

SALT EQUALIZER

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SALT EQUALIZER

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In the Court, In the Media, In Their Schools, and On the Streets of Washington, D.C., SALT Members Support Affirmative Action in Higher Education

Editor's note: This issue of the *SALT Equalizer* contains a special pull-out section featuring several articles and photographs documenting SALT's efforts in support of the University of Michigan's diversity admissions program, at issue in the cases *Grutter v. Bollinger* and *Gratz v. Bollinger*. SALT members participated in the drafting and filing of amicus briefs; drafted, signed onto and published an advertisement — with 450 signatories — in the *Washington Post*; were instrumental in convincing their faculties to pass resolutions in support of affirmative action; and, with other educators, students, and supporters from around the country, rallied and marched in Washington, D.C., on April 1, 2003, the day on which the Supreme Court heard argument in the cases that may decide the future of race-conscious admissions policies in higher education — policies that SALT believes are critical to ensure access to and diversity in educational institutions.

Co-Presidents' Column

Paula C. Johnson, Syracuse University
College of Law, and Michael Rooke-Ley,
Eugene, OR



As we write during the last week in March, the world is in an extremely

anxious state brought about by our country's invasion of Iraq. No one expects the unparalleled resources of the U.S. armed forces to be seriously challenged by Iraqis who fight against them. More important, we emphasize our support for the Iraqi people's desire for peace. Instead, our concern stems from the abandonment of international diplomatic efforts and the violation of fundamental justifications for engaging in war. The unprecedented

implementation of the preemption doctrine officially enshrines "might as right" as American foreign policy. The repercussions of this action will unfold in the near and long term as others may seek to take advantage of the doctrine's unrestrained license, and as the majority of the world continues to demonstrate its disapproval of war and its insistence on nonviolent conflict resolution through international cooperation.

Our concern at this time is further compounded by uncertainty over the Supreme Court's upcoming decisions in the affirmative action cases. When the Court decides *Grutter v. Bollinger* and *Gratz v. Bollinger*, we will learn whether the promise of *Brown*, which remains unrealized nearly 50 years later, will be re-enlivened or extinguished completely. In ruling on these cases, the Court will decide

Presidents' Column continued on page 25

Second Annual Norman Amaker Public Interest Law Retreat: Law Students Learn to “Go Out and Catch Some Hell”

Molly Kalb '04, Hamline University School of Law, Karyn Luke '03, University of Nebraska College of Law, and Steve Mallory '04, University of Oregon School of Law

The second annual Norman Amaker



SALT Co-President
Paula C. Johnson

Public Interest Law Retreat was held February 28 through March 2, 2003, at Bradford Woods, Indiana. The theme of the retreat was “Building Community: Finding Support and Resources for Social Change.”

The weekend was a fantastic opportunity for about 100 law students, faculty, and practitioners from around the country to bond together in the spirit of social justice. Participants came from all directions — some drove in from as far away as Kentucky, Ohio, and Minnesota; others flew in from Oregon, Nebraska, and New York.

Friday night, February 28, opened with Professor Neil Williams of Loyola University Chicago School of Law sharing the legacy of his former colleague, Norman Amaker. Professor Williams reminded us of Amaker's inspirational life. He told us what Norman Amaker would say to us if he were present at the Retreat: “It ‘ain't quittin' time’ with so much work that still needs to be done to achieve social justice.” The message was clear: There is no higher calling than to work for social justice.

Before we headed down to the campfire to toast s'mores, Professor Robert Lancaster

of Indiana University School of Law — Indianapolis charged us with purpose for the weekend and quoted former Chief Justice Earl Warren's comment that “anything that he had ever done in life that had been worthwhile, he caught hell for.” Professor Lancaster encouraged us to find a cause that we could “catch some hell for.”

Our “hell” searching began on Saturday through a variety of roundtable discussions on topics including domestic violence, poverty and homelessness, recent changes to the immigration laws, human and civil rights, prisoners' rights, and gay and lesbian legal concerns. There was a presentation on post-graduate fellowship and employment opportunities. These discussions offered law school faculty and practitioners an opportunity to share with



Amaker Retreat participants

law students their experiences and expertise. The students were given the opportunity to use the presenters as our mentors and learn how we can be the future advocates of these causes.

Abigail Turner, Litigation Director at Mid-Minnesota Legal Assistance, gave the keynote address. By sharing her experiences as a civil rights advocate, she provided great insight into how we can go about building our own communities and support structures in our work for social change.

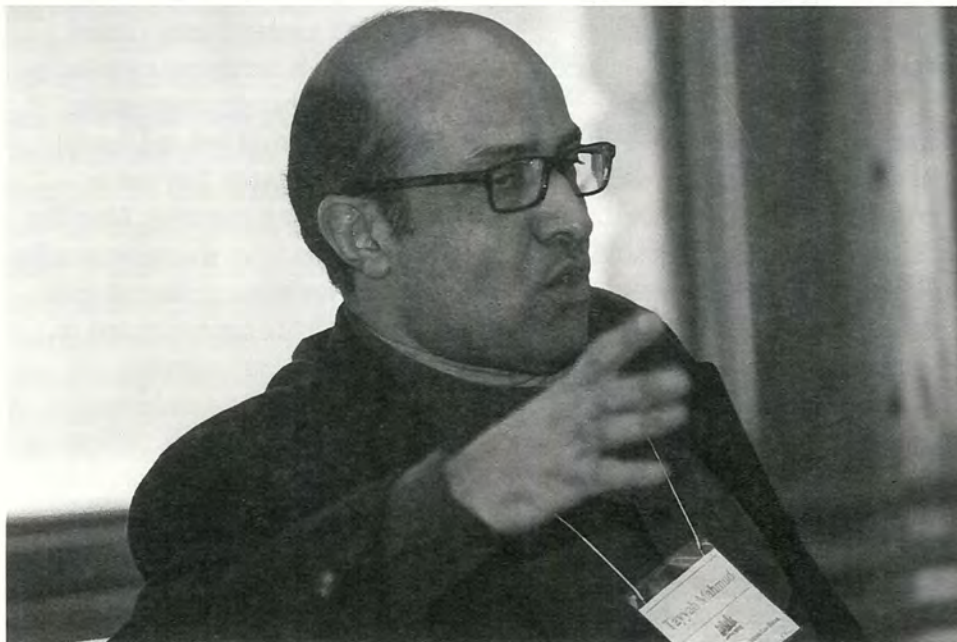
The highlight of Saturday was Larry Mayes, a man who was wrongly convicted and spent twenty-one years in prison before being exonerated by DNA evidence. Mr. Mayes spoke forgivingly about his long

wait for freedom. The other panelists, all experienced in criminal justice issues, talked about how Mr. Mayes' case demonstrated problems in the criminal justice system. There are many prisoners who may be innocent, as Mr. Mayes was, but they are not as lucky because they do not have DNA evidence to prove their innocence.

Later that Saturday evening, SALT Co-President Paula Johnson (Syracuse) told students about the plight and strength of imprisoned African-American women. She shared narratives of those incarcerated in the prison system and those who work with them.

On Sunday, Equal Justice Works led a discussion about law school Loan Repayment Assistance Programs (LRAPs) and how to start and maintain them. Law students from the Indiana University School of Law — Indianapolis shared how, in less than six months, they had formed a coalition of students, faculty, administrators, and community members to develop an LRAP program at their school. This was also an opportunity for students to share different fund raising schemes — from holding dog shows to hosting auctions — to raise money for LRAP and summer grant programs.

While the weekend was informative, enlightening, and inspiring, there was also time for fun while eating s'mores and playing Twister and Balderdash. The secluded retreat allowed ample time for socializing and networking. These opportunities brought the students, faculty, and public interest lawyers together and solidified the group. As friendships grew, individuals began creating valuable networks and communities of resources. We got a chance to get to know each other and talk not only as colleagues but as friends. It was great to see all the new and returning faces gathering together to learn to “by all means, go out and catch some hell.”



Top left: Amaker Retreat participants

*Top right: Fran Hardy
Middle left: Larry Mayes, who was released from prison after Fran Hardy and her students helped secure DNA testing that proved Mayes was innocent of the rape for which he spent 21 years behind bars*

Middle right: Florence Roisman and Abigail Turner

Bottom: Tayyab Mahmud

Fifth Annual Trina Grillo Public Interest and Social Justice Law Retreat: Poverty, Wealth, Status & Inequality: Social Justice Lawyering in Theory and In Practice

Nik Hua '03 and Jim Nguyen '03, Santa Clara University School of Law

More than 100 law students, law professors, and social justice-public interest attorneys inspired, enlightened, and revitalized one another during a rainy weekend in Santa Cruz, California. The sun came out at times, creating a spectacular backdrop for the Fifth Annual Trina Grillo Public Interest and Social Justice Law Retreat on "Poverty, Wealth, Status and Inequality: Social Justice in Theory and in Practice," held on March 15-16, 2003, and co-sponsored by SALT, Santa Clara University School of Law, USF School of Law, the Boalt Center for Social Justice, and the Santa Clara University School of Law Center for Social Justice and Public Service. The Grillo Retreat offered a unique opportunity for law students to meet with and learn from attorneys and professors who have dedicated their careers to working for social justice. In turn, the practicing attorneys and academics who attended the retreat were heartened and reinvigorated by the vitality and spirit of the law students who plan to continue this work.

Following a welcome by Dean Mack Player (Santa Clara), the retreat began with Stephanie M. Wildman's (Santa Clara) and John A. Powell's (Ohio State) memories of Trina Grillo's passion for social justice work and the inspiration she was to many students, professors, and advocates.

