpus

On June 24, 2007, the SALT Board of Governors issued a statement urging the full restoration of constitutional rights and supporting passage of the Habeas Corpus Restoration Act, S. 185 and H.R. 1416.

We noted that the ability to petition for a writ of habeas corpus is a critical human right because those denied the ability to appear before a judge cannot effectively challenge any other violations of their rights, even arbitrary and unlawful detention or torture.

In taking this position, we joined numerous other organizations, including Amnesty International, the American Civil Liberties Union, the National Lawyers Guild, the Leadership Conference on Civil Rights, and the National Religious Campaign Against Torture, in calling for congressional action, and we encouraged participation in the “Day of Action to Restore Law and Justice” rally in Washington, D.C.

After the Supreme Court’s rulings in the *Hamdi* and *Rasul* cases, Congress passed the Military Commissions Act of 2006 which, among other things, stripped courts of jurisdiction to hear habeas petitions from noncitizens held as “enemy combatants.” If passed, the Habeas Corpus Restoration Act will repeal those provisions, allowing legal challenges to military commissions under the Uniform Code of Military Justice or in a habeas proceeding. The House bill has been referred to the Subcommittee on the Constitution, Civil Rights, and Civil Liberties, and the Senate bill has been placed on the legislative calendar.

Academic Freedom Committee Update: Ward Churchill Fired

Nancy Ehrenreich, University of Denver Sturm College of Law

As *Equalizer* readers will remember, SALT has repeatedly weighed in on one of the most visible and egregious violations of academic freedom in recent years: the University of Colorado’s politically motivated investigation of Ethnic Studies Professor Ward Churchill. Our struggle against the right’s effort to silence dissent recently moved to a new stage, with the University’s firing of Professor Churchill on July 24, 2007. Churchill immediately filed a lawsuit, alleging that the action was taken in retaliation against the exercise of free speech represented by his writings connecting U.S. foreign policy with the attacks of September 11, 2001.

The SALT Board’s most recent statement on the Churchill case, sent to the Board of Regents in June, urged the Board to reject CU President Hank Brown’s recommendation that Professor Churchill be fired. The conclusion by Brown went against the recommendations of the two faculty committees that had considered the evidence against Professor Churchill concerning allegations solicited by the University after Churchill’s writings became the subject of national attention. Most of the investigative committee members had recommended suspension, not dismissal, and a majority of the faculty review panel recommended a one-year suspension.

In its statement, the SALT Board noted that “the freedom of university professors as public intellectuals to criticize public policy [is] essential both to academia and to our democracy.” The Board emphasized the chilling effect that cases like Churchill’s will likely have across the country:

[T]here is no way to divorce the review of [Professor Churchill’s] scholarship from the public controversy which caused it. . . . The

message that a dismissal in this case sends to all academics who engage in work that questions the status quo is that they continue that work at their peril. If they continue to publish politically unpopular ideas, then, like Professor Churchill, they may find their scholarship put under a microscope, their livelihood threatened, and due process and fundamental fairness considerations put aside by administrators who lack the courage and conviction to protect academic freedom when it matters most, when unpopular individuals and ideas are in the crosshairs.

These sentiments have been echoed by many other organizations and individuals. Both the national ACLU and the Colorado chapter opposed Churchill’s firing, noting that the “poisoned atmosphere in which this investigation was launched . . . [has] irretrievably tainted the process. The investigation of Professor Churchill’s scholarship cannot be separated from the indefensible lynch-mob furor that generated the initial calls for his termination.” In an open letter to the *New York Review of Books*, public intellectuals including Derrick Bell, Noam Chomsky, Drucilla Cornell, Richard Delgado, and Howard Zinn stated that “it is crucial that we who belong to the academic community join together to protect those who are the targets of repressive tactics, whether or not we agree with the ideas or expressive metaphors relied upon by a particular individual.”

As this case moves to the courts, it can only be hoped that the judicial system will recognize it as the attack on critical think-

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SALT Law School Representatives Project: “A Rep in Every School”

Adele Morrison, Northern Illinois University College of Law (visiting University of Denver Sturm College of Law, Fall 2007)

SALT is rolling out a new project called the SALT Law School Representatives Project, or SALT Reps for short. SALT Reps is both the name of the project and the “title” of the SALT members who volunteer to serve as the “point people” at their respective institutions. The SALT Rep will be face of SALT to her or his individual school and to each Rep’s wider community. This project aims to bring SALT into each individual law school, and bring each institution, and more importantly the members of each institution, more

actively into SALT. This is an exciting project for SALT to be undertaking as we work to ensure more and better communication with members and potential members. SALT Reps are key to increasing our connections.

