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Anthony G. Amsterdam Letter

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June 1, 1973

Professor Anthony G. Amsterdam
Stanford Law School
Stanford, California 94305

Dear Tony:

I agree with you fully that the proposed Association of Law Teachers would not be worth undertaking unless there is substantial interest among teachers from the "small" law schools. I would hope that many of the younger teachers at the "large" law schools would also find the Association a welcome outlet, but the support of the small schools is essential. I am pretty sure that the other sponsors of the proposal feel the same way.

Incidentally, my guess is that we will want to send out the questionnaire to more than the 200 law teachers mentioned in our letter. As I think about it, that does not seem to me to allow for an adequate sampling of views.

Needless to say we are all glad to have your cooperation in the project.

With best regards.

Sincerely,

TIE/llp

STANFORD LAW SCHOOL
STANFORD, CALIFORNIA 94305



May 22, 1973

Professor Tom Emerson
Yale Law School
New Haven, Connecticut 06520

re: Proposal for an Association of
Law Teachers

Dear Tom:

I would be happy to join with you and the other signers of your May 15 memorandum in sending out the Proposal, as a way of testing the extent of support for an association. The Proposal seems fine; and most of my own questions regarding the pith and moment of the enterprise can abide responses to it.

Only one of those questions is opportune now. I can best state it in terms of the kind of responses which will provide the "evidence of broad support" that is spoken of at p. 7. But its immediate implications relate to selection of the "about 200" law teachers to whom the Proposal and questionnaire will be sent.

Am I wrong in thinking that the principal functions of the association are worth pursuing only insofar as the association (a) supports, and (b) enlists the support of, small-school law teachers as distinguished from large-school law teachers? Do I exaggerate to say that an association would not be worth the trouble to put together and to run if its major constituency resided in the "national" law schools? Most of the functions proposed for the association seem to me to be (1) unnecessary, or (2) not doable or (3) not worth the candle, as regards the faculties of Yale, Harvard, Columbia, N.Y.U., Stanford, etc.

For example, we (the underlined we is the elitist we hereafter) need no conduits for legislative drafting or for evaluating judicial appointments or for issuing public statements -- save in cases where an Association of Law Teachers

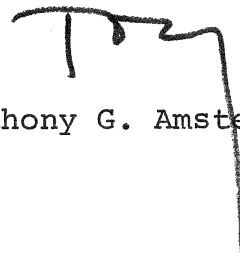
would be subject to the same Hamletism that affects us severally, and for the same reasons. Also, while the state of academic freedom, minority appointments and admissions, etc., is far from the heart's desire at Harvard, Yale, Columbia, N.Y.U., Stanford, et al., it is, first, not so bad as to make the fight for its improvement a priority item in comparison to other fights that desperately need fighting these days; and, second, probably beyond the power of an association to improve, if our own faculties are unwilling.

If these views are correct (and I could easily be persuaded that they are not), then the case for an association lies in the needs and aspirations of the faculties of the non-"national" law schools. Of course, the faculties of the "national" law schools should lend all possible support. But we should do so only if the faculty people at the smaller schools really want, will use, will support, an association -- not if we conjecture that they may. The bottom line, obviously, is that the "evidence of broad support" which we should now be seeking ought not to be sought primarily in, or accepted if it comes primarily from, the faculties of the "national" law schools.

Writing in haste here, I have been elliptical, hence more categorical in substance and hieratic in tone than my thoughts or feelings. Forgive me that, and be assured that my own judgment is in suspension (if not in liquidation) on the points I raise. I mean only to raise them -- for your private consideration or projection within the founders' circle, if and as you please -- not to assert them. All of my declarations have the same relationship to true declaratives that rhetorical questions have to true questions -- except, of course, this sentence and the following one.

Keep well.

With best wishes,



Anthony G. Amsterdam

AGA:mh