The first plenary panel, "New Strategies for Economic Equity and Self-

Sufficiency," recognized the need to develop economic equity and self-sufficiency in the community as an integral component to social justice work. The panel included Gary Blasi (UCLA), James Head (National Economic Development & Law Center), Bernida Reagan (Port of Oakland's Division of Social Responsibility), and Sudha Shetty (Seattle). Margalynne Armstrong (Santa Clara) next introduced the Ralph Santiago Abascal Memorial Address. The Honorable Cruz Reynoso (U.C. Davis) recalled legendary legal services icon Ralph Santiago Abascal. Melvin Oliver (Ford Foundation) presented the lecture. Mr. Oliver

discussed the wealth disparities along racial lines in the country and emphasized the important historical trail of asset building and transfers from generation to generation. He explained how understanding an asset development perspective can help social justice lawyers combat economic, as well as racial, inequities.

Following the Abascal lecture, practitioners and students broke into intimate groups for lunch to discuss strategies and insights into how students can succeed in finding and practicing social justice and public interest law.

Moderated by Nancy Wright (Santa Clara), session leaders included David Ackerly (Legal Aid Foundation of Los Angeles), Chris Daley (National Center for Lesbian Rights), Gail K. Hillebrand (Consumers Union), Victor Hwang (API Legal Outreach), Danielle R. Jones (Housing Rights Center), Sharonda Mann (Equal Justice

Works), Sonia Mercado (Mercado and Associates), Samuel Paz (Law Offices of R. Samuel Paz), and Bernida Reagan (Port of Oakland).

The second plenary, "Structural Racism: Examining the Intersection of Race and Poverty," co-sponsored by the Equal Justice Society, discussed structural racism and the intersection between race and poverty. The presenters included Beverly Moran (Vanderbilt), Michael Omi (U.C. Berkeley), Manuel Pastor (U.C. Santa Cruz), and John A. Powell (Ohio State). Their presentations were greeted by a lively discussion on the topics of structural racism and race led by moderators

Margaret Russell (Santa Clara) and Susan Serrano (Equal Justice Society).

The important theme of how wealth and poverty are all interconnected to race, status, and inequality continued to set the stage and tone

for a relaxed, yet inspiring, dinner. Dean Jeffrey Brand (San Francisco) introduced the keynote speakers Samuel Paz and Sonia Mercado, two attorneys involved in social justice through private practice. They discussed their work and commitment to social justice. They sent an inspiring message to students: When they leave law school, they do not have to suffer economic hardships in order to do good work that lifts the community and, in turn, the entire legal profession.

The final day of the conference featured two plenary panels. "Reflections on Social Justice Lawyering," presented by John O. Calmore (North Carolina) and Eric Wright (Santa Clara), began with



Supriya Bhat, Jim Nguyen, and Nik Hua

reflections on social justice lawyering and recognized ways in which social justice issues can be introduced and sustained in law schools, practice, and the community for years to come. Understanding that funding social justice practice is essential, the second panel, "Approaches to Funding Social Justice Practice," included James Bell (Youth Law Center – W. Haywood Burns Institute), James Gilliam (Loyola-LA), Gail K. Hillebrand (Consumers Union), Marion Standish (California Endowment) and Angela Riley (Santa Clara). These panelists provided useful ideas and strategies for financing social justice work by grant writing and fundraising.

Throughout the retreat, and especially toward the conclusion, there was a palpable sense that we had all grown together over the two days by learning from one another and sharing our experiences and the social justice work that we are doing. We are connecting with each other and collaboratively forging a plan, a strategy. We are thus building upon all of our energy for doing good work to create a momentum for inspiring and supporting the future social justice lawyering and activism that lie ahead. Catherine Wells (Boston College) reminded us, in concluding remarks, that this formula for achieving justice requires us to question critically and to understand the systemic and institutional complexity of injustice. Historically deep and widely pervasive, these injustices must be combated not only from the outside, but from inside ourselves. By creating an environment for social justice warriors to rest and reflect on their gains and set-backs, the Grillo Retreat nurtures these advocates who will continue to fight, resist, and dig at the roots of problems affecting under-served and subordinated communities.

Reflections from a First-Time Grillo Retreat Participant

Angela R. Riley, 2002–03 Teaching Scholar at Santa Clara University School of Law



Angela Riley

I never had the privilege of meeting Trina Grillo. By all accounts, she was a complicated woman. Not as a collection of binaries — black/white, powerful/vulnerable, teacher/student — but as a person who consciously embraced her own personal nuances and overlapping strands of identity. That is why Trina's life so aptly exemplifies the very issues she fought for with such passion.

As a first-time participant at the Trina Grillo Retreat, the layers of complication were immediately palpable and brilliantly clear to me. There we were, a network of people — law students, academics, practitioners — actively engaged in a *mélange* of issues, honoring a woman whose life epitomized the challenges of intersectionality and, in her own words, fragmentation. We were a living, breathing, organic microcosm of her life, steadfastly working to make links and connections between those questions of concern we had come to address.

Several panelists—many of them friends of Trina—spoke of the difficulties we each face in navigating our own internal contradictions and layers. For some of us, this is the hardest part of the struggle. We must find internal consistency where the world tells us there should be conflict. As Catherine Wells stated, in giving closing remarks in honor of Trina, "you are who you are and you'd better get used to it." Reading from *World as Lover, World as Self* — one of Trina's favorite books — Catherine reminded us that we must each balance the weapons of compassion and insight because, together, "these two can sustain us as agents of wholesome change. They are gifts for us to claim now in the healing of our world."

Trina's life and work taught that the pursuit of justice is complicated, multifaceted, and, at times, elusive. As participants, we expressed a commitment to the pursuit nonetheless, defining and exploring the ways in which each of us works our way through that web, attempting (sometimes without success) to navigate its strands without getting caught up in the sticky, silky fibers. We know (after much experience) that the pursuit of justice is not best envisioned as a ladder that we climb, rung by rung, inch by inch, to the top where we look out on a world that is bright and just and peaceful. Rather, this struggle is more accurately represented in this, our current landscape, this unfamiliar web that we cannot climb up and down, but must creep across, at an angle and diagonally. Long, open, vast spaces can be traversed by swinging (courageously) from thread to thread. When we are lucky, a hand reaches out to us. If we are truly blessed, it is the hand of someone like Trina, a warrior in her own pursuit of justice and a willing combatant for others.

My own tradition teaches that there is power in the web. It has no ending and no beginning. It shows us that everything is interconnected, in this life and the next. And, because of that, Trina Grillo is alive and remains ever connected to all of us, even to those of us who never knew her.



SALT Co-President-Elect Beto Juarez and friends



Melvin Oliver, Dean Mack Player, and Stephanie Wildman



James Gilliam and other Grillo Retreat participants

SALT Board of Governors' Statement on Iraq

April 10, 2003

Today's headlines blare "Victory!", with photos of American troops and cheering Iraqis destroying statues and other images of Saddam Hussein. These are heady times, to be sure, for the Bush Administration and others who have promulgated and supported the Anglo-American invasion of Iraq. Yet, while we may be pleased that this brutal regime — one of many in today's world — has come to an end, the means utilized for achieving this result have far worse implications for the world community.

Let us be clear that no accepted

"Peace is the only battle worth waging."
—Albert Camus

doctrine of international law, nothing in the UN Charter, no resolution passed pursuant thereto, and nothing in the law and tradition of the United States authorizes or warrants the Bush Administration's first-strike tactics. This unilateral preemptive attack on another country sets an extremely dangerous precedent, justifying violent aggression by other nations whenever they may claim to be "threatened" by another nation some time in the future.

Iraq has posed no immediate threat to the United States. The Bush Administration has failed to demonstrate any

connection between Saddam Hussein's regime and the tragic terrorist attacks of September 11, 2001, and at no time has the Iraqi government threatened military action against our country.

Although much of our press seems to have been effectively "embedded" in the military psyche, reports of "collateral damage" are filtering out, confirming that the extent of human devastation has been enormous. In addition, we can reasonably anticipate that this invasion will have a destabilizing effect on global security, prompting retaliatory terrorism against Americans and American interests world-wide, and creating additional challenges to attempts to peacefully resolve the conflict between the Israelis and the Palestinians.

The United States is becoming increasingly unpopular around the world, and there is growing suspicion among our allies as to our global intentions. Our government's reluctance to challenge — and, indeed, its active support of — many other past and present dictatorships raises serious questions about whether protection of Iraqis is our true motivation. This week's thinly-veiled threats from the Bush Administration against Syria and Iran as "the next Iraq" add fuel to the fire. To many of us, at home and abroad, this administration, dismissive of international law and contemptuous of multilateralism, appears bent on empire-building. Yet economic and political interests simply cannot justify the human toll that this invasion is exacting and the dangerous precedent which it is setting. The Middle East does not need, nor will it tolerate, another era of Anglo-American occupation.

The United States is today's pre-eminent world power. That position comes with important responsibilities, requiring diplomacy and cooperation. With respect to both the re-building of Iraq and the handling of future conflicts, we call on our government to honor the deliberative processes of, and to respect the leadership of, the United Nations.

*"No man is an island,
entire of itself; every
man is a piece of the
continent, a part of
the main. If a clod be
washed away by the
sea, Europe is the less,
as well as if a
promontory were, as
well as if a manor of
thy friend's or of thine
own were. Any man's
death diminishes me
because I am involved
in mankind, and
therefore never send
to know for whom the
bell tolls; it tolls for
thee."*

— John Donne,
Meditation XVII

Special 12-page insert

SALT Supports Affirmative Action

SALT Urges Members to Join in Rally and March in Support of Affirmative Action

Following is the text of a call to action that Co-Presidents Paula C. Johnson and Michael Rooke-Ley sent to members of the SALT Board before the Supreme Court heard arguments in the University of Michigan affirmative action cases on April 1, 2003.

On April 1st, the U.S. Supreme Court will hear arguments in *Grutter v. Bollinger* and *Gratz v. Bollinger*, the affirmative action cases from the University of Michigan. SALT has staunchly supported affirmative action and continues to do so at this critical time. We have demonstrated our commitment to fairness, access, equality and diversity in higher education in numerous collective and individual ways. We have written extensively and traveled widely to communicate our belief in these ideals.

In January, we participated in the Civil Rights Summit organized by the student intervenors in Ann Arbor, Michigan. Many of the expert witnesses who testified in the *Grutter* trial were speakers at the Summit.