The project, which aims to have “a Rep in every school,” has a core mission to build the SALT community and to deepen the SALT network. Within this mission there are multiple goals: to increase and expand the

bring in new blood and keeping SALT’s plans for the legal profession moving forward. Finally, this is an opportunity to support more deeply SALT’s efforts to further justice, equality, diversity and excellence.

The SALT Law School Representative Project aims to have a Rep in each of the 196 ABA-approved law schools. It began last spring semester by sending e-mails to SALT members, inviting them to join the SALT Reps corps. The response has been heartening. As of August 1, 2007, 72 SALT members representing 63 schools have stepped up and volunteered to be SALT Reps.

The official project launch will take place during this fall semester and we are off to a good start. Still, in order to fulfill our “a Rep in every school” plan, we need each and every SALT member to volunteer to be a Rep, or to suggest colleagues and friends at other institutions who may want, or at least agree, to serve.

Because this is a long-term organizing strategy for SALT, even if a school already has a rep (contact the committee chair or ask around to find out), there will be a chance in the future for other members to serve. In the meantime, there are other opportunities for members to involve themselves more actively with SALT. Do not forget: SALT always needs interested parties to serve on committees, to coordinate projects and activities, and to serve on the Board. The Rep project is simply a new way to provide service to your institution and the legal community as a whole. If you have any questions, would like to volunteer to be your school’s Rep, or want to find out if your school has a Rep, please contact this author, the SALT Rep Committee Chair, at amorison@law.du.edu, and keep your eyes on your e-mails and/or the SALT website (www.saltlaw.org) for more information and for the date of the launch.

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ing that it represents, and reinstate Professor Churchill. SALT will continue to follow the case as it makes its way through the legal system.

The full text of SALT’s June 2007 statement is available at: <http://www.saltlaw.org/position%20churchhill%206-07.doc>.

The ACLU statement is available at: http://www.aclu-co.org/news/pressrelease/release_ward_churchill_letter_07_19_07.htm.

The full text of the NYRB ad is available at: http://wardchurchill.net/files/open_letter_for_nyrb.pdf.

For information on CU President Hank Brown’s ties to Lynne Cheney’s ACTA (American Council of Trustees and Alumni), see: www.wardchurchill.net/files/cu_acta_ad.pdf.

For further information on the Churchill case, see: www.wardchurchill.net and www.defendcriticalthinking.org.

To sign a petition calling for Churchill’s reinstatement, go to: <http://www.ipetitions.com/petition/reinstatewardchurchill>.

This project aims to bring SALT into each individual law school, and bring each institution, and more importantly the members of each institution, more actively into SALT.

SALT membership; to increase the involvement of the membership in SALT activities and projects; to provide members with easier ways to maintain their membership and stay informed about SALT activities; and to provide a channel for local concerns to the board and wider membership. The SALT Board, Rep Committee and Administrative Staff will provide Reps with materials and support enabling them to serve as the face of SALT at the local level.

This project affords an opportunity for connection between like-minded colleagues. Reps will have the chance to be in the forefront of SALT mobilizations and campaigns. SALT Reps may serve as mentors for progressives in the legal academy, thus helping to

SALT Undertakes Major Revamping of its Web Presence

Christian Halliburton, Seattle University School of Law

As a result of several years of internal planning discussions, SALT has begun a complete overhaul and redesign of its website, www.saltlaw.org. A committee has been appointed to study and implement the redesign initiative, and exciting developments are rapidly occurring.

The initial vision for the project called for a complete graphic redesign of the SALT website, but one which maintained the logos and key imagery that have come to be associated with the organization. This new design was meant to visually reflect the dynamic and progressive nature of the organization, and was expected to create a welcoming and easily navigable space for visitors of all types. These planning discussions also emphasized the need to have a website that offers easy and thorough access to the many documents and materials SALT disseminates, and provides timely notice of relevant breaking news and calls to action. Finally, the shared vision for this website redesign incorporated measures designed to facilitate organizational growth, including online membership management, and to deepen connections between members of the SALT community.

