

SALT EQUALIZER

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Society of American Law Teachers

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Co-Presidents' Column

Eileen Kaufman, Touro Law School, and
Tayyab Mahmud, John Marshall Law School (visiting at
Seattle University School of Law)



Eileen Kaufman and Tayyab Mahmud

This is our first column as SALT's Co-Presidents and, although nine months have passed since we took over the leadership of this great organization, we continue to feel humbled at the prospect of following in the footsteps of Holly and Beto. They have been an extraordinary duo, throwing every ounce of their being into SALT. They've led by example, they've helped the Board to prioritize and be more efficient, and they've inspired this all-volunteer organization to actively engage in the important issues of the day. Amazingly, they've maintained a highly evolved sense of humor throughout. On a personal note, we are both so grateful to Holly and Beto for their willingness to share their wisdom, their guidance, their time, and particularly, their friendship. We applaud Denver's brilliance in selecting Beto as its new dean and we wish Holly the very best as she begins a well-earned sabbatical.

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New SALT Board of Governors Election Procedures

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

At its May meeting, the SALT Board of Governors adopted new timing and procedures for election of the Board. Specifically, the SALT Board amended SALT's bylaws to advance the timing of the annual Board elections and enlarge the mechanisms by which candidates can be nominated. Previously, the bylaws required a contested slate nominated entirely by the current Board. The new procedures permit a non-contested slate to be nominated by the current Board, but also now provide an opportunity for SALT members to add nominees after review of the list nominated by the Board.

The current election for Board terms starting in January 2007 is being conducted under these new procedures. The Board has nominated Steve Bender (Oregon), David Brennen (Georgia), Nancy Cook (Roger Williams), Ruben Garcia (Cal Western), Beth Lyon (Villanova), Joan Mahoney (Wayne State), Peggy Maisel (Florida International), Deborah Waire Post (Touro), Bill Quigley (Loyola New Orleans), and Natsu Taylor Saito (Georgia State). Their candidate statements are reproduced below. We are excited about these candidates, and grateful for their willingness to take on this leadership role for SALT.

Under our new bylaws, the Nominations Committee will add to the slate the name of any SALT member who submits by September 1 a statement of interest accompanied by the

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SALT EQUALIZER

The *SALT Equalizer* is a publication of the Society of American Law Teachers and is published quarterly.

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Co-Presidents:

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We could not be prouder to be associated with an organization that has always been in the lead on the issues that matter most to progressive law teachers. Whether it's the Solomon Amendment, or the military's "Don't Ask, Don't Tell" policy, or reactionary judicial nominations, or threats to academic freedom and civil liberties, or assaults on affirmative action, or policies impeding open access to the legal profession, SALT has spoken out and has advanced a progressive activist agenda reflecting its belief in the use of law as a tool for social transformation.

As is evident from the articles in this issue of the *Equalizer*, SALT has been extremely active. Carol Chomsky's and Holly Maguigan's article on page 9 describes the exciting planning process that was made possible by a grant from the Open Society Institute. At a two-day retreat held in Seattle in May, the Board came together to engage in strategic planning: to articulate SALT's core purpose, its long term objectives and short term goals and the level of assistance needed to accomplish our ambitious agenda. By the time this *Equalizer* goes to press, we hope to have a detailed long term plan that will form the basis for seeking a capacity-building grant from the Open Society, which would enhance SALT's ability to advance its mission and deepen its impact.

As reported in Jane Dolkart's article on page 17, SALT's annual dinner, held on January 6, 2006, was a huge success, drawing a record-breaking crowd to the Heritage India Restaurant in Washington, D.C. The numbers in attendance were a testament to the extraordinary award recipients that SALT honored. SALT's annual Great Teacher Award went to Eric Yamamoto, an "internationally renowned expert on some of the most pressing and moral issues of our time, addressing issues of racism and reconciliation with originality and genuine profundity;" Eric's

"rare combination of quiet yet sustained passion, broad knowledge, and real wisdom in the pursuit of social justice help make him a remarkable standout as a teacher." SALT's Achievement Award for Contributions to Human Rights went to David Cole and the Center for Constitutional Rights, Michael Ratner, President. David, a Georgetown law professor, was cited for "epitomizing SALT's ideal of harnessing legal scholarship in the service of social justice. His scholarship, litigation and engagement as an activist public intellectual combine to teach his students, shape the law and inspire a hope for justice in oppressed communities." The Center for Constitutional Rights is the leading public interest law firm, born out of the 1960s' grassroots civil rights movement. CCR was honored for its work over 39 years, "creating cutting edge civil and human rights legal doctrine, advancing guarantees of the Constitution and the principles of the Universal Declaration of Human Rights." SALT also paid special tribute to New York Law School, Vermont Law School and William Mitchell College of Law for their commitment to the principles of nondiscrimination and equality of opportunity, demonstrated by their refusal to facilitate military recruitment on campus in spite of governmental pressure and the threatened loss of federal funding. On a sadder note, SALT honored and remembered Chris Iijima, beloved SALT Board member, lawyer, teacher, musician and activist. In Avi Soifer's words, Chris was "the sweetest challenger of the status quo we will ever know."

Despite our disappointment with the Supreme Court's decision in *Rumsfeld v. FAIR*, SALT has repeatedly and publicly renewed its commitment to the principle of non-discrimination and its determination to accelerate the struggle to repeal the military's discriminatory "Don't Ask, Don't Tell Policy." We remain eternally grateful to the efforts of Josh Rosenkranz and the team at Heller Ehrman for their expert work on behalf of FAIR and SALT, and we will attempt to

express that gratitude when we present them with SALT's Human Rights Award at the annual dinner on January 5, 2007. The article by Kathleen Clark on page 12 describes the concrete steps that SALT is advocating to end the military's ban on service by openly gay Americans.

No set of issues is closer to SALT's core purpose than affirmative action and access to the profession. SALT continues to speak out on issues relating to ABA Standard 211 regarding diversity and affirmative action, and on Standard 501 regarding the use of the LSAT in admissions. SALT is currently engaged in a project to develop a best practices statement on *Grutter*, as described in Margaret Barry's article on page 10. Access to the profession also lies at the heart of the work of SALT's Bar Exam Committee, which, as described in Andi Curcio's article on page 16, continues to press for alternatives to the bar exam that better measure the range of skills required by lawyers and that do not have the racial and ethnic disparate impact of the traditional bar exam. SALT's critique of the bar exam was recently cited in a National Law Journal article about the multi-state bar exam.

SALT has also continued to take a public role in opposing judicial nominees whose partisan ideology threatens to undermine hard-won constitutional and statutory protections of minority communities, women's rights and the rights of criminal defendants. Florence Wagman Roisman's article on page 13 describes SALT's opposition to several judicial nominees. Holly Maguigan and Beto Juárez articulated SALT's principled opposition to the elevation of Justice Samuel Alito to the United States Supreme Court when they spoke at a press conference on January 4, 2006, at the National Press Club.

SALT's Peace-Post 9/11 Committee has been addressing issues relating to torture and domestic surveillance (SALT endorsed the ABA House of Delegates Resolution on Domestic Surveillance) and is currently

working on writing a position paper on immigration. In recognition of the resurgence of attacks on academic freedom, SALT created a new Academic Freedom Committee, under the energetic leadership of Natsu Saito, which has been actively engaged in planning SALT's September 8-9, 2006, Teaching Conference. Nancy Ehrenreich's article on page 7 describes some of the recent assaults aimed at the legal academy that attempt to silence teachers who bring a focus on equality, justice and excellence into the classroom and into their scholarship.

Save the Dates:

September 8 and 9, 2006

*SALT Teaching Conference
Boston, Massachusetts*

The SALT Teaching Conference Committee has been busily planning SALT's Teaching Conference. SALT's teaching conferences are widely recognized as contributing to the professional growth of SALT members and creating change throughout the academy, influencing teaching methods, topics, curricula and reading materials, all of which affect how students experience law school and ultimately practice law. The article by Camille Nelson on page 7 provides details about what promises to be another in SALT's longstanding tradition of inspirational and energizing teaching conferences.

January 5, 2007

*SALT's Annual Dinner
Washington, D.C.*

SALT's most fun event of the year will take place on January 5, 2007, at the National Women's Democratic Club in Washington, D.C. We are thrilled to be presenting the Great Teacher Award to the extraordinary Stephanie Wildman, who inspires everyone fortunate enough to know her through her teaching, her activism, her scholarship and her unique ability to build institutions and coalitions. And it is with untold gratitude

that we will present the Human Rights Award to Josh Rosenkranz and the legal team at Heller Ehrman for their incredible work for FAIR, SALT and other plaintiffs in the Solomon Amendment litigation.

May 18 and 19, 2007

*Deaning Conference
Seattle, Washington*

As described in Kellye Testy's article on page 9, SALT and Seattle University School of Law will co-sponsor a conference aimed at individuals from under-represented groups who are interested in becoming law school deans.

This is an exciting and a challenging time for SALT. We thank all of you who have renewed your membership and we call upon you to support SALT's work by joining one of our committees or by contributing financially. For those unable to devote the time to committee work, we ask you to contribute to the Dorsen Fellowship, created through the generosity and commitment of SALT's first president, Norman Dorsen, or to contribute to the Stuart & Ellen Filler Fund, created in memory of Stuart Filler, past Treasurer of SALT. SALT needs your help now more than ever to meet the escalating challenges of our times. Renewing your commitment to SALT makes possible a community of progressive, caring law professors dedicated to making a difference through the power of law.

With warm wishes,
Eileen and Tayyab

SALT Board:

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signatures of, or other written support of the nomination from, at least seven additional SALT members. No additional nominees had been submitted by the time of this writing, but any submitted to the author of this article by September 1 will be included on the ballot that is distributed to all SALT members. Please feel free to contact me at joan.howarth@unlv.edu or (702) 895-2092 if you have any questions about this process.

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Statements of Candidates for the SALT Board of Governors, 2007-10

Steven Bender

University of Oregon School of Law

I am honored to have the opportunity to serve a second term on the SALT Board of Governors. I expect my contributions in the next few years to come primarily in the areas of the Peace/Post 9-11 committee, as well as supporting academic freedom at a time when progressive-minded scholars are increasingly under attack from within and without their institutions.

As the current co-chair of the LatCrit community of scholars and activists, I've appreciated the synergies as well as the differences between these two organizations, and look forward to spending considerable time working to inspire, enable, and reward progressive social change on all fronts.

At the University of Oregon School of Law I teach both race (Latinos and the Law) and business subjects (Commercial Law, Real Estate Finance, Business Associations, Prop-



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erty, Contracts), and publish both critical works and real estate texts. My latest book examines the at times promising political relationship between Anglos and Latinos in the 1960s and the implications for progressive politics and reform today. This fall I'll be teaching as a visitor at UNLV.

David A. Brennen

University of Georgia School of Law

I am in the final year of my first three-year term as a member of the SALT Board of Governors. I am honored to have been nominated to run for a second



three-year term (January 2007 - January 2010). As the only significant organization in the country that is focused on law teachers, as opposed to law schools, SALT is very important to legal education and to legal educators. My first significant involvement with SALT was before I joined the board when I marched with my then-6-year-old son at the U.S. Supreme Court during the time of the oral arguments in *Grutter v. Bollinger*. For me, events like the *Grutter* march are what make SALT special and unique.

During my inaugural term on the Board of Governors, I served on the Dinner Committee, the Budget & Finance Committee (Chair), and the Planning Committee. On the Dinner Committee and the Budget & Finance Committee, I had the opportunity to see how SALT works from the inside. I gained a significant understanding of SALT's finances and its infrastructure. As a result of that understanding, I made several proposals to the Board that, I hope, will only serve to make SALT operate better. As a member

of the Planning Committee I am constantly aware of the fact that SALT is on the verge of major structural change and growth. I have enjoyed my time on the Planning Committee and hope to continue during my second term, if elected.

I am a full professor with tenure at University of Georgia School of Law. I teach a variety of tax law courses. I am also actively involved with ALI, AALS, Critical Tax Theory and People of Color Legal Scholarship Conferences.

Nancy Cook

Roger Williams University Law School

It is wonderful to be part of an organization that is as committed and proactive as SALT is, and it has certainly been a privilege to serve on the Board.