In February, we submitted our amicus brief to the Court, joining with over 300 amici in more than 60 briefs filed in support of affirmative action.

In March, many of you supported our recent effort to publish an advertisement in support of affirmative action. With 450 signatures strong, the ad ran in the Washington Post on Sunday, March 16, in the Outlook section. [Editor's Note: The text of that advertisement is published in full in this issue.]

Now we call on you to continue your support of our efforts to support the use of race-conscious admissions policies in higher education. The inequalities throughout American society, and throughout educational systems in particular, persist and require continued use of effective race-conscious policies to ensure access and diversity in educational institutions. Thus, we believe that we must further demonstrate our commitment to affirmative action to those on the bench, in the bar, throughout academia, and in the public at large. Therefore, we are asking you to join us in Washington, D.C., for the SALT rally and march on April 1st.

We will gather at Georgetown Law Center at 8:30 a.m. . . . We will be dressed in our academic robes. We will have posters and other materials for distribution. Our press release will be disseminated to local and national media. Around 9 a.m., we will have a series of short remarks from a number of persons who have been prominent in the fight to save affirmative action. . . . After the speakers, we will march from Georgetown to the Supreme Court (a ten minute walk). We will get as close to the Court as we can. At noon, those who wish will continue to the Lincoln Memorial for another rally organized by BAMN and other civil rights groups.

Very much is at stake – we all know this. We are asking you to show up and stand up and march with us at this most critical time, on this most critical issue, that will so fundamentally affect the future in our society.

In Peace,

Paula and Michael



Top: Margaret Montoya and student marchers

Bottom: University of Baltimore School of Law Dean Gil Holmes and Syracuse University College of Law Black Law Student Association president Kael Dennis at SALT's rally

SALT Supports Affirmative Action

SALT Files Amicus Brief in *Grutter* Case

Jack Chin, University of Cincinnati College of Law

Braving one of the biggest snowstorms in years to hit the east coast, SALT filed with the Supreme Court its amicus brief in support of the University of Michigan Law School's diversity admissions program. Principal drafter Mike Selmi of George Washington, who is visiting this year at Suffolk, was assisted by Wendy Parker of Cincinnati. SALT Co-Presidents Michael Rooke-Ley and Paula Johnson also participated in the editing of the brief.

Although *Grutter v. Bollinger* and *Gratz v. Bollinger* may have set a record for amicus filings in the Supreme Court,



SALT march to the Supreme Court

SALT's brief offered a unique perspective. Rather than repeat what many others would say about *Bakke* and the benefits of diversity, SALT's brief set out evidence of unconstitutional discrimination by the state of Michigan which justified remedial actions. This discrimination is not ancient history; young people

applying to law school today were subjected to unlawful discrimination in ways which could well have affected their academic performance.

The brief notes that Detroit is the most segregated large metropolitan area in the country because of deliberate governmental acts intended to limit the residential choices of African Americans. This discrimination continues. For example, Birmingham, Michigan was found to have violated the Fair Housing Act in the 1980s; Livonia was denied federal funds because of its discriminatory conduct; and in 1997, it was reported that the Justice

Department files more lawsuits for housing violations in Detroit than in any other metropolitan area in the nation.

In addition to housing, many school districts in Michigan were unconstitutionally segregated. When busing was ordered as a remedy for segregation in Pontiac, 10 school busses were blown up. The desegregation order was dissolved only in 2000, and other districts are still under desegregation orders

or have only recently demonstrated compliance with them.

There is also substantial evidence of employment discrimination in the Detroit area. For example, many Detroit suburbs required city employees to be city residents. Because these suburbs were virtually all white, that meant African Americans were

excluded from these jobs. After the Justice Department brought suit, all of the suburbs either settled or were found liable after trial; the Sixth Circuit upheld the trial judgments in 1998. Studies report pervasive discrimination by private employers as well.

The brief argues that many students of



Howard University student vigil at the Supreme Court

color now applying to college and graduate school were subjected to some or all varieties of this unlawful discrimination. Affirmative action at the higher education level is necessary to provide a full remedy for discrimination that impacted students or their parents years before. "Affirmative action is an effective policy for an imperfect world," the brief argued. "As a nation, we all long for the day when affirmative action will no longer be necessary, but we are not there yet."

[Editor's note: Under the supervision of former SALT Co-President Margaret Montoya, a professor at the University of New Mexico School of Law, three New Mexico bar associations filed an amicus brief in *Grutter*, arguing that a racially-diverse law school is necessary for a racially-diverse bar, and that both are necessary to meet the legal service needs of New Mexico's racially isolated and economically disadvantaged state residents.]

SALT Publishes Ad in Support of Affirmative Action

On Sunday, March 16, 2003, SALT published an ad in support of affirmative action in the Outlook section of the Washington Post. Four hundred fifty law professors, colleagues from other disciplines, and other organizations signed onto the ad, the text of which follows:

American society stands at the threshold of a momentous decision by the U.S. Supreme Court on the issue of affirmative action in higher education. The decisions in the cases from the University of Michigan, *Gratz v. Bollinger* and *Grutter v. Bollinger*, could alter the course of higher education and change the professional landscape for generations to come. As educators, we have a moral responsibility to speak to the imperative of preserving diversity in higher education.

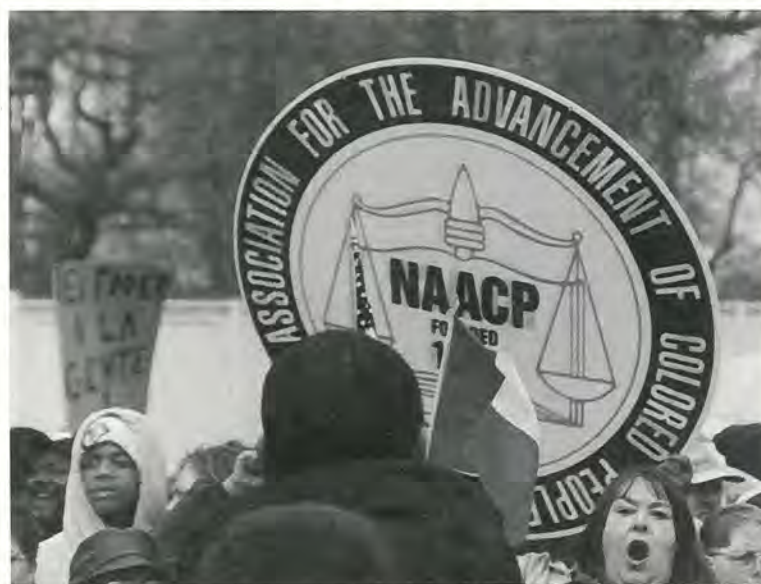
Education provides a critical opportunity for full participation in our diverse democratic society. Yet, almost fifty years after *Brown v. Board of Education*, many of our nation's schools are still separate and unequal. Also, despite significant progress since the Supreme Court's decision in *Bakke v. Regents of California*, students of color remain under-represented at American colleges, universities, graduate programs, and professional schools. This is particularly so for African American, Latino, and Native American students. For example, although African Americans and Latinos are 25% of the population, the two groups combined comprise only 7 % of the country's lawyers and 9.7 % of our doctors.

The Supreme Court was correct in *Bakke* when it approved the use of race as one factor among many in student admissions. As Justice Blackmun observed in *Bakke*, "In order to get beyond racism, we must first take account of race." Like the overwhelming majority of such programs, the University of Michigan's policy does not constitute a quota. Rather, Michigan employed one admissions standard for all its applicants and considered race as only one factor in admissions.

The undersigned educators in colleges, universities, and professional schools across the nation join the Society of American Law Teachers (SALT) in supporting the use of race as one criterion in student admissions to preserve critically important racial diversity in higher education and the professions. We call on the Supreme Court to reaffirm this legal principle in the spirit of *Brown*'s promise of educational access and equality.

[Editor's note: While the teachers who signed on to SALT's ad did so in their individual capacities, SALT is aware of a number of faculties that passed school-wide resolutions supporting affirmative action and the University of Michigan in the *Grutter* case. They include the faculties of the University of New Mexico, Northern Illinois University, Syracuse University, and Touro College.]

SALT Supports Affirmative Action



Top: A banner from the rally
Middle: Cherry blossoms herald spring
Bottom: Signs and banners from the rally in Washington, D.C.

SALT Supports Affirmative Action

Faces in the Mirror: Reflections on April 1, 2003

SALT Co-President Paula C. Johnson,
Syracuse University College of Law

On Tuesday, April 1, 2003, the U.S. Supreme Court heard oral arguments in *Grutter v. Bollinger*, No. 02-241, and *Gratz v. Bollinger*, No. 02-516, two of the most important affirmative action cases in a generation. While these cases originated in an educational context, the Court's rulings on the permissible consideration of race in college and university admissions will extend far beyond this area. Recognizing the significance of these cases, SALT led the effort to involve educators and all others in actively supporting affirmative action and urging the Supreme Court to uphold the University of Michigan policies.



Affirmative action supporters march down Constitution Avenue

With Margaret Montoya and Jack Chin as co-chairs of our *Grutter* committee, SALT spearheaded several major projects, including an *amicus* brief, national advertisement, and numerous speaking and writing engagements. The fulcrum of these efforts was SALT's rally and

march in Washington, D.C., on April 1st.