That vision was then used to solicit bids from a variety of design companies across the country, and the solicitation process was guided by a desire to work with a vendor that was consistent with and appreciative of our organizational character and mission. After receiving many competitive and impressive proposals, the committee ultimately recommended contracting with FuseIQ (www.fuseIQ.com), and this recommendation was adopted by SALT's Co-Presidents. FuseIQ's previous clients include many public service and non-profit organizations, and the company has a strong design esthetic which combines visual appeal with cleanliness and efficiency in the use of screen space.

Work with FuseIQ has proceeded in three basic stages. The first stage involved a series of discussions with the vendor focused on conveying the overarching vision for the project, generally identifying what sort of functional components would be included in the site architecture, and getting a rough sense of its navigational layout. This stage also required frequent coordination with FuseIQ's graphic designers, and completion of a number of exercises that helped narrow down the look and feel envisioned for the end product. The next stage of the work was dedicated to tailoring the range of potential functionalities to the specific needs identified for the website. For example, it was clear from the outset that the vendor would be building in an e-commerce platform to allow online transaction processing, but there are both internal and external processing mechanisms available and the choice between the two affected both user experience and the applications that would eventually be embedded in the site. The balance of the second phase was primarily dedicated to determining the universe of information contained on the current site, and mapping its layout, in order to construct a parallel-but-improved architecture for the new site and to prepare for migration of the data from the existing to the new site host. The final stage of the project entails all the programming and additional code writing necessary to implement the design, the transfer of the information currently archived on the existing site to SALT's new home, and a complete round of testing. Work on this final stage is currently underway.

In conjunction with this website makeover, SALT will also be offering increasingly robust membership management options. Members will be able to locate and connect with colleagues in their scholarly community using online search features, review their

membership profiles and keep professional details up-to-date, and streamline payment of organizational dues. The site will also be constructed to provide regular news of interest to SALT members, allowing many ways to learn more about and participate in SALT initiatives. Non-members, within the legal academy or otherwise, will find easily accessible information about SALT's mission, its history, its achievements and its ongoing endeavors, and, of course, will have an opportunity to join the fight.

As the site continues to take shape, there will be a few issues that present themselves for resolution, but the functional specification plan is in place, and creation of this important new web resource is proceeding quickly. The components of the new site are currently being built with the new site host, and after a period of beta testing and data migration, the site should go live early in the fall semester. Please look out for an announcement of that official launch closer to the date.

Members of the SALT committee responsible for this project are Co-Presidents Tayyab Mahmud and Eileen Kaufman, Professor Carol Chomsky, and the author of this article. They were ably assisted by SALT's current webmaster, Richard Chused.

SALT Responds to the Legal Needs of Hurricane-Impacted Residents

Nancy Cook, Roger Williams University School of Law

Last year at about this time, SALT began conversations with members of the Student Hurricane Network (SHN), a national organization of law students whose mission is to assist Gulf Coast residents meet legal needs in the aftermath of Hurricanes Katrina and Rita. SALT and SHN have worked hard to develop a relationship that will ensure coordinated law school support for the students' ongoing efforts. Toward that end, SALT dedicated last January's Cover Workshop to post-Katrina issues, sponsored an informal gathering of law teachers, students and local providers in New Orleans, and established a working group to facilitate collaborations between SALT and SHN. Each step has been productive, but a great deal of work remains. The brief review of events below is followed by an open letter from the students asking for SALT members' attention.

Cover Workshop

On January 3, 2007, as the AALS Annual Meeting was getting underway in Washington, D.C., the annual Cover Study Group convened. A diverse panel of involved students, faculty and practitioners used the forum to bring attention to the many justice issues that have arisen in the wake of 2005's hurricanes, with a goal of getting law schools responsibly involved. In addition to Morgan Williams, a founding member of SHN, who actively collaborated in organizing the workshop, the event featured students and faculty from the University of Maryland who have been engaged in a criminal justice project under Doug Colbert's direction. Paula Johnson reported her experiences working and documenting the situation in Mississippi; Dean David Logan from Roger Williams University School of Law provided examples of how non-practitioner law faculty can contribute to the post-Katrina



Karen Lash and Syracuse student Cedric McGee

justice movement; and Karen Lash from the Mississippi Center for Justice spoke about the wide range of social justice needs in the area and the many opportunities that exist for pro bono assistance.