Two themes have stood out for me during my tenure on the Board: inclusion and racial justice. Now, perhaps more than ever, serious energy is needed to promote justice in admissions, campus recruitment, and faculty hiring and retention; and I feel that working with the SALT leadership provides an exceptional opportunity to remain close to the source of that energy and be fueled by it.

When not engaged in SALT Board work, I teach at Roger Williams Law School in Rhode Island, where I am director of the Community Justice and Legal Assistance Clinic. I've been part of the legal academy for 25 years, and a member of SALT for almost as long.

My current work with SALT is focused on creating opportunities for people to come together and on facilitating conversations that make it possible for people to connect, feel comfortable in the law school world and unite in meaningful action. I hope to be involved in SALT's continuing efforts to



strengthen relationships with such associations as LatCrit and CLEA and to collaborate with public interest law organizations. In addition, I'd like to help carry SALT's message of inclusion through outreach to the more marginalized members of the legal academy.

Ruben J. Garcia

California Western School of Law

I am an associate professor at California Western School of Law in San Diego, where I have taught since Fall 2003.

Before teaching at Cal Western, I was a visiting professor at UC-Davis School of Law and a Hastie Fellow at the University of Wisconsin Law School. My primary area of teaching and research is labor and employment law, focusing on the effects of race, gender, immigration and globalization on the workplace. Before teaching, I practiced law in Southern California on behalf of labor unions and individual employees.

I am honored to have the opportunity to serve on the SALT Board of Governors, in particular because of its goals of economic, racial and immigration justice. In these and other issues, I feel that I can contribute and learn a great deal from my like-minded colleagues and mentors. I have been a SALT member since 2002 and I feel that I am ready to become involved in a leadership position.

It is a critically important time for SALT — a time when workers, civil liberties and immigrants are all under attack. In the area of legal education in particular, SALT will play an important role in an era of rising tuition, declining diversity and an increasing focus on the bottom line. In the truest sense, SALT is a union of advocates for a quality legal education, the protection of rights, and



the values of justice and equality. I look forward to continuing the work of SALT into the future.

Beth Lyon

Villanova University School of Law

Nomination to the SALT Board of Governors is a great honor for me. Following are my potential contributions to the Board, based on my background in service of the public interest and support for law students and junior faculty coming to our profession from subordinated communities.

As a clinician, I supervise law students in a range of public service activities, including general civil litigation for migrant workers and community advice-and-referral sessions. I also dedicate my scholarship and service to the use of law to alleviate poverty and exclusion based on immigration status. I have worked in the field of immigrants' rights since before entering law school. I serve on the boards of various public interest organizations and have assisted with SALT new faculty trainings. This work has prepared me to give practical support to SALT.

On the substantive level, I am particularly interested in deepening my relationship with SALT because of SALT's thoughtful support for law students and faculty from traditionally subordinated groups. As LALSA advisor and a member of the Inclusiveness Commission of my own institution, and as a LatCrit board member, I would focus on one of SALT's defined student-centered projects, for example admissions, racial equality and opportunity, recruitment and sexual orientation, bar reform, or student workshops. As a past chair of the AALS International Human Rights Section, I am also interested in the United States' support for progressive legal



academics and students abroad, and feel that there is a role for SALT in that important work.

Joan Mahoney

Wayne State University Law School

I am delighted to be nominated for another term on the SALT Board. I have spent most of my adult life in legal education and much of that as a member of SALT.

When I graduated from law school, I took a job with a large, corporate firm, primarily for personal reasons. After two years, I left and went to work for legal services, thinking I might like law better if I were representing people I cared about. I did, but not enough, so I moved to the academy. I spent fourteen years at University of Missouri-Kansas City, during which time I got involved in the local ACLU, and ultimately was elected to the National Board of the ACLU, where I served for thirteen years. In 1994, I became Dean at Western New England College Law School, and after two years I stepped down and joined the faculty. I went to Wayne State University as Dean of the Law School in 1998 and stayed for five years, and I am now on the faculty there. I have taught and written about constitutional law, family law, and legal history, among other things.

One of my primary goals as a teacher has been to help students see the link between theory and practice. As an administrator and faculty member, I have been committed to issues of diversity and fairness. Being a member of the SALT Board has allowed me to integrate the work I have been doing over the last twenty years in the academy and the community.



Peggy Maisel

Florida International University College of Law

I personally experienced how essential SALT is when, as the second woman faculty member at a law school, I was able to phone

a SALT mentor for support and advice. It is a privilege to be nominated for the SALT Board to work more fully within the organization on the social justice issues we face. During the past few years, I have been active on the SALT Committee on Alternatives to the Bar Examination. My current interests are on equality and diversity issues within law schools and the legal system, both within the U.S. and internationally.

I am the founding Director of Clinical Programs at Florida International University in Miami, a public law school where more than half the students come from minority groups. I came to FIU because I support its mission of diversifying the bar. I direct a Community Development Clinic and teach courses on Negotiation and Gender and the Law.

Previously, I taught for six years at the University of KwaZulu-Natal in South Africa, integrating social justice issues and skills into the law school curriculum and working with law school clinics throughout the country. I am committed to working internationally to support justice education, and have recently been a member of the International Steering Committee for the Global Alliance for Justice Education. I am also co-chair of the AALS International Clinical Committee and am active on LatCrit projects. My U.S. experience is as a professor, public interest lawyer, and director of a civil rights organization.



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Deborah Waire Post

Touro College, Jacob D. Fuchsberg Law Center

I am honored to be asked to run for the SALT board for a third term. I joined SALT because this is an organization that is committed to social justice. For the past twenty years, I have worked to change legal education. I believe that if we want to change legal education, everything has to change. There has to be room for new forms of scholarship, new styles of teaching, new curriculum and new teaching materials. I have tried in my scholarship and in my teaching to promote these changes. Some of you may know me from the Contracts section of AALS, from the People of Color Scholarship conferences, or from the articles and book I have written about legal education. If you are familiar with my work, then you understand why I joined SALT and why I have been happy to serve on the Board. If you believe, as I do, in diversity, in the ethics of inclusion, then SALT has a lot to offer. I learned this working on committees that organized several teaching conferences. I found it attending the Cover Retreat for students interested in public interest law. I also believe each of us has a responsibility to speak out when we become aware of injustices and there is nothing like membership in an organization whose members self-identify as



progressives to make you feel as though your voice might actually be heard. This is an organization that has spoken out in opposition to the war in Iraq; that has condemned torture, promoted equality, diversity and academic freedom. As a member of SALT, and especially as a Board member, I feel that I am acting on my principles and representing, to the best of my ability, those who share these sentiments.

Bill Quigley

Loyola University New Orleans School of Law

Dear Friends:

There are more than enough lawyers in this world defending the way things are. Plenty of lawyers protect and guide people and institutions engaged in the injustices in our social, economic and political systems that are steeped in racism, militarism and materialism. They are plentiful and well-compensated. We need no more of them.

Poverty, wealth, racism, materialism and militarism cannot be changed by aiming at small revisions or modest reforms. If we are going to transform our world, we need lawyers willing to work with others in dismantling and radically restructuring most of the current legally protected systems in our world.

I think the mission of SALT is to try to create a radically different legal education and legal profession. I am trying to help do my part in my community and with SALT. I know you are trying as well.

I wish you peace, love, and justice,
Bill Quigley



Natsu Taylor Saito

Georgia State University College of Law

I have been honored to serve on the SALT Board of Governors and hope to serve another term because I believe that SALT provides a unique opportunity for law professors



to address many of the most pressing legal issues confronting us today, including race, gender and affirmative action, academic freedom, and judicial nominations. We have been able to foster productive discussion among legal scholars as to which issues need to be highlighted, how they are best incorporated in our teaching and scholarship, and how we can appropriately add our voices to both legal and political processes.

I hope that we will continue to closely monitor attacks on affirmative action and to consider ways in which we can expand the participation of people of color and those with diverse perspectives in the legal profession. As chair of SALT's newly-formed Academic Freedom Committee, I hope to contribute by ensuring that we address institutional responsibility to protect a wide range of political perspectives in the classroom and in legal scholarship, and to ensure that legal clinics are not constrained or eliminated by political interests.

2006 SALT Teaching Conference

Camille Nelson, Saint Louis University School of Law

As school starts up again, we have the opportunity to turn our collective energies to some of the pressing issues surrounding academic freedom.

As co-chair of the committee planning for the 2006 SALT Teaching Conference, it is my hope that you will commune with us for this conference entitled "Academic Freedom and Teaching Activism in the Post 9/11 World." Please join us Friday, September 8, and Saturday, September 9, at Suffolk University Law School in Boston, Massachusetts. (Hotel accommodations will be provided by the Omni Park House Hotel.)

This conference will be an exciting gathering! Given recent events which are being debated in the media, on list serves and blogs, we have put together what we believe is a timely conference with many interesting points of departure. Plenary and concurrent session topics include:

- Rolling Back the Clock: Post 9/11 Assaults on Academic Freedom and Equal Protection;
- Teaching Legal Strategies: Responding to the Criminalization of Political Dissent;
- Whither Faculty Activism/Whither Student Activism;
- Combating the Assault on Tenure;
- Dealing with "Difficult" Issues in the Classroom;
- Race, Class and Hurricane Katrina;
- Affirmative Action after *Grutter*; and
- The Aftermath of *Rumsfeld v. FAIR*

Additionally, among other fabulous speakers, we have confirmed Natsu Saito, Peter Irons, Cheryl Harris, Robert Westley, Ray Velencia, Vijay Prashad, Leonard Baynes, and Paula Johnson.

Conference information and the registration card can be obtained online at www.saltlaw.org. We look forward to seeing you in Boston!

Politically-Motivated Attacks on Ward Churchill Continue

Nancy Ehrenreich, University of Denver, Sturm College of Law

The Academic Freedom Committee continues to follow closely the case of University of Colorado Ethnic Studies Professor Ward Churchill. As *Equalizer* readers will recall, CU began a far-ranging "investigation" of Professor Churchill's scholarship after an essay that he had written, analyzing the root causes of the 9/11 attacks, made him a nationally visible and controversial figure. Since that time, a coalition of right-wing politicians and media personalities (including Colorado Governor Bill Owens and talk show host Bill O'Reilly) has engaged in a concerted campaign of harassment and character assassination against Churchill.

Rather than resist such obviously politically-motivated attacks on the academic freedom of a member of its faculty, the University of Colorado publicly solicited allegations against the professor, and Interim Chancellor DiStefano convened an ad hoc investigating committee to search Churchill's entire record of more than 4,000 published pages of scholarship for "plagiarism" and "academic fraud." The committee's 124-page report was made public in May. It focuses on seven technical questions of citation, attribution, and historical interpretation. It frequently acknowledges the accuracy of Churchill's substantive assertions while disputing the validity of the sources cited to support them.

Apparently motivated by its express view that Churchill's "recurrent refusal to take responsibility for errors . . . bears on a proper judgment about the seriousness of his misconduct," the committee recommended termination or a several years' suspension without pay. DiStefano, under pressure from both the Governor and media personalities, recommended in June that Churchill, a tenured full professor, be fired.

The case is now undergoing internal CU appeals, with the Board of Regents empowered to make the final decision. Following that process, which will probably take several months, Churchill will likely sue the state for violations of his First and Fourteenth Amendment rights.

Churchill's case has drawn national attention from organizations and individuals concerned about "academic misconduct" charges being used to intimidate and silence progressive scholars. A conference to be held in September at the University of Kansas proposes to examine the Churchill affair "in the context of the national and international movements to silence and discredit scholars and activists who think critically about the manifestations of colonialism and contemporary expansions of empire."

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Churchill:

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Teachers for a Democratic Society (a group formed by the 101 individuals mentioned in David Horowitz's recent book attacking the professoriate) has issued a public statement, saying, in part, that

[t]he actions of the University of Colorado in this case constitute a serious threat to academic freedom. They indicate that public controversy is dangerous and potentially lethal to the careers of those who engage in it. They suggest that professors – tenured and untenured alike – serve at the pleasure of politicians and pundits. They call into question the standards of scholarship and peer review at Colorado's flagship institution. They endanger not only those scholars working in that area where historical inquiry, critical social commentary, and political activism intersect – but also those historically disenfranchised “others” who are struggling to have their perspectives and programs represented in, and legitimized by, the academic mainstream.

In addition, the upcoming SALT Teaching Conference (Suffolk Law School, September 8-9) will address not only the effect of cases like this one on the ability of critical scholars to voice their views in the current academic environment, but also the question of how attacks such as the one on Churchill fit into a broader – and ultimately more insidious – attempt to constrict the dissemination of knowledge and information in this society.