A determined group of law professors, law students, family, friends, and other supporters arrived at Georgetown University Law Center at 8:30 a.m. Despite the raw weather outside, we were warmed inside by greetings from Dean Judy Areen, and powerfully inspiring remarks by Mari



Howard University rally in support of affirmative action

Matsuda, Gil Holmes, Muneer Ahmad, Holly Maguigan, and Margaret Montoya. Frankly, I struggled with my emotions as I addressed our group. It was not just the

toil of the many months of planning and organizing, but the magnitude of the historical moment, remembering the denial of previous generations, and understanding the risk to future generations that welled up in my eyes and throat. It was anger, too, which led me to recall

Langston Hughes' words:

*O, yes,
I say it plain,
America never was America to me,
And yet I swear this oath –
America will be!*

Many say that Justice Sandra Day

O'Connor holds the pivotal vote for a 5-4 majority favoring the University of Michigan in the affirmative action cases. One commentary suggested that upon initially being rejected for top legal positions despite stellar credentials, Justice O'Connor would likely see herself in law students of color who also have been denied full access and recognition of their talents and abilities. Certainly I cannot speak for Justice O'Connor on this point, but there is no doubt as to why I so intensely believe that affirmative action is necessary and beneficial to the entire society. In the societal mirror, the face of affirmative action is my face.

The day before the Supreme Court arguments, I took time to ride around my old neighborhood in Southeast, D.C. My experiences attending school in Southeast before we moved to Prince Georges County, Maryland, provided me with firsthand knowledge of the disparities that exist in educational systems throughout this country. In the overwhelmingly African-American community in the Anacostia section of Southeast, there were families of all makeup and economic background; there were good folks and bad folks; and there were people who were proud of their racial heritage. They passed their pride and their dreams on to their children. In our community, we recognized each other as individuals who were connected to each other, even as others saw us as an undifferentiated mass and as the city generally ignored our needs. This was particularly evident in the many over-crowded and under-funded schools.

My mother strove to obtain the best education for us in D.C., driving us to schools in other parts of the city where the classes were smaller and the curriculum more advanced. Once in Maryland in the early 1970s, we saw marked differences in the resources in the school systems. For example, I remember beginning French

language classes in D.C. with early edition books, whereupon the Maryland school had new books and a state-of-the-art language

ments, I saw clear signs of vitality and progress as well as familiar indications of societal neglect. I know that within

SALT Supports Affirmative Action



The rally

lab with booths and headsets for each student. There were many other examples of such disparities.

However, what the Maryland school possessed in resources, it sorely lacked in understanding or encouraging African-American students. During these early days of busing, some of the teachers at the predominantly white school were receptive, while others were openly hostile to us. Some were simply clueless. On one occasion, my mother was called from work to attend a parent-teacher conference. It meant a trek from downtown D.C. for her. I am sure that my English composition teacher was genuinely impressed with my ability; however, the incredulity in his voice revealed the racism of his remarks when he asked my mother, "... and did you know she could write?!" My mother was furious — at me for causing her to leave work, and at him for underestimating my ability and suggesting that she was not aware of her daughter's potential. She snapped at him, "Of course, I know."

These thoughts came to mind as I spoke to the group at Georgetown Law Center before we marched to the Supreme Court. Having ridden around my old neighborhood the day before the argu-

this neighborhood and in minority neighborhoods across the country, there are families who want the best for their children and there are young people who were like me — who yearned to learn and reach their full potential. Affirmative action provided critical opportunities for me to do just that. In turn, I have

remained actively committed to the ideals of equal opportunity, access to education, and social justice.

As an attorney, I know that multiple skills, knowledge, and dedication are required for consummate professionalism. As an educator, I know that our students from all backgrounds possess certain gifts as well as certain gaps in their knowledge and ability to do this work effectively. Our job is to facilitate further development of their gifts and to help close the gaps so that they grow through their educational experience. Our job is also to ensure that

the opportunity for such growth is available to all. Affirmative action is the mirror held up to this society to see whether educational and professional opportunities will reflect only faces of privilege and indifference, or whether faces of diversity and commitment to social equality also will be included.

My commitment to affirmative action encompasses all that I am and all that I know. I continue to see my reflection in the faces of people of color and all people who believe in equality and justice, and who say with Langston Hughes:

O, let America be America again —

*The land that never has been yet —
And yet must be — the land where
every man is free.*

*The land that's mine — the poor
man's, Indian's, Negro's, ME —
Who made America,
Whose sweat and blood, whose
faith and pain,
Whose hand at the foundry, whose
plow in the rain,
Must bring back our mighty
dream again.*



The Washington Monument

SALT Supports Affirmative Action

War and Affirmative Action

Mari Matsuda, Georgetown University Law Center

Friends, I come to speak of war and affirmative action.

We gather as bombs fall in an unprecedented U.S. war of pre-emption. U.S. soldiers are injured, dying, captured. Iraqi soldiers and civilians are recipients of "shock and awe."



Jesse Jackson and Clarence Page at the Georgetown Law affirmative action forum

Listen to the Black Caucus: "The state of our urban public schools is a weapon of mass destruction."

Listen to our President: "These fallen soldiers are heroes fighting for freedom."

Listen to an African American mother's lament for her dead son: "I would rather my son be a coward in my arms than Bush's hero."

Most Black Americans are opposed to the war in Iraq. Most white Americans support it. It is a contrast that democracy should well heed: Why this divide in American opinion? From whence does it come and what can we learn from it?

This is a clash of worldviews. A different set of assumptions, beliefs, and

experiences. This is what we need in our classrooms.

"I slept my way through the Vietnam war. I was for the war until I found out I had been lied to by Nixon, Kissinger and McNamara. I vowed I wouldn't be lied to again," said a middle-aged white magistrate in Honolulu, attending his very first anti-war protest. He was a grown man before he learned that the government lies, a lesson most Black Americans learn just a few steps out of the cradle.

"I was lied to once." McNamara, 20 years late, writes a book saying he was wrong. And every day you can walk to the Vietnam memorial and watch some aging baby boomer stand before the wall with head down, tears falling.

We were lied to once. Where will we find the strength, in our democracy, to ask hard questions of our government; to uncover lies; to debate, criticize, and push the truth out into the bright light of day?

We won't find it in a room where everyone shares the same assumptions, where everyone comes from the same place, where everyone looks the same, and



Mari Matsuda and Margaret Montoya

operates from the same information.

I used to think that affirmative action was about racial justice. I still do, but I now think that racial justice is the smallest part of what affirmative action is. The biggest part is survival. I am in survival mode now. On September 11, I ran into the Dean's office upstairs and asked in a panic what our plan for survival was. I found the deans, more professional than I in an emergency, seeking out the information they needed to figure out how to keep us all safe. The rumors were rampant: The White House has been hit, the State Department is in flames, planes are headed for the Capitol. I know what it feels like to hurtle through a panicked city trying to reach my children, and I wish that feeling on no one.

It's about survival. How will



The rally

we give the next generation a planet that is free from such fear of man-made violence — free from the fear that the next phone call, the next news report, will report fire raining down from the sky above us?

This is what I know for sure: We will

question is whether it happens after one or ten or fifty more years of violence and mourning.

It is an urgent question: How do we get to the place where we can make it happen? How can the United States get to a place

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I submit: Without affirmative action, without assuring that ALL of us participate in the enterprise of self-education, critical thought, and mutual intellectual advancement, we will never figure out how to keep ourselves safe. Listen tonight for the sound of fighter planes swooping low over this city, Washington, D.C., guarding us from unknown harm. Walk in a group if you are on the streets at night, for this capital is a typical American city, and street crime is a hazard of living here — here, in a nation at war, in a city of poverty, where we are never safe, though much safer, certainly, than so many of the world's citizens who live with hunger and violence on a daily basis. We are the lucky ones, and so we are charged with the duty of marching on the Supreme Court, to keep alive the dream of education for all, so that all may thrive, so that all may live in peace.

[Editor's note: With Chuck Lawrence, Mari Matsuda wrote "We Won't Go Back: Making The Case for Affirmative Action."]



Columbia students at the rally

not figure out how to do it in a room where everyone shares the same assumptions, where everyone comes from the same place, where everyone looks the same and operates from the same experience. Our continuation as a human race requires that people who see things in radically different ways come together in challenging, critical, constant, probing dialogue. Right now it happens no place on earth except at universities.

That is what is at stake as we march on the Supreme Court.

Someday, in a future we cannot yet taste, representatives of Israel and Palestine will sit in a room and hammer out an agreement that will recognize the right of both Israel and Palestine to exist, that will carve out respective territories and a means of peaceful co-existence, that will provide some form of compensation, which will be experienced as inadequate, for things taken in the past. The suicide bombings, the retaliation, the intifada, the occupation, will stop. It WILL happen. The only

where we are seen not as ugly, guzzling pigs at everyone else's trough, but as the kind and generous people my students and friends and neighbors are? How will we come to be known as that to the rest of the world? And if we are seen only as the takers and bullies of the world, how will we keep our children and ourselves safe as anger mounts and random violence directed at us is the voice chosen by those who could never hope to match our missiles and bombs? How do we keep ourselves safe in our own cities, where a generation of the abandoned grows up learning to care little about their own lives, seeing no prospect of self-gain through cooperation with the established social order?



The march down Constitution Avenue

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Jessica and the Justice

Former SALT President Emma Coleman Jordan, Georgetown University Law Center

As the Court heard arguments about affirmative action in selective university admissions, Jessica Lynch, a 19-year-old supply clerk and Army Private First Class from West Virginia, lay in an Iraqi hospital, a wounded POW, after a brutal exchange of fire with Iraqi troops. What we later learned about her bravery under fire challenges stereotypes about women in combat in ways that could turn out to be significant for another generation of 19-year-olds competing for admission to selective universities. Jessica's presence in combat is the result of President Clinton's order reversing a longstanding military policy excluding women from combat. The military policy was based on stereotypes about women's physical and mental toughness for combat, the ultimate test of military preparedness. Just twenty-two years earlier, the Court had ruled in *Rostker* that this stereotype-based exclusion was constitutional.

The military has slowly changed its ways, allowing women in combat even as massive scandals about the unpunished rapes of women in the Air Force Academy unfolded. The "don't ask, don't tell" policy continues to be enforced against

gays in the military. Law schools seeking to bar recruiters who discriminate are confronted with the hardball choice of ignoring their own equal opportunity policies or losing funding for the entire university. These facts about the military make it an unlikely source of support for aggressive racial affirmative action in selective university admission.

Yet, that may turn out to be the case.