Doug Colbert at the 2007 Cover Workshop

An Informal Gathering in New Orleans

The SALT Board's spring meeting coincided with the annual clinical teachers' workshop in May. Both events took place in New Orleans, and on May 5, the eve of the SALT Board meeting, a large group of law students, law school professionals and local community providers met to discuss ways in which law schools can support and supplement the work of the SHN. The gathering featured representatives from several organizations, who explained their work and explored with the group how those outside the affected areas can most be of help. The organizations included ACORN, the Alliance for Affordable Energy, the Capital Appeals Project, NAACP Advocacy Center, the Juvenile Justice Project, Mississippi Center for Justice, and Advocates for Environmental Rights. More than 70 law teachers, including a large

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contingent of SALT members, participated and many made pledges to take specific steps to aid local providers.

A SALT Working Group

During the spring, the SALT Board, in coordination with SHN, formed a working group to help marshal the power and authority of the legal academy in some of SHN's efforts. In addition to aiding in organizational strategies and supporting student-run direct service efforts through law clinics, pro bono projects and other initiatives, the working group expects to help by documenting, analyzing and publicizing conditions and events. Members of the working group participated in SHN's annual retreat in April, and the entire working group met with SHN representatives in an all-day planning meeting in Baltimore in July.

The partnership is focusing heavily on curricular development and creating and promoting projects at law schools across the country. For its part, the working group is conducting outreach to determine the current scope of law school involvement and is developing a set of model programs to assist students in getting their home schools committed to post-Katrina work. A particular need in the Gulf Coast area is for longer-term commitments on site (several weeks to a year) and dedicated, well-supervised long-distance research and investigation, and the partnership is exploring ways to meet those demands. In addition, the partnership is committed to offering assistance in ways that are both professionally responsible and responsive to the expressed needs of Gulf Coast residents. Accordingly, the group is working to maintain clear lines of communication and to develop coordinated linkages among law schools, student and practitioner volunteers and Gulf Coast service providers,

without putting any additional strain on Gulf Coast resources.

The working group's members—the author of this article, Doug Colbert (Maryland), Hillary Exter (Fordham), Linda Harrison (Nova Southeastern), Paula Johnson (Syracuse), and Bill Woodward (Temple)—are connected to a number of pro bono initiatives in the north-east, as well as to

The call for assistance from the [Student Hurricane Network] presents an opportunity to engage as part of a united front against large-scale injustice that is now being acutely felt along the Gulf Coast.

support agencies in Louisiana and Mississippi. While the SALT/SHN partnership and its related network of pro bono collaboratives have grown out of the particular legal and humanitarian crises rising out of Katrina, there is also a shared belief that the work relates in a much greater sense to universal and unsolved problems of institutionalized racism and professional indifference. The call for assistance from the SHN, below, presents an opportunity to engage as part of a united front against large-scale injustice that is now being acutely felt along the Gulf Coast.

Matchmakers 4 Justice Program: A Request for Assistance

The Student Hurricane Network is seeking law faculty mentors for its Matchmakers 4 Justice Program (M4J). M4J was created in 2006 to provide law students the opportu-

nity to assist Gulf Coast residents displaced by Hurricane Katrina. To date, M4J has matched approximately 70 law students with 70 Gulf Coast residents, and over the course of a semester the law students have helped their residents navigate government bureaucracies and obtain basic services. Referrals have been made to Gulf Coast legal aid providers when appropriate. On occasion, law students have worked on case files forwarded by Gulf Coast legal aid providers.

Law faculty mentors are needed to guide the work of law students at their respective schools for the 2007-08 academic year. If you are interested in mentoring students at your law school as part of M4J, please contact M4J by September 15, 2007, at matchmakers4justice@gmail.com.

SALT Elections Coming in October

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

Please be sure to renew your membership early this fall so that you can participate in the election of new members to SALT's Board of Governors for terms beginning January 2008. The current board has nominated Doug Colbert (Maryland), Andi Curcio (Georgia State), Nancy Ehrenreich (Denver), Patti Falk (Cleveland-Marshall), Neil Gotanda (Western State), Joan Howarth (UNLV), Peter Joy (Washington University), Robert Lancaster (Indianapolis), Adele Morrison (Northern Illinois), Camille Nelson (St. Louis), Reggie Oh (Cleveland-Marshall), and Angela Onwuachi-Willig (Iowa). This group includes six newcomers, selected from the many wonderful suggestions received from SALT members, and six incumbents. Additional candidates may still be added. You'll receive statements from each of the candidates with your election materials in October.