The SALT Board issued a statement last year condemning the CU administration's handling of this matter, and will continue to make its views known about the Churchill case and other similar cases as seems appropriate. For more information on the Churchill case, see the following websites: wardchurchill.net (Churchill website); www.teachersfordemocracy.org (Teachers for a Democratic Society); and <http://www.colorado.edu/news/reports/churchill/churchillreport051606.html> (CU report).

2006 Robert Cover Workshop: Academic Freedom Under Assault

Natsu Taylor Saito, Georgia State University College of Law

This year's Robert Cover Workshop, held at the AALS Annual Conference in Washington, D.C., on January 4, 2006, focused on academic freedom. It was ably facilitated by Andi Curcio and enthusiastically received by the approximately forty participants. The subject generated vigorous discussion.

We focused on recent attacks on the speech, writing and teaching of those who challenge the status quo, attacks that are well-organized, well-funded, and increasing in both frequency and intensity. As those in attendance noted, the media has been enlisted in a broad campaign to support legislation that restricts curricular material and the speech rights of faculty, to abolish tenure, and to mobilize public opinion behind attacks designed to chill protected but politically “unacceptable” speech.

The purpose of the workshop was to synthesize a broad range of information on this trend, to educate ourselves about the scope of the problem, and to begin a discussion about collective responses to counter this move to limit what can be taught and who can teach.

Deborah Post gave an overview of the national campaign to eliminate “liberal bias” from education in the name of “academic freedom.” She presented background on Lynne Cheney's American Council of Trustees and Alumni (ACTA), which created the famous “blacklist” of academics, and the attempt, spearheaded by David Horowitz, to get state legislatures to pass what is called an “Academic Bill of Rights.”

We then considered the breadth of recent attacks, for scholars in numerous fields have come under scrutiny for their political positions, even hard scientists who warn of the dangers of global warming. One major target, of course, has been Middle Eastern studies programs, most notably at Columbia University, and Abdeen Jabara presented a summary of these cases.

The third substantive focus of the workshop was on tactics, particularly the use of pretextual charges and the manipulation of the media. Ward Churchill, who has been subjected to perhaps the most intense campaign in recent history, shared some of his experiences with sustained media pressure, national and local; attacks by prominent politicians; and the way in which university processes have been alternately disregarded and utilized in an attempt to fire him for his speech.

As we segued into our brainstorming session, this article's author summarized the broader political context in which these attacks have been evolving, especially the more general attempts to discourage political dissent and access to information. The group then launched into an energetic discussion about ways in which we can mobilize on these issues. Within SALT, the Academic Freedom Committee is following up on a number of fronts, and we welcome your input and participation.

Deanship Workshop to be Held in May

Kellye Testy, Seattle University School of Law

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

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

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

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

To indicate your interest in serving as a presenter, or for further advance information about the conference, please contact the author of this article, Seattle University Dean Kellye Y. Testy, at ktesty@seattleu.edu. Full workshop information and registration materials will be available in both print and electronic form (at www.law.seattleu.edu) in October 2006.

SALT Board Retreat and Strategic Planning

Carol Chomsky, University of Minnesota Law School, and Holly Maguigan, New York University School of Law

One of the hallmarks of SALT is the incredible amount of work done on behalf of the organization by a set of very busy volunteers from the membership and the Board of Governors. The board meets just three times a year, each time ordinarily for only a few hours. Volunteers are very good at carrying on the day-to-day business of SALT. We all recognize, however, that long-range planning for the organization's future, and even defining our agenda for more than the next several months, often takes a back seat.

Once every few years, the co-presidents bring the board together for a longer session, with time to do more extensive planning and get to work together more closely. This year, over May 19 and 20 at Seattle University School of Law, the board met in a retreat setting for a particularly intensive planning meeting. With the help of Inca Mohamed, a facilitator from Management Assistance Group who consults regularly with non-profit social justice organizations, we worked on a structured ten-year plan for SALT. Current board members and past presidents agreed on an articulation of the core principles of SALT and on the organization's strategies for effectuating change. The group worked specifically to define what the board believes SALT can and should accomplish over the next ten years.

The work was made possible by a planning grant from the Open Society Institute. OSI made the award in late 2005 for the purpose of strengthening SALT and helping us to position ourselves to be an even more effective change agent over the next decade. Before the board retreat, a plan-

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ning committee (Eileen Kaufman, Tayyab Mahmud, Nancy Ota, Holly Maguigan, Beto Juárez, David Brennen, Howard Glickstein, Phoebe Haddon and Carol Chomsky) met for a full day in March at New York University School of Law. Inca Mohamed from MAG also led that session.

After a post-retreat round of e-mailed comments, conversation, and editing, the planning committee will submit a working strategic plan to the board at its meeting on September 10, 2006, after the Fall Teaching Conference at Suffolk University School of Law in Boston. As always, all SALT members are invited to the board meeting (and those who wish to review the draft plan in advance should write to holly.maguigan@nyu.edu). Once the working plan is approved, it will be circulated to the membership.

All of SALT's current activities will be represented in the plan's ten-year, five-year, and short-term goals — including work for affirmative action in admissions and for more inclusive faculties; efforts to end the Solomon Amendment and the Don't Ask, Don't Tell policy; opposition to highly problematic judicial nominations; support for more equitable bar admission standards; and promotion of innovative, inclusive teaching methodologies and pedagogies that focus on social justice. In addition, the plan will identify specific actions we can take that will strengthen SALT's infrastructure.

It will come as no surprise to the membership that early in this planning process we recognized the need for a stronger institutional organization so that we can accomplish our many substantive goals. The strategic plan will include raising funds to hire staff to support the board's and co-presidents' work to draw even more effectively on the energy and talents of SALT members.

Among the most important aspects of the retreat for the participants was the process

itself. With Inca Mohamed's help, we went through an organized exercise of identifying a shared vision for SALT. We began with the broadest perspective (our "core purpose") and moved successively through more specific descriptions of our goals and objectives ("core strategic approaches," "long-range objectives," and "five-year outcome goals"). Co-presidents Eileen Kaufman and Tayyab Mahmud led us through the final session's drafting of the strategic plan.

Many of us had been skeptical at the outset. Some were uncertain about the utility of this form of planning. Others worried that we would somehow freeze SALT's agenda and impede the organization's historic ability to respond quickly to new injustices as they arise. The retreat alleviated those concerns. What emerged was a renewed sense of community and commitment to our shared values. We developed a better sense of what will be necessary to allow SALT an even greater capacity to do the important work of promoting progressive legal education, supporting open access to the legal profession, and using law as a tool for social transformation.

Many factors contributed to the success of the retreat and the planning process: the generosity of the Open Society Institute; the active participation of the past presidents and current board members at the retreat; and the leadership of Inca, Eileen, and Tayyab. The generosity of board member Kellye Testy, Dean of the Seattle University School of Law, was essential. Kellye and the Seattle faculty welcomed us to their law school and provided the space, the facilities, and the friendly support that allowed us to do this important work.

Affirmative Action Committee Report

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

SALT has continued its support of efforts to modify the ABA Standards for the Accreditation of Law Schools in order to strengthen provisions that would encourage law schools to achieve diversity in admissions and hiring. One result of these efforts was seen in language initially approved by the Council of the Section of Legal Education and Admissions to the Bar for Standard 211, requiring law schools to demonstrate by concrete action a commitment to having a diverse student body, faculty and staff, and indicating that results would be important, though not required. Language in Interpretation 211-1 of that Standard stated that "requirement of a constitutional provision or statute that purports to prohibit consideration of race, gender ethnicity or national origin in admissions or employment decisions is not a justification for a school's noncompliance" with the standard's diversity provisions.

The language met with expressions of outrage and demands that the ABA not be recertified as the law school accrediting agency. While the attacks were broad, they converged on what was seen as a move by the ABA to require law schools to break state law. The ABA clarified the offending provision by adding the following sentence: "A law school that is subject to such constitutional or statutory provisions would have to demonstrate the commitment required by Standard 211 by means other than those prohibited by the applicable constitutional or statutory provisions." This clarification established that the intent was not to require that law schools violate state law, but did not back away from the requirement that they nonetheless are expected to take concrete action to achieve diversity.¹

The attacks against the ABA came from Commissioners at the Office of Civil Rights, law deans and faculty, and others. It was

interesting, but unfortunately not surprising, to see the level of acrimony generated by an attempt to address troubling statistics regarding diversity in student enrollment and faculty hiring. The attacks confirmed the diligence and impact of anti-affirmative action groups as seen in the adoption of California's Proposition 209 and Washington's Proposition I-200 and the push for adoption of similar provisions in Michigan this November.²

And it made the ABA nervous. With its recertification as an accrediting agency being considered by the Department of Education, the ABA had cause for concern. Then, DOE postponed the recertification hearings, seemingly in response to the attacks. Still, the painstakingly-considered, modest changes to the Standards did not justify such attention, and it would be unfortunate if they had any significant impact on the recertification process. Nonetheless, SALT has affirmatively supported the ABA's recognition as the accrediting agency to help counter the still-pending calls to deny recertification and has filed a statement in support of the ABA with the National Advisory Committee on Institutional Quality and Integrity, Department of Education. The statement is reproduced below.

It is to be hoped that the anti-affirmative action fervor did not temper what seemed to be a commitment by the ABA to moving schools toward addressing the disconnect between the demographics of those in law schools and the population lawyers serve. SALT will continue to urge vigilance by the ABA in enforcing the diversity provisions in the Standards and in reporting findings with regard to compliance. Meanwhile, changes to Chapter 2 of the Standards are currently before the ABA House of Delegates for review prior to final adoption, and the changes to Chapter 5 (law school admissions) are still working their way through the committee and Council process.

The attacks against the ABA serve as a reminder that there is work to do with regard

to efforts to roll back affirmative action. Paying attention to the accreditation process in law schools is one strategy. Committed SALT members should consider working with the Affirmative Action Committee to develop and execute a range of strategies to counter the impact of the anti-affirmative action movement as it affects higher education. One such strategy is to develop a best practices statement in the aftermath of Grutter. There are sound reasons why affirmative action is necessary and fair. We need to make the case more effectively.

(Footnotes)

¹ The modification of ABA Standard 211 and its Interpretations was more modest than SALT and others had hoped. Since the Standard already required schools to demonstrate by concrete action a commitment to admitting "racial and ethnic minorities which have been victims of discrimination," the new language requiring a commitment to "having a student body that is diverse with respect to gender, race, and ethnicity" adds little, and may distract if race and ethnicity are not tied to prior discrimination. However, the connection to *Grutter v. Bollinger* as emphasized in Interpretation 211-2 and the provision in Interpretation 211-3 that the ABA will look to the "totality of the law school's actions and the results achieved" should provide sufficient basis for citing schools that do not have a compelling argument to support failure to achieve diversity. If not, then there is more work to do on the Standards.

² To view California's Proposition 209, see <http://www.acri.org/209/209text.html>. For a brief summary of Ward Connerly's efforts, see <http://www.civilrights.org/campaigns/michigan/consequences.pdf>.



Society of American Law Teachers
Statement in Support of Renewal of
Recognition of the American Bar

Association Council of the Section of
Legal Education and Admissions to the
Bar

Submitted to the National Advisory
Committee on Institutional Quality and
Integrity, U.S. Department of Education
August 5, 2006

The Society of American Law Teachers (SALT) was founded in 1973 by a group of law professors who were dedicated to improving the quality of legal education. SALT is the largest membership organization of professors in the country, with over 800 members at more than 150 law schools. Its members include law deans and law professors. SALT is committed to promoting public service in the legal profession, promoting social justice and advancing human rights.

SALT submits this statement in support of the renewal of recognition of the American Bar Association Council of the Section of Legal Education and Admissions to the Bar (ABA) as the accrediting agency for American law schools. There have been a number of letters urging the opposite by persons disgruntled by or fearful of amendments to the Standards for Approval of Law Schools (Standards) designed to encourage schools to take seriously the long-stated academic and moral commitment to diversity. SALT does not believe that the ABA went far enough with these amendments, but that is not the point. The point is that the process of consideration was both extensive and sound, and the results reflect a careful approach to achieving this important goal that is both respectful of law school autonomy and consistent with the ABA's oversight responsibilities.