At 8:00 on the morning of oral argument in the *Grutter* and *Gratz* cases, John Payton, representing the University of Michigan, was sitting in the Supreme Court employees' cafeteria, calmly chatting with his wife, Gay McDougall, and Maureen Mahoney, his co-counsel. Our breakfast table that morning soon included Robin Lenhardt, a Georgetown Fellow and recent Breyer clerk who was counsel for the University of Michigan at

resisted his claim that race could never be used as a factor in making admissions decisions, as approved in *Bakke*. O'Connor's willingness to counter Kolbo's argument with her own review of the Supreme Court precedents, including her statement that "we have given recognition to use of race in a variety of settings," led many to conclude that she could be counted on, at least, to affirm the Powell opinion in *Bakke*.

The most fascinating turn in the argument was introduced by Justice Ginsburg, who quickly raised the facts and arguments made in the amicus brief that was filed on behalf of a group of retired generals, military academy officials, and former Secretary of Defense William Cohen. This brief, filed by Carter Phillips, a regular Supreme Court advocate, soon became the focal point of the most important exchange of the argument. The brief introduced both facts and arguments about the rationale for the military policy of using explicit "goals" to ensure that the officer corps was as racially diverse as the enlisted ranks. Citing a series of military reports, the brief told the Court that "West Point's Superintendent sets yearly targets



Emma Coleman Jordan at the Howard University rally

trial and in the Sixth Circuit; Ted Shaw, of the NAACP Legal Defense Fund, counsel for the student intervenors; and Charles Ogletree. John's mood was focused, yet guardedly optimistic.

Barely six minutes into his argument, Justice O'Connor interrupted Kirk Kolbo, the plaintiffs' lawyer, in *Grutter*, the law school case. She quickly



Co-Presidents-Elect Beto Juarez and Holly Maguigan and SALT treasurer Norman Stein with his students at the SALT march

for minority admissions. . . . [T]he Academy's specific percentage goals for minorities are based upon their 'represent-

tation in the national population and in the national pool of college bound people and their representation in the Army.”

Like Michigan, the military academies take minority applicants with lower SAT



Rally at Lincoln Memorial

scores and grade point averages. When challenged to say whether this explicit racial quota policy, which all of the service academies have adopted, is unconstitutional, both Solicitor General Ted Olson and Kolbo sought to disclaim any factual knowledge of the existence of such a policy. Justices Ginsburg, Souter, and Breyer refused to let them off the hook. Ginsburg shot back, in one exchange, “You aren’t questioning the representations made in the brief, are you?” Kolbo and Olson seemed stymied as each, in turn, declined to say that the military does not use quotas in admission to the service academies, or that if it did, it would be acting unconstitutionally.

The military brief was important because it introduced both significant facts about academic admissions policies in the service academies and the military experience during the Vietnam War era with white officers being “fragged” by discontented black enlisted men. By the 1970s, fights between black and white soldiers had become such a threat to national security that the military

“recognized that its race problem was so critical that it was on the verge of self-destruction.” The military solution has been to adopt explicit racial quotas for the selective colleges it runs to educate the military leadership cadre.

The fact that the military uses aggressive racial quotas to advance national security may turn out to be a most persuasive argument to the swing voters, Justices O’Connor and Kennedy, for elevating the Powell *Bakke* opinion to the status of majority opinion of the Rehnquist Court.

The irony of relying on military arguments for diversity could not have been lost on Justice Ginsburg, who spent much of her life as a lawyer advocating for women’s equal treatment.

For all the possibilities of a positive outcome with the diversity rationale, it remains the weaker of two potential arguments. The trial court proof and arguments of the minority student intervenors were not represented in the Court during two hours of intense oral argument. The omission of argument about the University of Michigan’s history of discrimination occurred because the Court denied the NAACP Legal Defense Fund motion for additional argument time or, in the alternative, for divided argument. As Ted Shaw, of the Inc. Fund, says in the brief, “it would be highly ironic, to say the least, if the very diversity that the University seeks to protect were not

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represented in the oral arguments before the Court.”

The absence of argument about the evidence introduced at trial on the alternative rationale for consideration of race as a remedy for “past discrimination” produced an eerie, structural deformation of the case. The ghost of our nation’s history of past discrimination was a silent yet potent party to the argument.

John Payton’s confidence on the morning of the argument was well-placed; the Court seemed well-positioned, if we can read anything into the questioning, at least to uphold Powell’s opinion in *Bakke*. This result will be attributable to the powerfully persuasive legal representation of the diversity rationale in briefs and argument. We should not forget,



SALT march from Georgetown Law to Supreme Court

however, that the thousands of African-American students from Historically Black Colleges and Universities joining with the many white students, and a diverse collection of students and faculty marching under SALT’s leadership, will surely provide an unmistakable message that “We Won’t Go Back!” as the Court decides this case.

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The Birth of a New Civil Rights Movement

Chinyere (Chinny) Nwokocha '04, Syracuse University College of Law

The trip to Washington, D.C. on April 1, 2003, was one of those moments in my life that I will always remember with a sense of pride and triumph. Thirty-two students left Syracuse at midnight on a bus chartered by the Syracuse Chapter of the Black Law Students Association

(BLSA). At approximately 8:30 that morning, we arrived at the Capitol and headed to Georgetown University Law School to gather with our allies. From the moment I stepped off the bus, there was a sense of electricity and resolution in the air. This was the day we would follow in the footsteps of our famous civil rights leaders such as Martin Luther King, Jr., in the fight for continual integration and access to education in this great nation.



I grew up hearing about the great marches led by our civil rights leaders in their quest to demand remedies for the injustices perpetuated by this nation. I knew in my heart that I could not and would not be silent while the oppressors tried to do away with the rights for which our leaders fought so hard. I wanted to know that when all was said and done, I stood up for what I believe in and fought for rights that are so basic to humankind. It was very humbling to see all the “soldiers” – from as far north as the state of Washington to as far south as Florida – gathered together to speak out about the need for affirmative action programs.

The media often maintain that “Generation X” doesn’t care about anything and that we lack leadership. However, the number of students who came to Washington, D.C., from various high schools to various graduate level programs certainly disputes the stereotype that we lack the understanding, awareness, and concern for social issues. We may not have the caliber of the prominent and visible leaders of the past, but we certainly organized and came to Washington, D.C., on that cold Tuesday morning. Many student leaders planned tirelessly to organize the large rally to let the leaders of our nation know that diversity and equal opportunity in education was not only needed, but also crucial for the continued growth of the United States. It was inspiring and comforting to know that there were so many students who felt as strongly as I did, and that they were willing to sacrifice by coming out on such a defining moment in our young lives. As we marched from the Supreme Court to the Lincoln Memorial, we all made a pact with each other to carry this intensity back to the cities from which we came.

We realize that this is just the beginning, but we are prepared and willing to fight against any attempt to go back to a segregated society. As the attacks of old were renewed, April 1, 2003, marked the birth of the new civil rights movement and we will carry the torch.



Above: Signs and banners from the rally
Left: The Supreme Court building

The Brutality of Inequality

Jacquelyn DeShawn Wilson '03, University of Tennessee College of Law

Minority groups¹ have been systematically raped throughout this nation's history. The killing of affirmative action is simply another brutal assault against educational opportunity and attainment for these groups. Those who wield the sword of knowledge hold the power. Those who do not wield the sword of knowledge may be slain by the same.

I was saddened when I heard a University of Tennessee College of Law student complain that he did not attend the University of Michigan because of its affirmative action policy. He was a white male in his mid-twenties. I was angered because I did not hear him complain about the alumni points he received because his parents attended the University of Michigan.² Because of institutional practices of exclusion, as many of us know, many of today's college-age minorities may not have been afforded the opportunity to have grandparents, parents, uncles or aunts who are alumni of certain institutions of higher learning. I did not hear him complain about the activities he listed on his application. Minorities are not exposed to many of these activities. Nor did I hear him complain about his high LSAT score, which many minorities may not have received because the exam has been proven to be racially- and gender-biased.³ Instead, he complained about how unqualified minorities are. Yet he failed to mention that minorities must take the same courses and pass the same exams that he does. I have never gone into a classroom or taken an exam where a professor has asked me to please list my race, ethnicity, and gender, so he or she can give me extra points.

African-Americans make up approximately twelve percent of this nation's population,⁴ yet an overwhelming percentage is poor.⁵ Women make up over fifty percent of this nation's population,

and compared to their male counterparts, they have a significantly higher percentage of poor.⁶ Your educational attainment directly affects your socioeconomic status. So why would anyone be against affirmative action? Is it really about someone taking another's spot? Or is ridding this nation of affirmative action about a thinly-veiled attempt to maintain a system of power for the few? I would beg the latter.

When I attended the march in Washington, D.C., I was overwhelmed by the support of individuals and groups. People from different races, ethnicities, and socioeconomic backgrounds came together to make sure *Brown v. Board of Education*⁷ continued to reign. True, we may not be able to change individual attitudes, but the law does not have to enforce inequality because of the attitudes of a few. I look back and wonder where I would have been if affirmative action had not been in place. I am in my final year of law school. I took the same courses, took the same exams, and passed those same exams. I wonder. I look at those who may come after me who may never have that same opportunity because of systematic rape. No minority asked to be placed in this position. Minorities were forced into this position. Minorities are not unqualified. Many minorities simply never have the opportunity because of race, ethnicity, or gender. These are features that cannot be changed, but law can change. Law did change. Affirmative action has a place in society until educational facilities from elementary to high school to professional schools begin to reflect the equality for which *Brown v. Board of Education* called.⁸

Endnotes:

¹. As used in this article, "minority groups" and "minorities" include racial and ethnic minorities as well as women.

². See University of Michigan Law School application, available at <https://apply.embark.com/law/umich/jd/73/>

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Page.asp?Page=4 (last visited Apr. 6, 2003).