SALT Annual Awards Dinner 2007: Great Friends, Great Food, Great Night

Jane Dolkart

You knew it was going to be a great night as soon as you walked up the steps of the Women's National Democratic Club, the venue for SALT's January 5, 2007, Annual Awards Dinner. The club is housed in an exquisite 1892 mansion that is on the National Register of Historic Places. Additionally, the club serves as a museum of its 85-year history. Lining the walls are pictures of the likes of Eleanor Roosevelt, Barbara Jordan, Madeleine Albright, Eleanor Holmes Norton, and Hillary Clinton. The venue was a fitting place for a group of law teacher activists to bestow its two yearly awards, one for great teaching and the other for human rights work.

One time each year, SALT members and their friends get together to visit with old friends from law schools around the country and to meet new ones, share a meal and honor those most representative of SALT's ideals of social justice. As usual, the 2007 dinner was scheduled in conjunction with the AALS annual meeting, which was in Washington, D.C. Almost 200 people



Diners at the 2007 Annual Awards Dinner

attended the dinner, the highest attendance ever at a SALT dinner. We mingled over drinks and appetizers, strolling among the several well-appointed rooms on the second

floor of the Club. We then repaired downstairs to the elegant dining room, which was a sea of beige-clothed tables and small vases of flowers, and sat down to enjoy a delicious French-inspired dinner.

The program began as we were finishing the main course. The M. Shanara Gilbert Human Rights Award was given to Josh Rosenkranz and his legal team at Heller Ehrman for their role as lead counsel in *FAIR v. Rumsfeld*. In that Supreme Court case, Josh and his team represented SALT, FAIR, 36 law schools and several individual plaintiffs who challenged, on First Amendment grounds, the Solomon Amendment, a federal law requiring academic institutions to assist military recruiters. Josh has a long history of commitment to public interest law and human rights. Before joining Heller Ehrman, Josh founded the Office of the



SALT Co-Presidents Tayyab Mahmud and Eileen Kaufman flank honorees Josh Rosenkranz and Stephanie Wildman

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Appellate Defender, a public defender office specializing in criminal appeals in New York state courts. He went on to be the founding president and CEO of the Brennan Center for Justice at New York University School of Law, one of the country's foremost public interest firms. Josh has received numerous awards for his public interest work.

SALT's Great Teacher Award went to the extraordinary Stephanie Wildman, who has inspired countless students and colleagues through her teaching, her activism, her scholarship, and her unique ability to build institutions and coalitions. Stephanie presently serves as Professor of Law and Director of the Santa Clara University School of Law Center for Social Justice and Public Service. She was the founding director of the Center for Social Justice at the University of California at Berkeley School of Law. In between, Stephanie taught for 25 years at the University of San Francisco School of Law, where she is Professor Emeritus. In addition to the



FAIR Co-President Kent Greenfield with Heller Ehrman honorees Josh Rosenkranz, Sharon Frase, Jean-David Barnea and Aliya Haider

schools previously mentioned, Stephanie brought her teaching talents to visitorships at the U.C. Davis School of Law, Hastings College of Law, and Stanford Law School. She has co-authored three books and many articles, all of which express her unwavering commitment to the teaching and practice of social justice law. Stephanie is a past Co-President of SALT and she currently serves

on the Association of American Law Schools Executive Committee.

At dinner's end, everyone left well fed, renewed in their commitment to social justice in academia, aesthetically fulfilled, and with images of the faces lining the walls of the Women's National Democratic Club, a reminder of those who have struggled before us and others still fighting with us.



Beto Juarez and Nancy Ehrenreich



Marjorie Cohn and Carl Monk

SALT to Honor Fran Ansley, Jennifer Harbury, Sister Dianna Ortiz at Annual Awards Dinner

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

This year, SALT's Annual Awards Dinner will be held in New York City on January 5, 2008, in conjunction with the AALS annual meeting, and we will be dining in Chinatown, at the Golden Unicorn Restaurant at 18 East Broadway Street. The dinner committee would like to thank the ex officio New York members, Howard Glickstein, Eileen Kaufman and Joyce Saltalamachia, who made it possible for us to find a venue with really good food at a reasonable price. Howard and I even went so far as to taste-test four or five of the dishes on the menu, and we promise the vegetarians that the fried bean curd is wonderful.

The Annual Dinner promises to be an exciting event. In addition to the opportunity it affords us to meet face to face and renew our sense of solidarity as progressive law professors, we also take this opportunity to honor our own. This year, the recipient of the Great Teacher Award will be Fran Ansley. There is no one more deserving than Fran to receive this award. The letters from students and colleagues describe a teacher we would all want to be: a teacher who is generous with her time and her expertise and who is creative, committed and incredibly productive.