Recently, SALT has advocated results-based amendments to the Standards. It did so in light of the increasingly alarming decline in the admission of African American, Mexican American and Puerto Rican law school applicants — this, despite

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the Supreme Court's ruling in *Grutter v. Bollinger*, 539 U.S. 306 (2003), and Justice O'Connor's optimism about the end of disparate treatment within twenty-five years. SALT firmly believes that law schools are either being distracted from or avoiding the need to diversify their student bodies, and both the profession and the society it serves are suffering. Without firm, clearly-stated standards, law school practice suggests that minority groups that have historically been excluded or under-represented will increasingly fade from the profession.

SALT, joined by many other organizations, made this case to the ABA. SALT did so orally at scheduled hearings and in writing. Many others did the same. The process of consideration extended over several months, and it was publicized at every step. Yet many of those who now attack the ABA did not take the time to address either the issue in general or the proposed amendments to the Standards. Instead, they now attack the result of this extensive process, mischaracterizing what was done and sounding alarms. They should be ignored.

Without in any way minimizing its support for renewal of recognition of the ABA, SALT does want to take the opportunity to raise a few areas in which the ABA could improve its work. First, more guidance should be provided to site evaluation teams so that compliance with the Standards is fully reported. The ABA does provide training to site evaluators. Questionnaires would supplement the training by guiding evaluation volunteers to make in-depth assessments on relevant points.

Second, there have been occasions when the Council and its Accreditation Committee have applied informal, unpublished rules in interpreting the application of the Standards. Such a practice can undermine the accreditation process. This does not mean that

the Standards can or should be expected to foresee and accommodate all circumstances. Inevitably a school will present circumstances in which strict application of the Standards can lead to unintended or negative results. However, the process is suspect when adjustments are not published for the benefit and instruction of all involved. When adjustments become necessary, they must then be referred for review and incorporation or rejection through the standard review process. If the circumstances are decidedly unique, then Standard 802 (procedure for variances) may be the appropriate way to capture the issue.

Third, the ABA needs to publish timely, comprehensive reports on compliance with its diversity requirements. Information about diversity in U.S. law schools emerges from other sources and is not related directly to law school oversight by the ABA.

Fourth, the ABA needs to continue the progress made by John Sebert in making the work of the Section more inclusive and transparent. His efforts improved the breadth of the input and consideration of issues before the Council and Section committees. The Council has affirmed its commitment to the spirit of the expired Consent Decree, and inclusiveness and transparency should be reinforced as a central aspect of that commitment. SALT is encouraged in this regard by the choice of Hulett H. Askew as the next Consultant, and looks forward to greater strides in this regard. The Committee should make clear its support of such efforts.

We emphasize that the preceding points are meant to highlight areas in which the ABA can improve a job that has been well done. SALT fully supports renewal of recognition of the ABA as the accrediting agency for U.S. law schools. Its leadership and oversight have contributed to the excellence of the law academy, and SALT firmly believes that it will continue to do so.

Picking Up the Pieces After *Rumsfeld v. FAIR*

Kathleen Clark, Washington University School of Law

As most of you already know, on March 6, 2006, in *Rumsfeld v. FAIR*, a unanimous Supreme Court rejected SALT's challenge to the Solomon Amendment, which requires a university that receives federal funds to provide military recruiters with the same access to students and facilities that it provides to other potential employers of their students. In an opinion authored by Chief Justice Roberts, the Court rejected SALT's arguments that the Solomon Amendment violated law schools' First Amendment rights; noted that Congress has "broad and sweeping" power to provide for the national defense; and emphasized that courts must pay substantial deference to congressional decisions on military matters. As a result of this decision, most law schools will continue to allow military recruiters on campus even though the law schools oppose the military's ban on open service by gays, lesbians and bisexuals.

To fully understand this decision and its implications, it is important to review the history of law schools' policies regarding recruiters. In the early 1970s, law schools began to require employers who wanted to hire law students to pledge that they did not discriminate based on religion, race, sex, or national origin. This technique proved to be an effective way to move law firms to commit to a policy of non-discrimination. Starting in the late 1970s, some law schools expanded this required non-discrimination pledge to include sexual orientation. This policy prevented the Central Intelligence Agency (CIA) and other government agencies that discriminated on the basis of sexual orientation from coming on campus to recruit. By the early 1990s, the CIA had ended its policy of discrimination and so was permitted to recruit on campus. But the military continued to discriminate and was kept

off-campus. As a result, law schools' policies began to be perceived as anti-military rather than anti-discrimination. Because of this perception, Congress passed the Solomon Amendment to put pressure on law schools to grant access to recruiters. Under the Solomon Amendment, if a law school denied equal access to military recruiters, the entire university would lose funds from the Defense Department and other federal agencies. SALT and a coalition of law schools (the Forum for Academic and Institutional Rights, or FAIR) sued the Pentagon, arguing that the Solomon Amendment violated schools' First Amendment rights.

Ironically, the FAIR lawsuit has hurt, rather than helped, the effort to lift the ban on gays in the military. Seven weeks after the Supreme Court's *FAIR* decision, a district court issued its decision in a lawsuit brought by Servicemembers Legal Defense Network (SLDN) on behalf of twelve gay and lesbian veterans who asked the court to declare the military's gay ban unconstitutional under *Lawrence v. Texas*, 539 U.S. 558 (2003). The district court granted the government's motion to dismiss, quoting language from *Rumsfeld v. FAIR* on the "broad and sweeping" power of Congress to raise a national defense and on the need for judicial deference to Congress in military affairs. SLDN plans to appeal that district court decision.

Nonetheless, the *FAIR* decision could turn out to be a net positive for the movement to lift the ban on gays in the military. Because of the *FAIR* decision, the issue of gays in the military will continue to be visible every semester as military recruiters visit law schools. Law faculties and students can use these recruiting visits to organize political action and join the political movement to lift the military's gay ban. In March of 2005, Congressman Marty Meehan introduced the Military Readiness Enhancement Act, H.R. 2005, which would lift the ban and replace it with a policy of nondiscrimination based on sexual orientation. That bill now

has over 110 co-sponsors in the House, but has not yet been introduced in the Senate. Law faculty members and students who want to engage on this issue should work to convince their members of Congress to co-sponsor the Military Readiness Enhancement Act. They can set up meetings with their member of Congress, and organize letter-writing campaigns. They can also convince their local city council or state legislature to adopt a resolution urging Congress to lift the ban.

Up until now, law school protests against military recruiters have had little effect outside the walls of law schools. But if law faculties and students allow military recruiting visits to be the impetus for engaged political action, they can play an important role not just in protesting the gay ban, but in convincing Congress to end it. To find out more about what you can do to lift the military's gay ban, contact Sharon Alexander at SLDN (sea@sldn.org or 202-328-3244 ext. 106).

Federal Judicial (and Other) Nominations Committee Report

Florence Wagman Roisman, Indiana University School of Law-Indianapolis

SALT has an excellent record of opposing bad nominees, but — these days — an unenviable record with respect to success in that opposition. Most recently, the SALT Board has decided to oppose the nomination of William J. Haynes II to the U.S. Court of Appeals for the Fourth Circuit. As General Counsel to the Department of Defense, Haynes has been deeply implicated in the Administration's flouting of U.S. statutes and treaty obligations under the Geneva Conventions and permitting the use of torture in interrogations. SALT's opposition letter to Senators Specter and Leahy is reproduced below.

At this writing, we do not know whether Haynes will be confirmed. In recent months,

though, of the eight nominees to federal appellate courts that SALT opposed, six have been confirmed; the other two have not yet been considered by the full Senate. The confirmations generally are due to the determination of the bipartisan "gang of 14" to avoid filibusters save in extraordinary circumstances and these senators' determination that none of these six nominees was bad enough to constitute an extraordinary circumstance.

Breaking new ground, SALT also addressed an executive nomination for the first time, opposing the nomination of Alberto Gonzales to be Attorney General; as you all know, Alberto Gonzales was confirmed for that position. When John Roberts and Samuel Alito were nominated for the Supreme Court, SALT decided not to oppose the former but did oppose the latter. Despite SALT's opposition, Justice Alito has joined Chief Justice Roberts on the Supreme Court.

The six nominees whom SALT unsuccessfully opposed for Courts of Appeals positions are Brett M. Kavanaugh, Thomas B. Griffith, and Janice Rogers Brown, all serving on the District of Columbia Circuit; Patricia Owen, serving on the Fifth Circuit; David W. McKeague, serving on the Sixth Circuit; and William H. Pryor, serving on the Eleventh Circuit. SALT's statements about these nominees are on the SALT website, www.saltlaw.org, under "Writings."

The two federal appellate nominees opposed by SALT and not confirmed by the Senate (as this issue of the *Equalizer* goes to press) are Terrence Boyle, nominated for the Fourth Circuit, and William G. Myers III, nominated for the Ninth Circuit. Again, SALT's statements of opposition are on the SALT website, under "Writings." Each candidate is highly controversial — Boyle in large part because of rulings in civil rights cases; Myers in large part because of environmental issues. We urge SALT members to inform themselves about these two nominees and

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communicate with their Senators about the nominees.

◆◆◆◆◆

August 7, 2006

The Honorable Arlen Specter, Chair
The Honorable Patrick Leahy, Ranking
Minority Member
Committee on the Judiciary
United States Senate

RE: Opposition of the Society of American
Law Teachers to the Nomination of William
J. Haynes II to the United States Court of Ap-
peals for the Fourth Circuit

Dear Senators Specter and Leahy:

We write on behalf of the Society of American Law Teachers (SALT) to urge you to vote against the nomination of William J. Haynes II to serve on the United States Court of Appeals for the Fourth Circuit. SALT is the largest voluntary membership organization of law professors in the United States, representing more than 900 professors from over 160 law schools. SALT is committed to improving the integrity, quality, and fairness of our justice system and to encouraging respect for the rule of law and equal justice under law.

Every judge should be committed to the rule of law and be straightforward, fair, unbiased, and open to the consideration of differing opinions. These qualities are particularly essential for those who sit on the Fourth Circuit Court of Appeals, because it has been and probably will continue to be faced with many of the major cases involving accused terrorists and detainees. William J. Haynes II does not possess those qualities. To the contrary, he has demonstrated a determination to violate statutes enacted by Congress, ignore established legal principles, misrepresent and conceal from Congress and

others important actions he has taken, and exclude from deliberations more experienced colleagues who disagree with his actions. He is unfit for a lifetime appointment to the federal bench.

As General Counsel for the Department of Defense, Mr. Haynes helped to draft the rules for military commissions and procedures for interrogating detainees. With respect to each of these issues, he acted to deny protections assured by acts of Congress and the Geneva Conventions, including Common Article 3 of the Conventions. These decisions were made against the advice of "the military's most senior uniformed lawyers," who

"found their objections brushed aside" when they warned that the administration's plan for military commissions put the United States on the wrong side of the law and of international standards. Most important, they warned, the arrangements could endanger members of the American military who might someday be captured by an enemy and treated like the detainees at Guantanamo.¹

The rules governing military commissions were held by the Supreme Court in *Hamdan v. Rumsfeld* to violate acts of Congress and the Geneva Conventions.² That Mr. Haynes ignored at least fifty years of U.S. policy, the Uniform Code of Military Justice (UCMJ), and the Geneva Conventions in his recommendations evidences a disregard of the rule of law utterly incompatible with the obligations of a judge.³ As former Navy Judge Advocate General, Rear Admiral John Hutson, now the Dean of the Franklin Pierce Law Center, has said:

We should be embracing Common Article 3 and shouting it from the rooftops . . . They can't try to write us out of this, because that means every two-bit dictator could do the same. . . . [It is] unbecoming for America to have people say, "We're going to try to work our way around this because

we find it to be inconvenient." If you don't apply it when it's inconvenient, . . . it's not a rule of law.⁴

Mr. Haynes also argued that persons whom the President characterized as enemy combatants could be detained indefinitely and had no right to counsel even if they were citizens of the United States.⁵ The error of this position was underscored by the Supreme Court's 8-1 decision in *Hamdi v. Rumsfeld*.⁶

Even more troubling, Mr. Haynes supported the use of interrogation procedures amounting to cruel, inhuman, and degrading treatment and, in the judgment of some, torture, in violation of acts of Congress and the Geneva Conventions and despite the opposition of military lawyers. In November 2002, Mr. Haynes recommended that Secretary Rumsfeld approve the use of techniques including hooding — "a hood placed over [the detainee's] head during transportation and questioning" — "20 hour interrogations," "removal of clothing" and "all comfort items (including religious items)," "forced grooming (shaving of facial hair, etc.)," and exploitation of "detainees [sic] individual phobias (such as fear of dogs) to induce stress."⁷ Secretary Rumsfeld approved Mr. Haynes's recommendation.⁸ When then-General Counsel for the U.S. Navy Alberto Mora persistently raised objections, describing such as procedures as "at a minimum cruel and unusual treatment, and, at worst, torture," Mr. Haynes announced that Secretary Rumsfeld had suspended his authorization of the techniques and directed Mr. Haynes to convene a special "Working Group" to consider these issues.⁹ Mr. Haynes then "outflanked" Mr. Mora by "solicit[ing] a separate, overarching opinion from the Office of Legal Counsel, at the Justice Department, on the legality of harsh military interrogations — effectively superseding the working group."¹⁰ Using this memorandum, the Working Group adopted a narrow interpretation of the statutory prohibition on torture, insisted that the

Geneva Conventions did not apply at all to Al Qaeda prisoners, and concluded that the Department of Justice could not prosecute any “federal officials acting pursuant to the President’s constitutional authority to wage a military campaign.”¹¹ The Working Group said that the rule of law is overborne by the Commander-in-Chief’s power, making the Executive and military unaccountable under the laws and treaties of the United States.