³. See Susan Sturm and Lani Guinier, *The Future of Affirmative Action: Reclaiming the Innovative Ideal*, 84 Cal. L. Rev. 953, 957 (1996) ("Typical among the existing criteria and selection methods are paper-and-pencil tests, such as the Scholastic Assessment Test (SAT), the Law School Admissions Test (LSAT), and civil service exams. These tests, which are used to predict future performance based on existing capacity or ability, do not correlate with future performance for most applicants, at least not as a method of ranking those 'most qualified.' These tests and informal criteria making up our 'meritocracy' tell us more about past opportunity than about future accomplishments on the job or in the classroom.").

⁴. See Population Distribution by Age, Race, Nativity, and Sex Ratio, available at <http://www.infoplease.com/ipa/A0110384.html> (last visited Apr. 9, 2003) (as of the year 2000, Blacks made up 12.3% of the U.S. population, Whites made up 75.1%, and other races made up 10.1%).

⁵. See Poverty in the United States: 2001, available at <http://www.census.gov/prod/2002pubs/p60-219.pdf> (last visited Apr. 9, 2003).

⁶. See Population Distribution by Age, Race, Nativity, and Sex Ratio, available at <http://www.infoplease.com/ipa/A0110384.html> (last visited Apr. 9, 2003) (as of the year 2000, there were 100 females for every 96.3 males); Poverty in the United States: 2001, available at <http://www.census.gov/prod/2002pubs/p60-219.pdf> (last visited Apr. 9, 2003).

⁷. 347 U.S. 483 (1954).

⁸. *Id.* at 495 ("We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal.").

*Special 12-page insert***SALT Supports Affirmative Action****No Going Back***Matthew Camacho-Edwards '05, Syracuse University College of Law*

On Tuesday, April 1, 2003, I was introduced to the “new civil rights” movement. My commitment to diversification in higher education could not be overcome by the strict attendance requirements of first-year law courses. At odds with each other in my presently-convoluted mind were new legal notions of equal protection and a history of seemingly unfavorable judicial decisions against under-represented persons. However, the only thought that dominated was the University of Michigan’s fight for equality and access in higher education.

I was compelled to be in Washington, D.C., on April 1st because of my experience as an undergraduate at UCLA in 1995, when the University of California Regents voted to repeal race as a consideration in the admissions process. While at UCLA, I did not need to wallow through empirical data to discover that the abolishment of affirmative action had reduced the number of the students of color on campus — just looking around the classroom made it blatantly obvious. The effect of this decision was and continues to be a detriment for racial-ethnic minorities in California. On a social scale, I often ponder who will provide services (especially legal and medical) for our ever-growing racial-ethnic populations, if these persons are in fact grossly under-represented in undergraduate and professional schools.

I do not want the Supreme Court to create the same detrimental effect nationwide that the UC Regents created in California. For these reasons, I stood at the steps of the Supreme Court, picket sign in hand, to let the Justices know that “I will not go back to re-segregation!”



Above: Marchers on the steps of the Lincoln Memorial

Right: Signs and banners from the rally

Sixteenth Annual Robert M. Cover Retreat: Cold Outside, Warm Inside

Sarah Alvarez '04, Columbia University School of Law

The sixteenth annual Robert M. Cover Retreat, an event designed to bring together public interest law students, professors and practitioners from the mid-east region, was held over the weekend of February 28 through March 1 at Boston College's Sargent Center near Peterborough, New Hampshire. While snow piled up outside, more than 130 participants from over ten states networked, strategized and socialized around the huge fireplace in the dining hall of the camp. The retreat was thematically organized around challenging the "rollback" of civil rights laws and protections. The workshops, talks and film screenings informed and inspired participants and gave them the tools to mobilize their respective communities. The Cover Retreat was begun as a memorial to Robert Cover, a former professor, activist, and public interest lawyer who wished to strengthen the bridge between public interest lawyers of the present and future.

Students are primarily responsible for planning the retreat, a task that rotates among participating schools, falling in 2003 to Columbia Law School. The workshops were designed to promote interaction among participants and allow retreat-goers to choose from a wide range of topics. The workshops included "Profiling (The Sequel): Defending Race and Ethnicity in Bush's 'Freedom-Loving Democracy'," "Fighting the Rollback of Civil Rights: Building a New Movement," "The War on the Poor: Welfare Reform and Its Discontents," "Haunted by the Demon of Error: The Death Penalty and Wrongful Convictions," "Protecting the Air We Breathe: Challenging the Rollback of Environmental Laws," and "International Laws 'R' Us: International Law in the Domestic Context." They were well attended and inspired lively discussion among the participants.

In addition to the workshops, a documentary film screening, several talks by practitioners, and a keynote address on "Law or Organizing for Social Change: Do You Have to Choose?" by Jennifer Gordon, founder of the Workplace Equity Project, helped to prepare retreat participants, in the words of Danny Greenberg, executive director of the Legal Aid Society, for "the most important work you will ever do." Participants said they were up to the challenge, as they strapped on snowshoes or cross-country skis and set out into the snow to enjoy the New Hampshire countryside.



Cover Retreat participants



Smita Shah LLM, Teresa Park '04, and Liz Evenson '04, Columbia Law School, at the Cover Retreat



Dilek Kurban '04, Columbia Law School, skiing at the Cover Retreat

Cover Workshop: Law Teachers Working for Peace

SALT Co-President-Elect Beto Juarez, St. Mary's University School of Law

As the *Equalizer* goes to press, the long-threatened war with Iraq has begun, and the news media report on little else. This year's Cover Workshop, held on Thursday, January 2, 2003, focused on the role of law teachers in the search for world peace. While these are challenging times for all who work for peace, the discussion at this year's Cover Workshop fortified all who attended in their commitment to continue this vital work.

The workshop was facilitated by Mari Matsuda (Georgetown). Bill Quigley (Loyola of New Orleans) was scheduled to co-facilitate, but was unable to participate because of his work at a teach-in on peace in Shreveport, Louisiana. Bill's spirit was present nonetheless, and the fruits of his legendary work on peace, such as his list of "33 Ways Law Professors Can Be Active for Peace," were shared with workshop participants. Chuck Lawrence (Georgetown) eloquently recounted his memories of Bob Cover and reminded all why the evening's discussion of working for peace was an appropriate way of honoring Bob's work in civil rights. SALT Co-President Paula Johnson (Syracuse) explained SALT's prior work towards peace while Co-President Michael Rooke-Ley noted his uncertainty about whether to accept an invitation to go to Baghdad. (Several participants urged Michael to go to Baghdad and Michael ultimately decided to accept the invitation.)

Mari began the workshop by noting the need for dialogue with peers to overcome the myth that if you stand for peace, you stand alone. Each participant was then invited to share one moment when it was difficult or easy to stand for peace. The result was a rich discussion that shattered

the myth that those who work for peace stand alone. It also generated a lively discussion of ways in which SALT and SALT members might continue to work for peace.

Participants shared examples of the work they had done for peace in the past few months. Such work included writing articles for local and university newspapers, complaining to media about one-sided coverage, participating in Internet fora, marching in peace demonstrations, calling legislators, and teaching at campus and community teach-ins.

Some spoke of their sense of disempowerment, and contrasted this



SALT Co-President-Elect Holly Maguigan, Chuck Lawrence, and SALT Co-President Michael Rooke-Ley at the Cover Workshop

feeling with the feeling of empowerment they felt as peace activists during the Vietnam War era. Others responded by sharing examples of how they had come to feel empowered as law professors to speak out for peace. Several teachers of international law noted the opportunity created by recent events to teach about the international law of war and peace in the classroom. Constitutional law teachers had similar opportunities to teach about issues such as the congressional power to declare war. Labor law teachers explored the recent controversy over President Bush's attempt to ban unionization of workers in the Homeland Security Department. Federal courts teachers used newspaper clippings to teach about preemption.

For those who do not teach in areas that readily lend themselves to incorporating recent events, it was noted that our

training as law professors empowers us to work for peace. While it is quite easy to dismiss our ability to do such work because of lack of expertise in specific fields of law ("I don't know anything about international law . . ."), all law professors share specific skills. We all know how to educate ourselves about an issue. We know rhetoric. We know how to write for a skeptical audience. We know how to ask the key questions ("Here are 10 questions you need to answer before we bomb."). We know how to build connections between seemingly disparate issues, such as the diversion of funds from the poor to the military. As legal historians we know what happens when the law permits the abuse of particular groups of people. The importance of law professors stating that the government is breaking the law cannot be underestimated.

Politics is the art of building coalitions. Several participants noted unique opportunities for building coalitions because of recent events. Conservatives, for example, are also outraged by the extreme infringements of civil liberties posed by the Patriot Act. Ann Bartow (South Carolina) noted the possibility of building on the strongly-felt distrust of the federal government among Southern conservatives.

Former SALT Co-President Carol Chomsky (Minnesota) reminded us that history shows that it often takes a long time to persuade a majority of the population to oppose a particular war. Specific suggestions were made about how SALT might continue to facilitate this work, such as by creating talking points and lists of experts, identifying helpful articles on the SALT website, and coordinating with academics in other fields. The Cover Workshop re-committed the participants and SALT to continuing this vital work. Mari Matsuda expressed a widely shared sentiment in drawing the workshop to a close: "I'm feeling less lonely, but I'm also feeling challenged."

Membership Committee News: Membership Up; Let's Keep Growing

Fran Ansley, University of Tennessee
College of Law

The SALT Membership Committee is happy to report that membership in the organization continues to grow past prior benchmarks. Well over 600 people have paid SALT dues for the current academic year, and those who have paid dues at some point in the past *two* academic years number almost 800.

The times are such that progressive networks of all kinds are more important than ever, so we are heartened by these numbers. At the same time, we want and need to grow even larger and to involve greater numbers of people in the work of the organization. Please help us do so by: (a) joining SALT now if you are not already a member, (b) renewing your membership now if you are already a part of the organization, and (c) urging your new and old colleagues to do likewise.

We also encourage all members of the organization to become active in one or more of SALT's many substantive programs, each of which could use your energy and critical support. For a list of "Ten SALT Projects Needing You," send an e-mail message to Fran Ansley at ansley@utk.edu.