Fran absolutely lives her ideals and puts her beliefs into practice. Among the nominating letters we received were testimonials from students who described the way Fran helped them do social justice work: a student she helped work with miners who had black lung disease; students who not only studied anti-immigrant legislation but also conducted a workshop for the Latino immigrant community on changes in the law; an undergraduate student activist, now union organizer, who asked for Fran's help and got it. He gives her credit for waking up the University of Tennessee to "the plight of UT's working poor." There were also many letters from colleagues. Among these were a letter

from a colleague to whom she lent "provocative, progressive hypotheticals" for use in teaching and one from a colleague with whom she worked in support of unionizing Latino factory workers. All of these letters attest to Dean Rivkin's description of Fran in the nominating letter: Fran's teaching is indeed "powerful" and "grounded." We are so pleased to honor her this year.

The recipients of our M. Shanara Gilbert Human Rights Award are also impressive. Norm Stein, Natsu Saito and Raquel Aldana were instrumental in helping us identify and obtain commitments from the two women who will be this year's award recipients. Jennifer Harbury and Sister Dianna Ortiz have worked hard to make the horror of torture visible and to remind all of us that that there can never be any justification for the torture of other human beings. Sister Ortiz is a Catholic nun who was tortured by security forces in Guatemala. She founded Torture Abolition and Survivors' Support Coalition. This group continues to organize and to speak out against torture. Most recently, a vigil in Washington, D.C., in June 2007 was held to mark the UN Day in Support of Torture Victims, but also to initiate a campaign for the repeal of the Military Commissions Act, which torture survivors are said to have renamed "The Torture Law." Jennifer Harbury is best known for her courage in bringing to light the connections between the CIA and the death squads in Guatemala as she sought information about her missing husband, Efraim Bamaca Velasquez. In 2005, Beacon Press published her book, *Truth, Torture and the American Way: The History and Consequences of U.S. Involvement in Torture*.

We hope you will join us on January 5th to honor all three of these remarkable award recipients.



Fran Ansley



Jennifer Harbury



Sister Dianna Ortiz

Save the Date:

Also in conjunction with the AALS annual meeting, SALT will hold its annual Cover Workshop in New York City in January 2008. The theme will be "Humanizing the Consequences of Recent Immigration Law and Policy Initiatives: Raids, Detentions and the Need to Protect Human Rights." Further details will be available soon on the SALT website (www.saltlaw.org) and in the next issue of the *Equalizer*.

2007 Norman Amaker Social Justice and Public Interest Law Retreat: Holistic Justice

Robert Lancaster, Indiana University School of Law-Indianapolis

“Holistic Justice” was the theme of the 2007 Amaker Public Interest Law and Social Justice Retreat held at Bradford Woods, Indiana, on February 23-25, 2007. This was the 6th year for the student-run retreat. Participants and speakers traveled to spend the weekend in the woods sharing experiences, aspirations, and ideas.

Robin Steinberg, Executive Director of the Bronx Defenders, was the keynote speaker. Robin told the students about her broad and creative vision of public defense work and how her clients are not cases but unique, multifaceted people who strive to maintain power over the issues in their lives.

Panel discussions were held on numerous topics. Professor Doug Colbert from the University of Maryland School of Law, Professors Mary Margaret Giannini and Florence Roisman from Indiana University School of Law-Indianapolis, practicing attorney Sandra Leek from the law firm Baker and Daniels, and Joseph Smith from the Indianapolis Public School Foundation spoke about “Holistic Counseling: Empowering Clients for Social Change.” The panel discussed the diversity of client experiences and how living in poverty can leave many people marginalized and disempowered. The panel members talked about how lawyers can work with individuals and groups and empower them to make change within their own lives and communities.

Chris Hitz-Bradley, President of Indiana Information Center on the Abolition of Capital Punishment; Eunice Timoney-Ravenna, Death Penalty Moratorium Midwest Field Organizer for Quixote Center of Equal Justice; and Paula Sites, the Assistant Executive Director of the Indiana Public Defender Council, spoke about the recent death penalty moratorium efforts in state jurisdictions around the country. They focused on lawyers’ roles in working with grass roots

abolition efforts and the need for a holistic approach of education, policy work, and litigation to effectively challenge the use of the death penalty.