The “Justice Department’s legal analysis . . . shocked some of the military lawyers who were involved in crafting the new guidelines . . .”¹² “Every flag JAG lodged complaints . . .”¹³ “It’s really unprecedented. For almost 30 years we’ve taught the Geneva Convention one way,” said a senior military attorney. “Once you start telling people it’s okay to break the law, there’s no telling where they might stop.”¹⁴

Mr. Mora told Mr. Haynes that he considered the draft Working Group report “deeply flawed.”¹⁵ Without the knowledge of Mr. Mora or other internal critics, however, the Working Group report was submitted to and approved by Secretary Rumsfeld in the Spring of 2003.¹⁶ Nonetheless, in June 2003, Mr. Haynes wrote to Senator Leahy, stating that the Pentagon’s policy was never to engage in torture or cruel, inhuman, or degrading treatment.¹⁷ In fact, “the Pentagon had pursued a secret detention policy. There was one version, enunciated in Haynes’s letter to [Senator] Leahy, aimed at critics. And there was another, giving the operations officers legal indemnity to engage in cruel interrogations, and, when the Commander-in-Chief deemed it necessary, in torture.”¹⁸

Although the Pentagon declared the Working Group report a non-operational “historical document” in March 2005,¹⁹ it appears that this step was taken only under pressure from others and not at Mr. Haynes’s initiative. When Deputy Secretary of Defense Gordon England called a meeting in 2005 to consider making Common Article 3 of the Geneva Conventions part of formal Pentagon policy, the Secretaries of the Navy, Army,

and Air Force and high-ranking officers and lawyers agreed to bar “cruel, inhuman and degrading treatment, as well as outrages against human dignity.”²⁰ Mr. Haynes successfully opposed this position.²¹

Mr. Haynes’s support of torture to obtain information also is suggested by his role in writing the rules for the military commissions. As originally composed under Mr. Haynes’s direction, the military commission rules would have allowed the admission of any “relevant” evidence, including statements and other evidence obtained by torture. It was not until the Supreme Court was about to hear oral argument in *Hamdan* in 2006 that Mr. Haynes approved a new rule that barred “statements made under torture from its Guantanamo Bay military courts . . .”²² Until that time, Mr. Haynes had opposed such an exclusionary rule.²³

Mr. Haynes has deliberately distorted and evaded the law, has attempted to conceal his actions, and has dissembled to members of Congress and others. For all of these reasons, detailed above, we urge the rejection of the nomination of William J. Haynes II to the United States Court of Appeals for the Fourth Circuit.

Yours respectfully,
Professors Eileen Kaufman and Tayyab Mahmud
SALT Co-Presidents

(Footnotes)

¹ Neil A. Lewis, *Military Lawyers Prepare to Speak on Guantanamo*, The New York Times, July 10, 2006, at 14. See also *Wisdom on Detainees: The military’s top lawyers talk sense on trying [alleged] terrorists*, The Washington Post, July 14, 2006, at A 20 (editorial) (emphasizing “how foolish the administration was to sideline both Congress and the existing military justice system in crafting its plan for terrorism trials” and noting that “Not one of the six active-duty and retired judge advocates general who testified . . . would endorse the administration’s request that Congress sim-

ply ratify the military commissions it had set up unilaterally.”); Jane Mayer, *The Hidden Power: The Legal Mind Behind the White House’s War on Terror*, The New Yorker, July 3, 2006, at 44, 52-53 (Rear Admiral Donald Guter “said that when he and the other JAGs told Haynes they needed more information, Haynes replied, ‘No, you don’t.’”).

² *Hamdan v. Rumsfeld*, 126 S. Ct. 2749, 165 L. Ed. 2d 723, 2006 U.S. LEXIS 5185 (June 29, 2006).

³ “Donald J. Guter, another retired admiral who succeeded Admiral Hutson as the Navy’s top uniformed lawyer, said . . . ‘This was the concern all along of the JAG s It’s a matter of defending what we always thought was the rule of law and proper behavior for civilized nations.’” Neil Lewis, *supra* note 1.

⁴ *Id.*

⁵ William Haynes, *Enemy Combatants*, Memorandum to the Members of the ASIL-CFR Roundtable, December 12, 2002, Council on Foreign Relations, www.CFR.org (last visited July 31, 2006).

⁶ *Hamdi v. Rumsfeld*, 542 U.S. 507 (2004).

⁷ Jerald Phifer, “Request for approval of Counter-Resistance Strategies,” Oct. 11, 2002; and William J. Haynes II, “Counter-Resistance Techniques” (Memorandum for the Secretary of Defense), November 27, 2002, in *The Torture Papers: The Road to Abu Ghraib* 227-28, 237 (Karen J. Greenberg & Joshua L. Dratel, eds. 2005), reproduced also in Mark Danner, *Torture and Truth: America, Abu Ghraib, and the War on Terror* 167-68, 181-82 (2004).

⁸ *Id.*

⁹ Jane Mayer, *The Memo: How an Internal Effort to Ban the Abuse and Torture of Detainees Was Thwarted*, The New Yorker, Feb. 27, 2006, at 32, 38.

¹⁰ *Id.*

¹¹ *Working Group Report on Detainee Interrogations in the Global War on Terrorism: Assessment of Legal, Historical,*

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Policy, and Operational Considerations, April 4, 2003, in *The Torture Papers*, supra note 5, at 286-359.

¹² Dana Priest & R. Jeffrey Smith, *Memo Offered Justification for Use of Torture; Justice Dept. Gave Advice in 2002*, *The Washington Post*, June 8, 2004, A1.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Mayer, *The Memo*, supra note 9, at 39.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.* at 40.

¹⁹ *Id.*

²⁰ Josh White, "Military Lawyers Fought Policy on Interrogations," *The Wash. Post*, July 15, 2005, at A1; Mayer, *The Memo*, supra note 9, at 40-41.

²¹ Mayer, *The Memo*, supra note 9, at 41.

²² Jess Bravin, *White House Will Reverse Policy, Ban Evidence Elicited by Torture*, *The Wall Street Journal*, March 22, 2006, at A3, <http://online.wsj.com/article/SB114299262558404822.html> (last visited July 30, 2006).

²³ *Id.*

SALT Website Update

Nancy Ota, Albany Law School

The SALT website (www.saltlaw.org) is undergoing redesign and revision. The new website will be up by the end of the year. Our aim is to have a website that will communicate SALT's work to the world and that will facilitate communication among the SALT board, committees and members. We will be adding new features to make communicating with the membership more convenient, including secure online membership renewal, a search engine, improved navigation, secure online meeting registration, and secure online voting. The revamped website will continue to provide information about our work with a bit of pizzazz.

Faculty Mentoring Committee Report

Adele M. Morrison, Northern Illinois University College of Law

During the 2006-07 academic year, the Faculty Mentoring Committee will continue working to reach new and junior faculty members. The Committee's mission is to increase SALT membership among those new to and junior in the legal academy and to help mentor them to successful careers.

SALT will again co-sponsor the Junior Faculty Development Workshop with LatCrit Inc. The workshop (which Committee members have a hand in planning) will be held October 5-6, 2006, in Las Vegas. All SALT members, whether junior or more seasoned, are encouraged and welcome to attend. Check out the Junior Faculty Development Workshop and the LatCrit Conference Program at www.LatCrit.org.

The Committee will again host events that coincide with the AALS 2006 Faculty Recruitment Conference and 2007 Annual Meeting, both in Washington, D.C. The Committee is also planning to expand efforts to reach those attending the 2007 New Law Teachers/New Clinicians Conference. Please join us at our events when you attend these meetings and conferences.

Prior to the 2006 AALS New Law Teachers/New Clinicians Conference in D.C., a call to be a SALT Ambassador went out to the members who were attending and/or presenting at the conference. But this was not a one-time effort. The SALT Ambassador program is an ongoing opportunity for all SALT members to help increase membership and introduce new/junior faculty to this organization and its work. The Committee encourages every SALT member to become an Ambassador at your own school as well as at the conferences, workshops, or other law teaching-related events you attend. The SALT Ambassador job is fun and simple. All you need to do is talk about SALT whenever

you get a chance, especially with new and junior faculty members. Send interested parties to our website, www.saltlaw.org, and let them know about upcoming SALT events. As we develop and update SALT materials, be sure to have some items on hand to distribute to interested parties. Above all, remember to mention SALT whenever the opportunity arises. If you need a refresher on the SALT mission, or on who is on the Board or what we do, you can find answers on the SALT website. Don't forget to make sure that the newest members of your academic community are aware of and have an opportunity to join SALT. This is one great way to mentor them.

Finally, the Committee will be implementing a program to more directly and effectively mentor individual SALT members. Details will be coming as we determine how the program will work. In the meantime, please think about and let us know what you need to be one of, or what you can do to help shape the careers of, the next group of progressive legal academics.

Bar Exam Committee Report

Andi Curcio, Georgia State University College of Law

The Bar Exam Committee is pleased to report that the momentum toward creating alternatives to the existing bar exam continues to grow. For example, a panel at this year's AALS Conference discussed alternative models of assessing lawyer competence. Talking to a very crowded room, panelists discussed the work underway to develop alternatives to the traditional bar examination, with an emphasis on examining programs designed to test a wider range of competencies than those skills measured by the traditional exam. Following the panel presentation, SALT's Bar Exam Committee hosted a brainstorming workshop aimed at identifying ideas for empirically testing the

reliability and validity of alternative assessment methods.

The Committee is also happy to report that one of the programs discussed by panelist Sophie Sparrow, the New Hampshire Daniel Webster Honors Scholar program, is now operational. This alternative licensing method seeks to prepare participating law students for practice by combining simulation and live-client opportunities during their second year with numerous rigorous assessments of students' lawyering skills. Students who successfully complete this program are eligible for a license in New Hampshire when they also successfully complete the MPRE and the state ethics screening process. More information about this innovative program can be found at <http://www.piercelaw.edu/websterscholar>.

The Committee is also hopeful that the ground-breaking work being done by Sheldon Zedeck and Marjorie Shultz will ultimately result in new methods of testing lawyer competence. The Zedeck/Shultz project is in its final phase. This study has identified 26 factors important to effective lawyering and the kind of lawyer behaviors that would illustrate high, medium and low competence in each of the 26 areas. Using the data they have gathered thus far, Professors Zedeck and Shultz are seeking 10,000 volunteer alumni from Boalt and Hastings law schools to take sample tests designed to measure lawyer effectiveness. They hope that through this work, they can help develop a law school admissions test that accurately predicts potential success on various aspects of lawyering performance. This test could supplement the LSAT data about cognitive skills and allow schools to select prospective lawyers on the basis of a broader range of competencies. The goal of the new test is both to improve the quality of the profession and to increase the racial diversity of law school entrants. Although there is a consistent disparity between whites and minorities on performance on tests such as the LSAT, available research shows that lawyer job performance by whites and under-

represented minority groups is substantially similar. Thus, a test that measures the broad range of skills directly related to professional effectiveness may open the doors to the profession to under-represented minorities because it may eliminate the unfair advantage white students have under the current admissions criteria of relying mainly upon the existing LSAT and UGPA.* If you know of any Boalt or Hastings alumni, the Committee urges you to encourage them to participate in this ground-breaking study.