SALT Board members Emily Houh and Fran Ansley at the board meeting in January 2003.

Faculty Mentoring Committee News: Off to a Good Start

Nancy Cook, Cornell Law School

New Teachers' Orientation at AALS Annual Meeting: SALT hosted its second annual new teachers' reception just prior to the opening of this year's AALS annual meeting in Washington, D.C. The gathering took place at the Washington Hilton Hotel on January 2, 2003, and featured three panelists who shared their collective experiences as entry-level faculty trying to survive the challenges of legal academia. The panelists, Christine Cimini (University of Denver), Michael Pinard (University of Maryland), and former SALT Co-President Margaret Montoya (University of New Mexico), identified particular issues they confronted as beginning law teachers and described the specific strategies they employed in meeting the challenges.



Christine Cimini at the SALT New Teachers' Workshop

An audience consisting of both junior and senior faculty members was quick to join in the discussion, which went on well beyond the allotted hour and a half. Among the questions raised and addressed were some related to finding a support system as a member of a minority population. The discussion was enriched by the presence of a group of students and advocates involved in the *Grutter v. Bollinger* and *Gratz v. Bollinger* cases. Consequently, the reception served the dual purposes of welcoming new teachers to the academy and demonstrating how important SALT's work is for the future of higher education.

Ongoing Projects: The Faculty Mentoring Committee continues to be actively engaged in a number of outreach projects. The committee is working on a brochure that will highlight what progressive junior faculty need to know as they embark upon their academic careers. It is hoped that the succinct, easily transportable brochures will soon be available as handouts wherever SALT members can be found.

Another of the mentoring committee's goals is to develop a system for pairing up mentors and mentees. The committee hopes to have a process in place in the very near future. In addition, the committee is working on creating conversation spaces where newer teachers can interact with more experienced teachers. For example, SALT will be a visible presence, and plans to co-host a social event, at the AALS New Teachers Workshop, to be held in Washington, D.C., in June. LatCrit VIII (Cleveland, Ohio, April 30 through May 4) provides another excellent opportunity for new and old faculty to connect. The conference opens on Wednesday evening, April 30, with a Junior Faculty Development Workshop; mentoring committee members Frank Rudy Cooper (Villanova) and Devon Carbado (UCLA) will be presenting at LatCrit and will be on hand throughout the conference.

YOU CAN HELP! The Faculty Mentoring Committee would welcome your assistance. Here are things you can do:

1. Be a mentor or ask for one.
2. Heading to a conference? Host a SALT get-together – a breakfast or a coffee break, perhaps – and give newer teachers a chance to meet some SALT folks. Or just find a space to display a few brochures. Let us know what's coming up and we can help you coordinate.
3. Share your experience. Looking back on your first year or two in teaching, what are the two or three things you wish someone had told you? What do you know now that you wish you'd known then? Send your thoughts to the committee.

Any ideas, questions, or offers to help can be communicated to co-chairs Devon Carbado (carbado@law.ucla.edu) or Nancy Cook (nc37@cornell.edu).

Judicial Nominations Committee News: Judicial Nominations Continue to Be a Major Battleground

Bob Dinerstein, *American University,
Washington College of Law*

The Judicial Nominations Committee — Bob Dinerstein (chair), Linda Greene, Beto Juarez, Dean Rivkin, Florence Roisman, and Avi Soifer — continues to have its work cut out for it as Senate Democrats and Republicans remain locked in a fight not only about particular federal court nominees but also about the nature of the judiciary and the nominations process.

Last year, a Democratic majority in the Senate Judiciary Committee (Senator Patrick Leahy, D-VT, chair) managed to defeat narrowly some of the most problematic nominees, such as U.S. District Court Judge Charles Pickering and Texas Supreme Court Justice Priscilla Owen (both nominated for positions on the U.S. Court of Appeals for the Fifth Circuit), even as other troublesome nominees, such as Michael McConnell (10th Circuit) and D. Brooks Smith (3rd Circuit) were confirmed. SALT officially opposed both Pickering and Owen, with individual members expressing opposition to other nominees in various ways.

With the election in 2002 of a Republican Senate, even the narrow victories in the earlier congressional session seemed difficult to repeat. If the Republicans vote the party line on judicial nominees, they will be able to report the nominee out of committee and, if they can hold their majority on the floor, get their nominees confirmed. (But see below.) Rather than seeking to work with the Democratic minority to nominate and confirm mainstream candidates, the White House and Senate Republicans seem hellbent on nominating (or, in some cases, re-

nominating) candidates with the most conservative, retrogressive and ideological positions on issues of vital importance to SALT: civil rights and civil liberties, federal-state relations, reproductive rights, labor and employment rights, and so on.

The Democrats do have one strategic option available to them if they wish to use it: the filibuster. While it is not feasible to think that the Democrats will be able to filibuster every Bush judicial nominee, they have shown themselves willing to filibuster at least one candidate, with great success to date. That candidate, Miguel Estrada, has been labeled the stealth candidate because of his utter unwillingness to provide insight about his judicial



SALT Board members get committee assignments in Washington, D.C.

beliefs and philosophy, or even to name any decided Supreme Court cases with which he would disagree. (He finally broke down and mentioned three or four cases, but, even then, said that he would not criticize the case holdings because there might have been considerations in the cases of which he was not aware.) Estrada worked for the Solicitor General's office, and, it is alleged, wrote numerous memoranda in which his conservative views were discussed. The Democrats have asked for these memoranda, and the White House thus far has refused to provide them, arguing that disclosure would chill future communications between lawyers in the Solicitor's office. In any event, the non-disclosure, coupled with the general

opacity of Estrada's views, has emboldened the Democrats to filibuster the nomination. At this writing, four Republican attempts to vote cloture — which requires 60 votes, 9 more than the 51 Republicans in the Senate — have failed, and the nomination remains in suspended animation.

SALT has weighed in on the Estrada nomination by, among other things, joining other organizations in signing an advertisement that appeared in *Roll Call* magazine and signing on to other broad statements of opposition to the nomination. We also have facilitated the circulation of various professors' letters.

But other problematic candidates

await. One, Jeffrey Sutton, a nominee for the U.S. Court of Appeals for the Sixth Circuit, has been voted out of committee but is being opposed staunchly by numerous disability groups critical of his role in arguing against the constitutionality of key aspects of the Americans with Disabilities Act. Judge Deborah Cook, also a nominee for the Sixth Circuit, has been opposed by the editorial page of the *New York Times*, among others,

for her string of pro-employer dissents in the Ohio Supreme Court, on which she currently sits. Sutton, Cook, and John Roberts, a nominee for the U.S. Court of Appeals for the D.C. Circuit, participated in a bizarre "joint appointment hearing" earlier this year in an apparent Republican effort to limit criticism, and an opportunity for questioning, of one or more of the candidates. Most recently, Judge Carolyn Kuhl, a nominee for the U.S. Court of Appeals for the Ninth Circuit, has had a form of "confirmation conversion" in which she has disavowed some of her earlier opinions, including, most infamously, her aggressive support as a Justice Department lawyer in the early 1980s for Bob Jones University's position that it should not lose its tax-exempt status

despite its racially discriminatory practices.

As if this list were not enough, the Bush administration has re-nominated the defeated Priscilla Owen from last session (the Judiciary Committee approved her nomination by a 10-9 vote on March 27), as well as Judge Pickering, notwithstanding the demise of his patron Trent Lott on grounds of racial insensitivity — grounds that were apparent in Judge Pickering's earlier nomination as well. There is some talk that the Democrats might be willing to filibuster Owen's nomination as well as Estrada's.

The Judicial Nominations Committee will continue to look at each of these candidates and others, and urge SALT to oppose those who appear both to be especially egregious and whose views are particularly antithetical to what SALT stands for. In addition to taking positions, the Committee could use the assistance of any SALT member who is knowledgeable about any of the judicial candidates, especially those of you from states of nominees who currently sit on state courts. Moreover, key Senators take particular interest in the views of their constituents — even law professors — so writing individually to those Senators (e.g., Senator Feinstein from California, often a key vote on the Judiciary Committee) can often make a difference. (According to Kendra-Sue Derby, director of field operations for the Alliance for Justice, the lead organization on judicial nominations, senators from the states of Florida, Delaware, North Dakota, South Dakota, Indiana, Louisiana, Arkansas, Oregon, California, Wisconsin, Maine, Rhode Island, and Illinois are especially important for SALT members to contact.) Finally, we urge you to consider writing op-ed or other pieces for your local newspapers to bring to the attention of lay readers the revolutionary effort to re-make the judiciary on which the Bush Administration is embarked. If you do engage in any of these activities, please let us know.

Solomon Amendments Committee News: Help Wanted

Marc Poirier, Seton Hall University School of Law

A number of projects are ongoing, and several could use more staffing. Working jointly with the Center for the Study of Sexual Minorities in the Military (CSSMM) at the University of California, Santa Barbara, and with the Servicemembers Legal Defense Network (SLDN), SALT has developed a website with information on the Solomon Amendments, the AALS amelioration obligation, and materials suitable for organizing around military recruiting on law school campuses. This site can be viewed at www.saltlaw.org/solomon/.

Negotiations are underway to get AALS approval for a similar website directly on the AALS webpage. The two sites would serve related but distinct functions, as content on the AALS website would have to be more directly related to explanation and implementation of current AALS policy, while the SALT-hosted website can be more far-ranging and, frankly, more political. In any event, Chai Feldblum of Georgetown is coordinating the effort to develop a proposal for presentation to the AALS Executive Committee at its May meeting. This proposal will be made by the AALS Section on Sexual Orientation and Gender Identity Issues (AALS SO-GI). Currently I am serving as a SALT liaison to this effort, and other SALT members are involved in their capacity as AALS SO-GI section members.

The Committee has supplied copies of the SALT Solomon Amendments brochure for several demonstrations at law schools. Enough copies remain for a bulk mailing to law schools, and the brochure is available on the SALT website as well.