Another panel discussed “Counseling Low and Moderate Income Clients on Financial Matters: Housing and the Culture

One student commented that the [Amaker Retreat] was “a great way to get away from the law school grind, surround myself with like-minded students, and hear from lawyers who are themselves committed to public interest issues.”

of Credit.” The panelists were Sue Hyatt, Director of Research for Neighborhood Action; Abigail Kuzma, the Executive Director of the Neighborhood Christian Legal Clinic; Ken Moran, the Executive Director for Organization for a New Eastside (ONE), a neighborhood development corporation in the near east-side of Indianapolis that has been hit especially hard by predatory lending and mortgage foreclosures; and Professor Tom Wilson of Indiana University School of Law-Indianapolis. This panel focused not only on predatory lending, but on the credit culture that preys especially vigorously on people with limited financial means.



Amaker Retreat keynote speaker
Robin Steinberg

Panelists also discussed immigration and gender issues. This group included Professor Karen Bravo of Indiana University School of Law-Indianapolis; Angelin Fisher, a staff attorney at the Neighborhood Christian Legal Clinic; Jean Marie Kamatali from the University of Notre Dame Law School; Professor Linda Kelly-Hill from Indiana University School of Law-Indianapolis; Lisa Koop from the National Immigrant Justice Center's Asylum Project; Amira Mashhour, Associate Professor in the Department of World Languages and Cultures of the Women's Studies Program at Indiana University-Purdue University; and Antonio Pastor Palomar, Professor of Law at the University King Juan Carlos in Madrid, Spain. The panel focused on the need for a holistic approach in immigration policy and advocacy.

Students participated in a discussion titled “Seeking Justice for People with Mental Illness.” Professors Michael Jenuwine and

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Robert Jones from the University of Notre Dame Law School led this discussion along with Joseph Venable, Board President of the National Alliance on Mental Illness. There was also a panel discussion on “Preventing Homelessness: Issues Surrounding Intervention and Prevention in Homeless and Near-Homeless Populations.” Brent Matthews of the Action Coalition to Ensure Stability, along with Professors Florence Roisman and George Wright of the Indiana University School of Law -Indianapolis, led this discussion.

On Sunday, students had the opportunity to round-table with recent graduates, attorneys, law professors, and placement professionals and talk about the realities of a career in the public interest.

One student commented that the weekend was “a great way to get away from the law school grind, surround myself with like-minded students, and hear from lawyers who are themselves committed to public interest issues.” Another commented that the Amaker Retreat was “excellent. The organizers should be complimented for representing a wonderful program and an impressive group of speakers. It was great being together with many like-minded students.”

The 7th Annual Amaker Retreat is scheduled for February 22-24, 2008, at Bradford Woods. You can e-mail amaker@iupui.edu for more information.

2007 Robert M. Cover Public Interest Retreat: Lawyering for Social Change

Stephen Wizner, Yale Law School

The 20th Annual Robert M. Cover Public Interest Retreat, sponsored by SALT, was held during the weekend of March 2-4, 2007, at its traditional location, Boston University's Sargent Camp in Peterborough, New Hampshire. The Retreat honors the memory of the late Robert M. Cover, Yale Law School Professor and social activist, by bringing together progressive practitioners and law teachers, and public interest-minded law students, to share and develop individual and collective strategies for pursuing the struggle for social justice.

This year's retreat, “Lawyering for Social Change,” explored the many approaches to progressive lawyering. In plenary sessions, panel discussions, workshops, and informal exchanges, participants brainstormed and debated the merits of various methods employed by public interest lawyers to achieve social change. Among the topics discussed were direct service, impact and law reform litigation, community organizing, legislative advocacy and policy formation, innovative projects in the non-profit sector, and law teaching. Sessions also tackled the practical realities of starting and sustaining public interest careers, including securing fellowships, getting training, and managing a healthy work-life balance.

Student participants came from a variety of law schools, including the University of Georgia, Penn State, Stetson, Boston College, Columbia, NYU, the University of Maine, Washington & Lee, and Yale. Practitioners included representatives of the ACLU, the Washington Lawyers' Committee, the Urban Justice Center, the Bronx Defenders, the National Resources Defense Council, the Youth Advocacy Project of the Massachusetts Public Defender Program, Equal Justice Works, the Brennan Center, ACORN, the National

Lawyers' Guild, Sanctuary for Families, the United Electrical Workers Union, Georgia Legal Services, the Disability Rights Education and Defense Fund, Environment Maine, D.C. Prisoners' Legal Services, and the Chief of Staff of the Connecticut State Senate Democrats.