In addition to working on issues of alternative assessments, the Committee continues its work opposing measures that would make entrance into the profession more difficult for people from under-represented communities. This spring, the Committee was actively involved in opposing a proposed ABA Rule change that would encourage schools with low bar passage rates to increase their LSAT requirements. Instead, the Committee proposed that the ABA encourage schools with low bar passage rates to implement meaningful academic support programs.

In the upcoming year, the Committee will work on organizing a mini-workshop on developing and empirically validating alternative assessments and will continue its work opposing rules or regulations that make bar admission more difficult for members of under-represented communities. If you are interested in contributing to this work, we urge you to contact this article's author.

(Footnotes)

* The information in this paragraph was taken from an article by Robert Selna, "Professor Dares to Improve Law School Admissions Test," San Francisco Daily Journal, May 3, 2006, and from: "Expanding the Definition of Merit: and "What Makes for Good Lawyering," Transcript, Summer 2005. These articles and additional information about this project are available at: www.law.berkeley.edu/beyondlsat.

SALT's 2006 Annual Awards Dinner: A Fragrant, Festive Feast

Jane Dolkart, Southern Methodist University, Dedman School of Law

The door to the restaurant opened and the smell of wonderful spices filled the air. It was going to be another great SALT dinner. Once a year, the members of SALT get together at the AALS Annual Meeting to greet old friends from law schools around the country and meet new ones, share a good meal, and honor those who most represent



Paula Johnson and Michael Rooke-Ley honor Vermont Law Dean Geoffrey Shields, William Mitchell Dean Allen Easley, and New York Law Dean Rick Matasar

SALT's ideals of social justice. In January 2006, we came together in Washington, D.C., at Heritage India restaurant.

The restaurant was full to capacity with about 150 SALT members and friends. We mingled and reconnected over drinks and appetizers and then sat down to a multi-course dinner of Indian specialties, some familiar and others new to the palate. All of it was delicious.

During dessert, we began the program that had brought us all together: honoring progressive, inspirational teachers and lawyer activists. This year we honored two people and an organization that have made a difference in this world and in the lives of law students: Eric Yamamoto, of the William S. Richardson School of Law at the

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Awards Dinner:

▼ continued from page 17

University of Hawai'i, who received the SALT Teaching Award, and David Cole, of Georgetown University Law Center, and the Center for Constitutional Rights (Michael Ratner, President), collective recipients of the SALT Human Rights Award.

All of our honorees have had distinguished careers devoted to the fight for social justice. Eric Yamamoto is the ideal of the activist scholar/teacher. Eric is an extraordinary teacher and mentor, having been recognized four times by the faculty and students at his law school as the Outstanding Professor of Law. He also received the University of Hawai'i's 2005 Regents Medal for Teaching Excellence. He is an internationally renowned scholar on issues of racism and reconciliation, having authored numerous law review articles and two highly regarded books on interracial justice and the Japanese American internment. Eric is also an activist outside the law school community. He has performed hours of pro bono legal work; for



Mari Matsuda and Eric Yamamoto

instance, he served as co-counsel in successfully reopening the infamous World War II Japanese-American internment case, leading to reparations. He has served as counsel in many other cases and recently co-authored amicus briefs to the United States Supreme Court in the *Grutter v. Michigan* affirmative

action case and the *Rasul v. Bush* Guantanamo Bay mass detention case. Eric is also involved in social justice community activities too numerous to mention, including serving on the Boards of Directors of SALT, the Legal Aid Society of Hawai'i, the Native Hawaiian Legal Corporation, and the Equal Justice Society.



David Cole, flanked by Beto Juárez and Holly Maguigan

David Cole has been called "one of the country's great legal voices for civil liberties today." David began his legal career at the Center for Constitutional Rights in New York, where he remains a volunteer staff attorney and serves as a member of its board. He is the legal correspondent for the Nation magazine, and a commentator on National Public Radio. David's move to academia has not diminished his activism. He embodies SALT's ideal of harnessing legal scholarship in the service of social justice. His legal scholarship has examined issues of race and class in the criminal justice system and his latest book, "Enemy Aliens," analyzes the array of compelling national security legal issues in the aftermath of 9/11. David has litigated in many key areas of the social justice landscape. His First Amendment and civil liberties litigation won a vital doctrine for protection of a woman's constitutional right to reproductive privacy and has protected political expression in the flag burning cases. Even before 9/11, he represented thirteen foreign nationals when the government sought to use secret evidence to detain or deport them, based on broad allegations of

affiliation with terrorist groups. David's 9/11 litigation has been in the forefront of the major legal issues of the post-9/11 era. He brought the first successful lawsuit to challenge the constitutionality of the USA Patriot Act; he and the Center for Constitutional Rights are litigating the first legal challenge to rendition for torture in the case of Maher Arar; and he and the Center are challenging the round-up of hundreds of foreign nationals in the immediate aftermath of 9/11. David and the Center have challenged the legality of closed immigration proceedings after 9/11 and David has represented a group of Palestinian immigrants in Los Angeles for more than eighteen years, in a case that began with charges of communist affiliation and now includes sweeping charges of membership in a terrorist group. Throughout his career, David has constantly challenged our legal system to provide fairness and due process to the most vulnerable among us.

The Center for Constitutional Rights (CCR) is a public interest law firm that for more than 39 years has created cutting-edge civil and human rights doctrine, advancing guarantees of the Constitution and the principles of the Universal Declaration of Human Rights. The Center provides a legal resource for social justice movements and advocates, and a training incubator for attorneys committed to working in oppressed communities. Attorneys are trained to develop high-impact litigation that includes public education and organizing as part of legal representation. The Center's decades of groundbreaking legal rulings include *Monell v. Department of Social Services* (establishing that victims of government



Beto Juárez and Holly Maguigan

conduct may sue municipalities under Section 1983); *Washington v. Wanrow* (first successful assertion of a battered woman's right to self-defense); key precedents for reproductive rights; and *Filartiga v. Pena-Irala* (a Second Circuit decision that opened the doors of U.S. courthouses to victims of human rights abuses committed anywhere in the world). CCR now has a leading role defending rights in the 21st century's legal environments of secret prisons, indeterminate detention without trial, and mass round-ups of immigrants. CCR won a



Michael Ratner, CCR

victory last year in *Rasul v. Bush*, the Supreme Court ruling that detainees held for indeterminate periods without charges or trials by the military at Guantanamo

were entitled to petition courts for redress. We can safely predict that CCR will continue to be in the forefront of protecting the legal rights of individuals against the government.

In addition to SALT's annual awards, we paid a special tribute to three law schools for their commitment to the principles of non-discrimination and equality of opportunity, demonstrated by their refusal to facilitate military recruitment on campus in spite of government pressure and the threatened loss of federal funding pursuant to the Solomon Amendment. The schools were New York Law School, Vermont Law School, and William Mitchell College of Law, all of whose Deans were present to accept our heartfelt thanks for their acts of courage.

Save the Date

SALT Annual Awards Dinner at the AALS Annual Meeting

January 5, 2007

National Women's Democratic Club
Washington, D.C.

The SALT Annual Dinner is a much-anticipated yearly event that provides the opportunity to get together with old friends and new, share a great dinner, and honor several of the titans among us. This year Stephanie Wildman is to be honored as SALT's great teacher and Josh Rosencranz and his legal team at Heller Ehrman White & McAuliffe, lead counsel for FAIR in *Rumsfeld v. FAIR*, will receive the M. Shanara Gilbert Human Rights Award. The dinner will be held in the beautiful historic mansion off Dupont Circle owned by the National Women's Democratic Club. We hope to see you all at the dinner. Ticket information will be sent by e-mail and posted at www.saltlaw.org.

2006 Amaker Retreat: Injustice and the Impoverished

Robert Lancaster, Indiana University School of Law-Indianapolis

The fifth annual Norman Amaker Public Interest Law and Social Justice Retreat took place at Bradford Woods, Indiana, on February 24 to 26, 2006. The theme of this year's retreat was "Injustice and the Impoverished," and law students, practitioners, and law faculty from throughout the country attended the three-day weekend.

Several law school faculty and students spoke at this year's event. Diane Boswell, a former student of Norman Amaker and currently a superior court judge in Lake County, Indiana, gave the Friday night speech dedicated to Professor Amaker's memory.

Panel discussions included an ex-

amination of the legal issues concerning recent mining accidents and the aftermath of Hurricane Katrina. Professor Patrick McGinley of West Virginia University College of Law led the mine discussion and students who volunteered with legal efforts in New Orleans after Hurricane Katrina spoke about their experiences. Other panel discussions included an examination of legal issues in primary education and the availability of health care for persons living in poverty. Professors David Orentlicher and Mary Wolf from Indiana University School of Law-Indianapolis talked to students about the legal issues surrounding the debate over the affordability of health care. Another panel discussion focused on predatory lending and featured Professor Tom Wilson from Indiana University School of Law-Indianapolis, Professors Michael Seng and Debra Pogrud Stark from the John Marshall Law School in Chicago, and Marcy Wenzler, Senior Staff Attorney at Indiana Legal Services.

Margaret Johnson, Practitioner-in-Residence at the Washington College of Law at American University, and Professor Vivian Hamilton, from West Virginia University College of Law, led a discussion on "The Intersection of Gender and Poverty: Domestic Violence, Immigration and Marriage." Professor Dinesh Kohsla of City University of New York School of Law and Simeon Sungi, a Tanzanian lawyer, spoke about "Access to Justice in Developing Nations." A final panel discussion on HIV/AIDS discrimination was led by Professor Jennifer Drobac of Indiana University School of Law-Indianapolis and James P. Madigan, Staff Attorney at Lambda Legal in Chicago.

John Bouman, Advocacy Director/Welfare Supervisor at the Sargent Shriver National Poverty Law Center gave the keynote address on Saturday night.

As usual, the participants agreed that they had a wonderful time learning from and bonding with each other.

Save the Date

6th Annual Norman Amaker Public Interest Law and Social Justice Retreat
February 23-25, 2007
Bradford Woods, Indiana

The 6th Annual Norman Amaker Public Interest Law and Social Justice Retreat is scheduled for February 23-25, 2007. All interested are encouraged to participate and SALT members are invited to submit proposals for presentations. For further information, contact amaker@iupui.edu.

2006 Grillo Retreat: Daunting Challenges, Worthy Examples

Ida Bostian, Teaching Scholar, Center for Social Justice and Public Service, Santa Clara University School of Law

Snow! That was the first word on everyone's lips at this year's Trina Grillo Public Interest and Social



Ida Bostian

Justice Law Retreat. Indeed, the forces of nature contrived to make this year's gathering a true retreat, with the snow causing road hazards and highway closures in and around Santa Cruz. Undaunted, retreat participants braved the elements, marveled at the truly persistent surfers visible through the windows, and got down to business. Literally.

"What does money have to do with social justice lawyering?" That was the second topic for discussion, and it easily kept us busy for the rest of the weekend. Explor-

ing subjects as wide-ranging as personal finances, the business of social justice law, and the economic needs of our clients, speakers and panelists made an intimidating and potentially cold topic interesting, accessible, and downright human. For example, several speakers reminded us that, often due to personal financial issues, there are many different avenues for social justice and public interest lawyers to follow. From private practice to government to academics to public interest and social justice organizations, and sometimes back again: So long as you keep the goals of public interest and social justice in mind, you are still part of the fight.

Others spoke of the need for social justice and public interest organizations to diversify funding sources, advising these organizations to seek funds when available, such as through grants and court-awarded attorney's fees. Many speakers also observed that, given the conservative nature of today's courts, individuals and organizations should consider non-litigation strategies to serve their clients. In conjunction with this advice, several panelists advised participants that dollars will go farther when we truly get to know our clients and their needs, rather than merely assume that we know their needs because "we're the lawyers."

Emerging from these ideas, a theme throughout the retreat was an appeal for social justice lawyers to recognize current business, financial, and political realities, even as we seek to transform those realities. For example, as James Head reminded us in this year's Ralph Santiago Abascal Memorial Address, one goal of social justice and public interest lawyering should be to help the individuals and communities we serve achieve economic self-sufficiency, so that they will not always need our services. At the same time, we must continue to confront those public policies and private interests that seek to prevent wealth accumulation by these communities. This is — to say the least — a

daunting task. In an era when it seems that we are struggling to keep any semblance of the "safety net" intact, how can we *both* continue that struggle and seek to empower individuals *and* communities so that they no longer need that net?



