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The Role of SALT in Protecting Academic Freedom in the Law Schools

Robert A. Sedler

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MEMORANDUM

TO: S.A.L.T. Board of Governors

FROM: Robert A. Sedler

RE: The Role of S.A.L.T. in Protecting Academic Freedom in the Law Schools

DATE: April 10, 1975

I think that S.A.L.T. has a clearly defined role in protecting academic freedom in the law schools, and that this role dovetails with the approach now being taken by the A.A.L.S. Committee on Academic Freedom and Tenure. That Committee is anxious to assume a "more strictly quasi-judicial role" rather than the "role both of investigator-prosecutor and of judge." To this end it has established a panel of advocates, so that both the complainant and the institution will be represented by their spokespersons before the Committee. It seems to me that the role of advocate can be performed by S.A.L.T., if the complainant desires this, and that S.A.L.T. can initially look into the matter and advise the complainant if he or she has a possibly valid claim. By the same token, S.A.L.T. can conduct its own investigation into possible violations of academic freedom, and on behalf of the faculty, try to deal with academic freedom problems at particular institutions. The A.A.L.S. Committee on Academic Freedom and Tenure also has jurisdiction over claims of discrimination against faculty members on the basis of race, sex, religion, and the like, and I think we should likewise combine our involvement in these areas.

To this end I propose the formation of a Committee on Academic Freedom and Faculty Discrimination. In broad terms, its function would be to investigate possible violations of the academic freedom of law faculty members and claims of discrimination on the basis of race, sex and the like. Where the faculty member decides to file a complaint with the A.A.L.S. Committee on Academic Freedom and Tenure and desires our assistance, if we consider the complaint well-advised, we would provide an advocate. Likewise, the Committee might develop "refined standards" as to the meaning of academic freedom and/or discrimination, both generally, and in the context of problems existing at particular institutions.

I hereby propose the formation of such a Committee. To the extent that this consideration is relevant, my conversations with my colleague, Paul Oberst, lead me to conclude that the establishment of such a Committee would be viewed favorably by the A.A.L.S. Committee on Academic Freedom and Tenure.

RAS:jy

MEMORDUM

TO: Board of Governors, SALT

DATE: April 16, 1975

FROM: Nat Gozansky

RE: Report on Committees

Because of the press of business, I was never able to present a report on behalf of the committees that functioned in the zone of my administrative responsibility and pursuant thereto to bring certain matters before the board for its consideration. In order to expedite matters for our next board meeting, I wish to use this memorandum as a vehicle for making a committee report on matters as they stand to this date.

The committee working on the DeFunis problem did report out at our board meeting and I consider that matter substantially tended to for the time being.

The committee on State or Bar Association Control of Law School Curriculum did present a statement before the Second Circuit concerning their respective admission rules. I have not received a copy of that statement from either Clint Bamberger or Addison Bowman. If a record of the statement is available, we might consider whether we wish to distribute it, as a matter of courtesy, to our membership and the deans in the various law schools.

Bob Sedler was responsible for studying the problems of faculty autonomy and academic freedom. A memorandum from him dated April 10, 1975, is attached and fairly well explains his conclusions after his having contacted a variety of people to study the matter. That memorandum includes a recommendation that we take certain actions in the area of protecting academic freedom in the law schools. I would trust that at the fall meeting of the board this item will be on the agenda and can be voted on.

Norm Dorsen and I tried to explore the possibilities of activity in the area of problems of law school placement. I wrote to several placement directors seeking their response to the Chayr's speech, which was distributed to you sometime last year. To this date I have received no reply. It is my understanding that the placement directors have their own organization. It is also quite clear that they are in an incredibly frustrating period. These two factors may explain their lack of interest in responding to my inquiry. At this point, because of the scope of the problem, some of its insoluble aspects, and the lack of any interest by placement directors to cooperate with us, it is my recommendation that we table any activity in this area until our membership indicates interest in reactivating the committee.

Finally, I am including in this report a copy of a memorandum which I wrote on January 3, 1975. Unfortunately this memorandum was not in your hands at the last board meeting, albeit I made some reference to its subject matter during our discussions of the situation at Syracuse and other law schools. I include the memorandum now as I believe it is timely. It is my impression that we, in effect, agreed to pursue matters such as those raised in the memorandum, and I would hope that by the time we meet in the fall I will be in a position to report some substantial progress. If, in fact, we have not truly proceeded along the lines of the memorandum I would then wish to bring it before the board for more specific action.