Following Cover Retreat tradition, the author, a clinical professor at Yale, and Danny Greenberg, Pro-Bono Coordinator at Schulte, Roth & Zabel in New York City, welcomed the participants and introduced the Retreat proceedings. Chris Stone, longtime director of the Vera Institute in New York, and now Professor at Harvard's Kennedy School, gave an inspiring keynote address. The numerous plenary sessions, workshops, and informal gatherings, the fabulous parties on Friday and Saturday nights, the excellent food, the rustic accommodations, and the physically exhilarating outdoor activities during free time—including cross-country skiing, showshoeing, hiking, and tubing on the ski hill—all combined to make this another enjoyable and productive Cover Retreat.

Next year's Cover Retreat—the 21st—will be organized by students from the University of Connecticut School of Law.

2007 Trina Grillo Public Interest and Social Justice Law Retreat: Justice Across Borders

Michele H. Domingo, Staff Attorney, Access to Justice Institute, Seattle University School of Law

The 9th Annual Trina Grillo Public Interest and Social Justice Law Retreat was hosted by Seattle University's School of Law in Seattle, Washington, on March 9 and 10, 2007. Traditionally hosted by Santa Clara University School of Law, the retreat traveled outside California for the first time this year. The annual retreat, co-sponsored by SALT and a consortium of West Coast law schools, honors the memory of Trina Grillo, a dedicated social activist and justice advocate who died in 1996 from Hodgkin's disease. The consortium of West Coast law schools includes Santa Clara, Seattle, Stanford, UCLA, Golden Gate, UNLV, Oregon, and the University of San Francisco.

This year's theme, "Justice Across Borders," focused on public interest and social justice lawyering that crosses international boundaries, with a special emphasis on the challenges of representing clients who are not U.S. citizens. The choice of the theme was informed by the rapidly changing

demography of the United States in general and of the western region in particular. The pervasive discourse on immigration reform, both in the U.S. Congress and the media, furnished an animating backdrop to the discussions. More than 100 law students, lawyers, academics and activists attended the retreat.

Brandt Goldstein, author of "Storming the Court," opened the retreat on the evening of March 9th with his keynote address, "How Law Students Shut Down the First Guantanamo Detention Camp." Goldstein told the story of his classmates at Yale Law who filed suit against the first Bush and Clinton administrations to free HIV-positive Haitian refugees detained at Guantanamo Bay during the 1990s. His address was followed by a reception and book signing.

Saturday, March 10th, was filled with plenary sessions and concurrent panels. The morning opened with a group discussion that addressed the topics of civil liberties



Betty Hung and Michele Domingo

post-9/11, human trafficking, workers' rights, Native American perspectives, and the intersection of immigration and domestic criminal law. Speakers at this plenary included Hamid Khan (South Asian Network), Matt Adams (Northwest Immigrant Rights Project), Ye Ting Woo (U.S. Attorney's Office), Jonathan Moore (Washington Defender

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Grillo Retreat participants at lunch

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Association's Immigration Project), Millie Kennedy (Northwest Justice Project), and Julie Shapiro (Seattle University School of Law). Concurrent panels followed, featuring the topics of human rights major impact litigation, social justice and legal education, and West Coast immigrant rights groups. Following the morning session, students attended a career strategies lunch at which they were able to socialize and exchange ideas with local social justice attorneys and advocates. The highlight of the afternoon was an address by Anthony Solana, Jr., president of "For People of Color, Inc." Mr. Solana's talk, "Living a Life of Service," was followed by an open discussion. The afternoon closed with break-out panel discussions on farm worker advocacy, Native American perspectives, and equity regardless



John Lough, Lori Bannai, Joaquin Avila, Ron Slye and Raquel Aldana

of borders. The retreat closed with a reception, dinner and a presentation honoring Trina Grillo, at which the video "Making a Difference," written and directed by Abby Ginzberg, was shown. Professor Margalynne Armstrong (Santa Clara), in a moving and inspiring talk, shared memories of her association with Trina Grillo.

Scores of people worked tirelessly to make the retreat such a success. We are confident that the same spirit will carry over to the Tenth Annual Trina Grillo Public Interest and Social Justice Law Retreat, which will be hosted by students at the Boyd School of Law, University of Nevada-Las Vegas, in March 2008.

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