SCU Dean Donald Polden, Lida Rodriguez-Taseff, Lia Epperson, and Bernida Reagan

In her after-dinner address, Bernida Reagan spoke of "the 3 Cs" — Commitment, Creativity, and Courage. She spoke in the context of her community development work in the Bay Area, but "the 3 Cs" have broader application for us all. Indeed, it will take all three traits to protect the least vulnerable among us, while we also seek to reduce that vulnerability. Fortunately, the Grillo Retreat helps us to cultivate these traits, to see and emulate the courage and creativity in our colleagues, and to commit to this work over the long haul.

I know Trina Grillo only through those who knew and loved her. However, as we were reminded at the beginning of the retreat, Grillo implored us to never back down from a struggle, to listen for those who have not yet spoken, and to continue difficult work even in extraordinarily difficult times. A worthy example of "the 3 Cs" in action, she would not shy away from the challenges facing social justice and public interest lawyers today. And by seeking to follow in her footsteps, I believe that the way to traverse this long and tricky path will be made clear.

2006 Grillo Retreat: Don't Let the Transactional World Get You Down

Juan Calzetta, Liza-Jane Capatos, and Kimberly Love, Santa Clara University School of Law, '08

An unexpected and highly unusual snowstorm during the 8th Annual Trina Grillo Public Interest and Social Justice Law Retreat, held in Santa Cruz, California, on March 11-12, 2006, didn't keep the wonderful group of ninety plus practitioners and students from spending the weekend discussing public interest and social justice law issues. In the cozy conference room of the Coast Santa Cruz Hotel, we reflected on the interplay between social justice work and funding, while enjoying a spectacular panoramic view of the Pacific Ocean.

From the tactical to the organizational, historical to prospective, we explored the nature of modern social justice lawyering and how to best approach and enhance it. This year's retreat also marked the creation of the Grillo Consortium. The consortium ensures that the spirit of Trina Grillo will continue to motivate and inspire those who come in contact with her memory.

Dean Donald Polden, Stephanie Wildman, and Margaret Russell, all of



Grillo Retreat participants

Santa Clara University School of Law, made introductory remarks recalling the life and work of Trina Grillo. The plenary sessions followed, punctuated mid-morning by the memorial address honoring Ralph Santiago Abascal, general counsel for the California

Rural Legal Assistance and a champion of social justice. The address featured James Head (San Francisco Foundation) with moderator the Honorable Cruz Reynoso.

The retreat provided valuable insights that can be divided into three categories: student-oriented advice, methods for organizing and effecting change, and coordinating public and private efforts.

Advice for Law Students. From the student's perspective, the retreat's focus on the role of money in social justice lawyering



SCU students Liza-Jane Capatos, Juan Calzetta, and Kimberly Love

addressed many of the concerns of students considering public interest law careers. The first plenary explored the relationship between social justice lawyers and money. In addition to explaining diverse ways to fund social justice work, Joan Graff (Legal Aid Society/Employment Law Center) discussed how social justice lawyers have struggled to admit the importance of money to their work, particularly when faced with the general assumption that social justice lawyers should be paid modestly. While money is not everything, it is a reality that must be confronted in order to continue that work. Jane Dolkart (Southern Methodist University) suggested helping clients with other issues, like wills and mediation, as an alternative source of funding. Lia Epperson (Santa Clara University School of Law, formerly of the NAACP Legal Defense & Educational Fund) discussed the increasing influence corporations have on public policy, its effect on civil rights, and the possibilities

of corporate partnership. Several practitioners encouraged students to develop business and managerial skills during school to help them in their practice.

Law students interested in pursuing public interest and social justice work may become discouraged when faced with looming debt and the attractive option of working at a large firm. However, as Sonia Mercado (Sonia Mercado and Associates) eloquently noted, loan concerns are not unique to the profession of law but common to many careers. James Head (San Francisco Foundation) urged staying focused on goals, despite the debt. If all else fails, loan forgiveness plans can ease some suffering. In addition, many speakers discussed ways to contribute to public interest and social justice work besides working for a non-profit organization. For example, Malcolm Yeung (Asian Law Caucus) maintained his contacts within the community during several years of private firm work. When he decided to switch over to non-profit work, he was well positioned to take a job opening at the Asian Law Caucus. Alternatively, in response to the September 2002 election, Lida Rodriguez-Taseff (Duane Morris LLP) helped form the Miami-Dade



Grillo Retreat participants

Election Reform Coalition to address problems such as voting access and complications with electronic voting machines. A partner in a large firm, Ms. Rodriguez-Taseff worked pro bono for the Coalition, which benefited from having the firm's resources to support her work. From the academic side, Martha Mahoney (University of Miami)

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created a bridge from the Coalition to the law school community to generate further support.

Speakers also stressed that social justice objectives can be brought into any type of practice. Whether through pro bono assistance or making donations, attorneys can create a "culture of public interest and social



Sonia Mercado and Sam Paz

justice" within law firms. As Patricia Massey (Law Offices of Patricia Massey) stated, the law is not self-executing. It is important not only to contribute to the community, but also to maintain flexibility. The destination may change, but focusing on the work completed rather than the limitations encountered will bring you closer to your goals.

Organizing and Effecting Change.

Some speakers explored the reason that money matters: It enables social justice lawyers to organize and effect change in their communities. In the after-dinner address, Bernida Reagan (Director of Social Responsibility, Port of Oakland) focused on the "3 C's" of social justice work. Whether through community economic development or impact litigation, social change requires Commitment, Creativity, and Courage. As an example, Ms. Reagan pointed to her experience creating a credit union that enabled low-income people to save and invest their money, thereby building equity in their

community. Regardless of the outcome or the risk of a potential lawsuit, some fights simply must be fought.

Zeena Batliwalla (Rai & Associates) commented on the different considerations legal entities weigh when determining whether to take a case. Whereas non-profit groups weigh the strength of a case, private firms focus on the cost. Working for a firm, Ms. Batliwalla has been able to help many people who would have been turned away by a non-profit organization. Alternatively, Ritu Goswami (Law Foundation of Silicon Valley) will use her Equal Justice Works Fellowship to bring direct legal services to Homeboy Industries, an East Los Angeles organization that helps people extricate themselves from gangs and become contributing community members. Her project will help people overcome legal barriers to employment.

In the third plenary, Professor Mahoney and Ms. Rodriguez-Taseff presented a twelve-step plan for social justice entrepreneurs to create successful coalitions:

- Translate the passions of mistreated people into an effective emergency response
- Bring in experts and find available resources
- Begin immediate research and study
- Build credibility and become a credible adversary
- Maintain relationships
- Think outside the box
- Demonstrate respect for individual contributions by coalition members
- Take an early position on accessibility and verifiability
- Create your own product
- Use your grassroots group like a think tank, and employ the data collected

- Advocate creatively
- Have a future plan

The Miami-Dade Election Reform Coalition, for example, first considered what should be



James Head, Stephanie Wildman, and Cruz Reynoso

done and encouraged community members to incorporate their own ideas. By having international observers at the November 2002 election (a first in the United States), enlisting poll workers familiar with the voting system, and obtaining tri-lingual ballots and back-up paper ballots, coalition members built credibility and achieved change. The coalition maintained a thriving relationship with its base by meeting weekly



Lia Epperson and Joan Graff

and by holding several town hall meetings on voting issues. By remaining inclusive, the coalition could draw on members for creative solutions, such as using an existing Florida statute to demand an election audit. Further, the coalition benefited from

individuals who became experts on particular areas and who could, in turn, educate the media on those issues. The coalition later used the data collected to compile a report, "Get It Right the First Time," which it provided to the Government Accountability Office. As the coalition demonstrated, organized, inclusive advocacy can accomplish a lot with very little money.

Public/Private Collaborations.

Because money makes the world go around but – unfortunately – it doesn't grow on



Grillo Retreat participants

trees, panelists encouraged envisioning fruitful cooperation between the private and public sectors. James Head discussed the San Francisco Foundation, which funds organizations to help them become self-sustaining. Particularly attractive are projects to change how money flows and how communities work. Benjamin Todd Jealous (The Rosenberg Foundation) recommended seeking out both past and present employees, supporters, and donors of organizations to catalyze social justice work.

Speakers also pointed out that grant writing is a useful tool for linking public and private efforts. Gail Hillebrand (Consumers Union) stressed that a person with strong grant writing skills is invaluable. As a form of advocacy, grant writing demands precision and persuasiveness to be effective. The best proposals articulate a project's intended impact instead of relying heavily on the underlying hardship.

Sudha Shetty (Access to Justice Institute,

Seattle University School of Law) discussed how social justice projects benefit by tapping the resources of private firms. Professor Shetty enlisted fifteen firms to provide pro bono counsel for the Institute's project assisting women in immigration court. In tandem, the Institute runs a Language Bank, filled with bi-lingual students trained as interpreters, who help the volunteer attorneys. The firms also help pay for flyers and multilingual radio advertisements. By taking advantage of both internal and external resources, Professor Shetty is developing model solutions to social justice problems.

The overall message of the retreat: In a transactional world, public interest and social justice lawyers are not alone in fighting for those who need a voice.

Save the Date

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

March 9-10, 2007

Seattle University School of Law

The 9th Annual Trina Grillo Public Interest and Social Justice Law Retreat will be held at Seattle University School of Law on Friday, March 9th, and Saturday, March 10th, 2007. The title of this year's retreat is "Justice Across Borders." At the retreat, participants will focus on public interest lawyering that crosses international boundaries, with emphasis on the challenges and satisfaction of representing clients who are not U.S. citizens. The keynote speaker on Friday evening will be Brandt Goldstein, author of "Storming the Court" (Scribner 2005), which is a compelling story of the law students and human rights advocates who filed suit against the first Bush and Clinton administrations to free HIV-positive Haitian refugees detained at Guantanamo Bay during the 1990s. For more information on this timely retreat, please visit Seattle University's website at www.law.seattleu.edu/grillo.

2006 Cover Retreat: The Faces Behind the Cases

Stephen Wizner, Yale Law School

The 19th Annual Robert M. Cover Public Interest Retreat took place at Boston University's Sargent Camp in Peterborough, New Hampshire, during the first weekend in March, 2006. More than 100 law students, law teachers, and public interest practitioners, some from as far away as Georgia and Arizona, and from a dozen different law schools, gathered in the woods of New Hampshire for a mix of serious discussion, informative talks and panels, and enjoyable social events, all organized by students from Penn State's Dickinson School of Law.

The theme of this year's Retreat was "The Faces Behind the Cases." It featured a wide variety of topics, including Immigration, Native American Law, Elder Law, Civil Rights and Civil Liberties, Gay Rights, Women's Issues, Child Advocacy, Arab/Muslim-American Civil Rights, Community Lawyering, and Disability Advocacy. A vibrant mix of inspiring talks, interesting panel discussions, and small group sessions, coupled with outdoor activities, evening parties, and much good conversation, made this year's Cover Retreat another successful chapter in the retreat's history.

Save the Date

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

March 2-4, 2007

Boston University's Sargent Camp, Peterborough, New Hampshire

The 20th Annual Robert M. Cover Public Interest/Social Justice Retreat, sponsored by SALT, will be held March 2-4, 2007, at the Boston University Sargent Camp in Peterborough, New Hampshire. This year's Cover Retreat will be organized by students from the Yale Law School.

Katrina, Ten Months Later: Gutting New Orleans

Bill Quigley, Loyola University New Orleans
School of Law

[Editor's Note: The following article is reprinted from the June 28, 2006, CounselorPunch Newsletter.]

Saturday I joined some volunteers and helped gut the home of one of my best friends. Two months after she finished paying off her mortgage, her one-story brick home was engulfed in 7 feet of water. Because she was under-insured and remains worried about a repeat of the floods, my friend, a grandmother, has not yet decided if she is going to rebuild.

Though it is Saturday morning, on my friend's block no children play and no one is cutting the grass. Most of her neighbors' homes are still abandoned. Three older women neighbors have died since Katrina.

We are still finding dead bodies. Ten days ago, workers cleaning a house in New Orleans found a body of a man who died in the flood. He is the twenty-third person found dead from the storm since March.

Over 200,000 people have not yet made it back to New Orleans. Vacant houses stretch mile after mile, neighborhood after neighborhood. Thousands of buildings remain marked with brown ribbons where floodwaters settled. Of the thousands of homes and businesses in eastern New Orleans, 13% have been re-connected to electricity.

The mass displacement of people has left New Orleans older, whiter and more affluent. African-Americans, children and the poor have not made it back — primarily because of severe shortages of affordable housing.

Thousands of homes remain just as they were when the floodwaters receded — ghost-like houses with open doors, upturned furniture, and walls covered with growing mold.

Not a single dollar of federal housing repair or home reconstruction money has made it to New Orleans yet. Tens of thou-

sands are waiting. Many wait because a full third of homeowners in the New Orleans area had no flood insurance. Others wait because the levees surrounding New Orleans are not yet as strong as they were before Katrina and they fear re-building until flood protection is more likely. Fights over the federal housing money still loom because Louisiana refuses to clearly state a commitment to direct 50% of the billions to low and moderate income families.

Meanwhile, 70,000 families in Louisiana live in 240 square foot FEMA trailers — three on my friend's street. As homeowners, their trailer is in front of their own battered home. Renters are not so fortunate and are placed in gravel strewn FEMA-villes across the state. With rents skyrocketing, thousands have moved into houses without electricity.

Meanwhile, privatization of public services continues to accelerate.

Public education in New Orleans is mostly demolished and what remains is being privatized. The city is now the nation's laboratory for charter schools — publicly funded schools run by private bodies. Before Katrina the members of the local elected school board had control over 115 schools — they now control four. The majority of the remaining schools are now charters. The metro area public schools will get \$213 million less next school year in state money because tens of thousands of public school students were displaced last year. At the same time, the federal government announced a special allocation of \$23.9 million which can only be used for charter schools in Louisiana. The teachers union, the largest in the state, has been told there will be no collective bargaining because, as one board member stated, "I think we all realize the world has changed around us."

Public housing has been boarded up and fenced off as HUD announced plans to demolish 5,000 apartments — despite the greatest shortage of affordable housing in the region's history. HUD plans to let private

companies develop the sites. In the meantime, the 4,000 families locked out since Katrina are not allowed to return.

The broken city water system is losing about 85 million gallons of water in leaks every day. That is not a typo, 85 million gallons of water a day, at a cost of \$200,000 a day, are still leaking out of the system even after over 17,000 leaks have been plugged. Michelle Krupa of the Times-Picayune reports that the city pumps 135 million gallons a day through 80 miles of pipe in order for 50 million gallons to be used. We are losing more than we are using; the repair bill is estimated to be \$1 billion — money the city does not have.

Public healthcare is in crisis. Our big public hospital has remained closed and there are no serious plans to reopen it. A neighbor with cancer who has no car was told that she has to go 68 miles away to the closest public hospital for her chemotherapy.

Mental health may be worse. In the crumbling city and in the shelters of the displaced, depression and worse reign. Despite a suicide rate triple what it was a year ago, the New York Times reports we have lost half of our psychiatrists, social workers, psychologists and other mental health care workers. Mental health clinics remain closed. The psych unit of the big public hospital has not been replaced in the private sector as most are too poor to pay. The primary residence for people with mental health problems are our jails and prisons.

For children, the Washington Post reports, the trauma of the floods has not ended. An LSU mental health screening of nearly 5,000 children in schools and temporary housing in Louisiana found that 96% saw hurricane damage to their homes or neighborhoods, 22% had relatives or friends who were injured, 14% had relatives or friends who died, and 35% lost pets. Thirty-four percent were separated from their primary caregivers at some point; 9% still are. Little care is directed to the little ones.

The criminal justice system remains shattered. Six thousand cases await trial. There were no jury trials and only four public defenders for nine of the last ten months. Many people in jail have not seen a lawyer since 2005. The Times-Picayune reported one defendant, jailed for possession of crack cocaine for almost two years, has not been inside a court room since August 2005 despite the fact that a key police witness against him committed suicide during the storm.

You may have seen on the news that we have some new neighbors – the National Guard. We could use the help of our military to set up hospitals and clinics. We could use their help in gutting and building houses or picking up the mountains of debris that remain. But instead they were sent to guard us from ourselves. Crime certainly is a community problem. But many question the Guard helping local police dramatically increase stops of young black males – who are spread out on the ground while they and their cars are searched. The relationship between crime and the collapse of all of these other systems is one rarely brought up.

It has occurred to us that our New Orleans is looking more and more like Baghdad.

People in New Orleans wonder: If this is the way the U.S. treats its own citizens, how on earth is the U.S. government treating people around the world? We know our nation could use its money and troops and power to help build up our community instead of trying to extending our economic and corporate reach around the globe. Why has it chosen not to?

We know that what is happening in New Orleans is just a more concentrated, more graphic version of what is going on all over our country. Every city in our country has some serious similarities to New Orleans. Every city has some abandoned neighborhoods. Every city in our country has abandoned some public education, public housing,

public healthcare, and criminal justice. Those who do not support public education, healthcare, and housing will continue to turn all of our country into the Lower Ninth Ward unless we stop them. Why do we allow this?

There are signs of hope and resistance.

Neighborhood groups across the Gulf Coast are meeting and insisting that the voices and wishes of the residents be respected in the planning and rebuilding of their neighborhoods.

Public outrage forced FEMA to cancel the eviction of 3,000 families from trailers in Mississippi.

Country music artists Faith Hill and Tim McGraw blasted the failed federal rebuilding effort, saying, “When you have people dying because they’re poor and black or poor and white, or because of whatever they are – if that’s a number on a political scale – then that is the most wrong thing. That erases everything that’s great about our country.”

There is a growing grassroots movement to save the 4,000 plus apartments of public housing HUD promises to bulldoze. Residents and allies plan a big July 4 celebration of resistance.

Voluntary groups have continued their active charitable work on the Gulf Coast. Thousands of houses are being gutted and repaired and even built by Baptist, Catholic, Episcopal, Jewish, Mennonite, Methodist, Muslim, Presbyterian and other faith groups. The AFL-CIO announced plans to invest \$700 million in housing in New Orleans.

Many ask what the future of New Orleans is going to be like. I always give the lawyer’s answer, “It depends.” The future of New Orleans depends on whether our nation makes a commitment to those who have so far been shut out of the repair of New Orleans. Will the common good prompt the federal government to help the elderly, the children, the disabled and the working poor return to New Orleans? If so, we might get most of our city back. If not, and the signs so far are not

so good, then the tens of thousands of people who were left behind when Katrina hit ten months ago will again be left behind.

The future of New Orleans depends on those who are willing to fight for the right of every person to return. Many are fighting for that right. Please join in.

Some ask, what can people who care do to help New Orleans and the Gulf Coast? Help us rebuild our communities. Pair up your community, your business, school, church, professional or social organization, with one on the Gulf Coast – and build a relationship where your organization can be a resource for one here and provide opportunities for your groups to come and help and for people here to come and tell their stories in your communities. Most groups here have adopted the theme – Solidarity not Charity. Or as aboriginal activist Lila Watson once said: “If you have come to help me, you are wasting your time. But if you have come because your liberation is bound up with mine, then let us struggle together.”

For the sake of our nation and for our world, let us struggle together.

In the meantime, I will be joining other volunteers this Saturday, knocking out the mold-covered ceiling of my friend’s home and putting it out on the street – ten months after Katrina.

Chris Iijima, 1948-2005

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

[Editor's Note: The following "Words of Affection and Tribute" were delivered by Dean Soifer on January 18, 2006, at the "Celebration of the Life of Chris Iijima."]

Chris Iijima was the sweetest challenger of the status quo we will ever know.

As the introduction to a law review article a few years ago, Chris briefly described his two sons. He explained that he noticed "how the younger one emulates his older brother's mannerisms; how their dark hair falls similarly; how bright and kind they both are; how their fears and questions often reflect our family's circumstances." But Chris went on to emphasize how he treasured their differences. "[I]t is in their differences that I best know them," he said.

In three short, powerfully moving paragraphs, Chris thereby established that "both knowledge and caring are intrinsically connected to appreciating similarity and difference." His article then went on to demonstrate exactly how, in the context of justice for Native Hawaiians, "the failure to appreciate similarity and difference is a sure signal of either indifference or hostility – or both."

Like no one else I have ever met, Chris noticed and Chris cared. And somehow he managed to ask just the right questions, and to have time to listen and really to hear. Radically and fundamentally – yet also sweetly – Chris knew how to provoke and to inspire. The truly incomparable

Jane, as well as Alan and Christopher, Kazu and Tak and Lynne, so generously supported and inspired Chris and allowed him the time he needed. Often they joined in as, like some new kind of organic magnet, he formed the core of a moving, inspiring, challenging, and constantly evolving community.

Chris often said that he simply was "born to do the job" of being the Director of the PreAdmission program [at the William S. Richardson School of Law, University of Hawai'i]. He was right, though he also knew deeply that he was raised and supported in doing the job extremely well by family and friends, colleagues and, yes, he would insist, his students, too.

As Casey Jarman put it at the 30th anniversary picnic celebrating the Pre-Ad Program, Judy Weightman somehow managed to send us Chris, and he absolutely, gruffly and softly, loved and battled for his PreAds. But Chris's ability to notice what had to be done extended far beyond this program – truly the embodiment of our law school's moral obligation. Chris somehow served simultaneously as the entertainment, the counselor, and the conscience for us all.

Every conversation with Chris seemed to raise new questions, to provoke laughter, and to supply wisdom. He was the absolute master of discovering unexpected connections. He discerned ironies and recognized paradoxes like no one else. But Chris also embraced life within paradox: He could truly love the beauty of Hawai'i's mountains and spend hours as a couch potato watching schlock TV; his profound understanding of his own background actively mingled with his engaged empathy in the struggles of others; he delighted in life's bounty even as he attacked its unjust distribution. And conversations

with Chris were amazing, as he gazed at the stars, or the great food, or directly into your eyes.

It is so sad that Chris will never know that a very recent Harvard Law Review



Chris Iijima

note, critical of the Ninth Circuit decision in the *Kamehameha* case, twice relies on an article Chris wrote. Chris is cited for his point that history and injustice ought to count, no matter what the Supreme Court said in *Rice v. Cayetano*. Still I do believe that Chris had at least a small sense of how much he taught us all.

He did not even begin to guess, however, how much we will continue to rely on Chris, to ask "What would Chris say? What would Chris do?" In this way, Chris will go on helping us test and find our own consciences.

As Chris battled his illness, he was, in Marlene's words, a feisty Eeyore. One moment he was sure we should get him to a hospice immediately; his next words were that we were going to beat this thing

together. But in Los Angeles, as he went through the scary, risky stem cell transplant, Chris's mantra was that he simply could not die without seeing Hawai'i again. And we were blessed with another year and a half of Chris's extraordinary company.

He got to hear the roar of the crowd via cell phone from Fenway Park — but oh, what a good time we would have had going to a game there together. And his friends got to hear his hilarious riffs on what he hated as well as what he loved: what was pretentious and weird about ballet, for example, as well as the claims for unchecked Executive authority, along with his joy in his family and his friends, his students and colleagues, his law school, and his community.

We will have Iijima/Weightman Fel-

lows at the law school. And they will continue to follow Chris's lead and to heed his advice about life as well as law.

In an exceptional law review article Chris published about legal education six years ago, he claimed that the goal ought to be "to empower students through education to begin the project of transforming the larger institutions and society." The PreAd program exemplifies the reinforcing and transformative challenge deep within the life and work, the music and laughter of Chris Iijima.

How lucky, how blessed all of us have been and continue to be as we are still taught by Chris. And Chris darn well will not leave us alone to waste our talents or to shirk our obligations to others. As Chris wrote in the Law

Student Pledge, we are obliged "above all, to endeavor to seek justice."

We are all Chris Iijima's students. And Chris was the greatest teacher one could have in learning to embrace life, and to discern and charge out after life's unfairness.

We are bereft without him.

Chris would hate that.

Yet those of us who had time with Chris are lucky to have learned vitally important lessons for life. He lives on as a blessing, a genuine source of lifelong learning. Through Chris, we will better discern the similarities and differences that matter. Because of Chris, we will treasure life more, despite all its foibles, even as we go forth to do something about what matters most.

Chris would love that.

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