The Committee has received several requests for speakers on Solomon Amendments, amelioration and general issues of gays in the military. We need to develop a speakers list, probably working with SLDN and the CSSMM.

The AALS SO-GI Committee organized a "Town Hall Meeting" at the January AALS conference. It included a joint AALS SO-GI/SALT report on a survey on Solomon amelioration efforts that was mailed to law school deans in December. Commentators included Carl Monk, Executive Director of AALS; Mark Tushnet, President of AALS; Chai Feldblum of Georgetown; Congressman Barney Frank, and others. One consensus among the panelists was that organizing around military recruiting was probably (1) futile and (2) the wrong target. In the longer run, we will likely need to take on the military's exclusion of gays and lesbians directly.

A major symposium is planned on gays in the military, including ROTC and military recruiting on campus issues, at Hofstra Law School for September 18–20. Mark your calendars. A Harvard Law School student group is also planning a conference in the fall — perhaps on the very same dates. Updated information should be available through the SALT Solomon Web site.

We need to begin work on a policy and strategy for loan reduction and forgiveness programs. These programs are sometimes used to fund JAG positions. The argument should be made that this violates school and AALS anti-discrimination policies. Technically, such a limitation on LRAP is outside the purview of the Solomon Amendments Committee, as it is not about military recruiting as such. It would be helpful to identify volunteers (from within the Solomon Committee or from the SALT general membership) to work on this project. We should consider whether to ask the AALS SO-GI committee to seek a position on this issue from the AALS.

I have no news about contemplated litigation challenging the Solomon Amendments by one or more law schools. I am confident that the work we did last year to keep the Solomon Amendments language from being modified by Congress has helped.

On a slightly more personal note, I am pleased to report that as of March 16, 2003, Seton Hall University School of Law has a "Lambda Legal Forum" fully recognized as a student organization. Seton Hall is "The Catholic University in New Jersey."

For comments, feedback, or to volunteer — especially to volunteer — please contact Marc Poirier at poiriema@shu.edu or 973-642-8478.

Bar Exams Committee News: SALT Works to Defeat Proposed Increase in Passing Score on New York Bar Exam

Eileen Kaufman, Touro Law Center

SALT continues to play an active role in working to defeat efforts to increase the passing score on the bar exam. The focus of recent attention has been New York, where the Board of Law Examiners proposed to increase the passing score on the New York bar examination from 660 to 675, and eventually to 685, on a 1000 point scale. The Board released its report in September of 2002.

To justify the proposed increase, the report relied exclusively on a study conducted by Stephen Klein. The report alluded to and rejected many of the criticisms of the Klein methodology raised by SALT and others when that methodology was used in other states, including Minnesota and Florida, as a basis for a proposed score increase. In response to the concern that increasing the passing score would have a disparate impact on racial minorities, the report concluded, in complete disregard of available data, that there was no reason to believe that minorities would be adversely affected. The report recommended adopting the proposed increase and then collecting the demographic data to assess the impact on different groups.

Although New York's Board of Law Examiners had been considering the proposal to increase the passing score for more than a year, it gave the public only sixty days to respond to its report. After intense pressure from many organizations, including SALT, the Board finally consented to extend the comment period and hold public hearings. The hearings were held on short notice, and many — including the deans of the New York law

schools, who were at a conference in Cincinnati when the hearings were held — were unable to appear. The Board now is apparently considering holding an additional day of hearings. SALT is among the groups urging the Board to schedule another hearing day.

SALT submitted a written statement to the Board in which it explained its strong opposition to the proposal. In a letter signed by Co-Presidents Paula Johnson and Michael Rooke-Ley, SALT opposed the increase because there has been no showing that the current passing score has resulted in licensing incompetent lawyers and because it is likely that the proposed increase will have a profound impact on minority candidates and the diversity of the profession. SALT relied on its longstanding critique of the bar exam, a critique reflected in an ever-expanding body of literature, which maintains that the exam fails to measure minimal competence to practice law because it does not test the range of skills lawyers must possess to competently practice law.

With respect to its concern regarding the disparate racial impact of a proposed increase, SALT pointed to the data generated in Florida before the Florida Supreme Court's recent 4–3 decision to increase the passing score on that state's bar exam by five points — a decision made over string objections from Florida's law school deans. The Florida data from the February and July administrations of the bar exam demonstrated that a sharp racial disparity will result from the proposed increase. Given that data as well as the racial data of the LSAC National Longitudinal Study, SALT argued that New York must assess the impact of any proposed increase before, not after, it is put into effect.

In addition to SALT, many other organizations have lined up in opposition to the proposed increase in New York. All fifteen deans of the New York law schools

have opposed the increase, as have the Committees of Legal Education and Admission to the Bar of the New York State Bar Association, and the Association of the Bar of the City of New York. In fact, the City Bar Committee hired a psychometrician who substantiated the critique of the Klein methodology on the grounds that the Klein study extrapolates from performance on individual essay questions to overall essay performance and extrapolates from essay performance to overall passing score. Although the Klein study asked panelists to assess answers to essay questions, the responses were used to justify increasing the passing score not only on the essays but also on the multiple choice portions. In addition, the panelists utilized in the Klein study were never asked to discuss, much less define, minimum competence to practice law. In other words, the panelists never agreed on a performance standard describing the level of competence required for entry-level practice, which could then be used to identify an appropriate passing score.

If the Board of Law Examiners decides to proceed with its recommendation, it will be up to the New York Court of Appeals ultimately to decide whether to adopt the Board's proposal.

SALT's own Kris Glen (Dean at CUNY) is working on an article that will appear in the Cornell Journal of Law & Policy, chronicling the campaign to raise the passing score. The article collects all the documents from those states that have considered raising the score and thus should serve as a wonderful resource. Another important article on the subject is Bob MacCrate's "Building the Educational Continuum — A Challenge to Bar Examiners," which will appear in The Bar Examiner. MacCrate's article describes how law schools have increasingly incorporated skills and values into the curriculum whereas the bar examination continues to test a narrow band of knowledge. Ulti-

mately, MacCrate calls for the consideration of a diploma privilege. In addition to citing Dean Glen's call for a public service alternative to the bar exam, he quotes from the SALT Statement on the Bar Exam. Finally, a longer version of Dean Glen's article about a public service alternative to the bar exam will appear in the MacCrate Symposium issue of *Pace Law Review* entitled "Thinking Out of the Bar Exam Box: MacCrating Entrance to the Profession."

SALT will be sending out updates regarding other bar exam developments, including the conference being planned for March 2004 by the Joint Working Group of the ABA, AALS, National Conference of Bar Examiners, and Conference of Chief Justices, and the conference being planned by SALT which will focus on alternatives to the bar exam.

Presidents' Column:

▼ *continued from page 1*

whether to uphold, revise, or reject *Bakke* as precedent in its approval of race-conscious admissions policies in higher education. While the Court may eschew expressly overruling *Bakke*, an outcome in which the Court affirms race-conscious admissions in principle, but finds the Michigan policies in violation in practice, will render race-based affirmative action an empty shell.

In another significant case, the Court will decide *Lawrence v. Texas*, which provides an opportunity to revisit the earlier decision in *Bowers v. Hardwick*. Like *Bakke*, *Bowers* was issued by a narrow 5-4 majority of the Court. In this instance, we fervently believe the Court should overrule the earlier case, as it countenanced

violations of fundamental liberty and privacy rights on the basis of sexual orientation. In addition, we hope that the Court will forthrightly address the patent equal protection violations of such statutes. While we believe the Court wisely would take this opportunity to correct a manifest injustice, we cannot be certain of its will to do so.

At the same time that we experience these apprehensions, we also are currently witnessing the first stirrings of spring from New York to Oregon. After a long and difficult winter across most of the country, the unmistakable signs of regeneration are appearing. We must take valuable lessons from the irrepressible force of spring, as new growth and further growth prevail even under the most difficult circumstances. Thus, we must not be dispirited by current

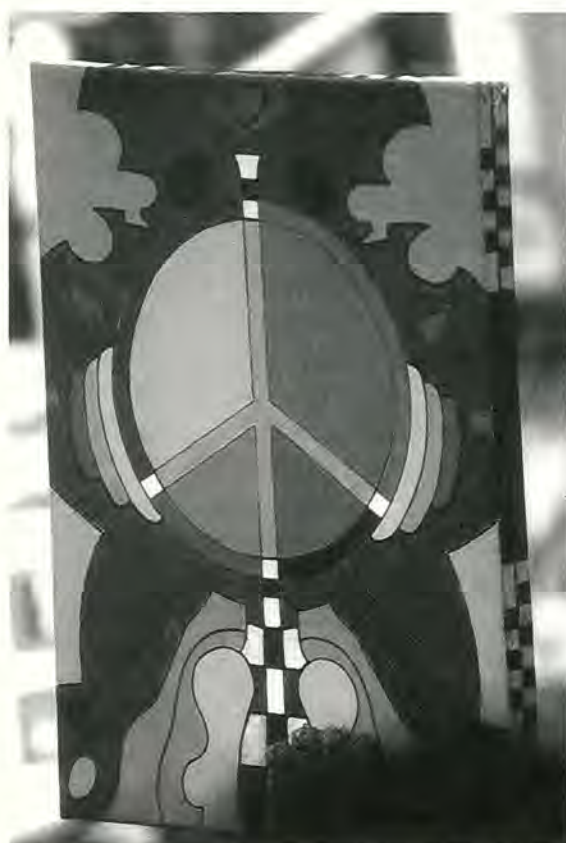
events and uncertain outcomes. Instead, with the season, we can take this opportunity to renew the commitments that we have made to our ideals and to each other in upholding them.

SALT perseveres in this way. Further,



this organization serves as a beacon for many of us who entered our respective fields because we believed that law was a vital form of nonviolent conflict resolution and was a means to a just and equal society. In the current environment, these values are seriously challenged. SALT will not be silent or idle as challenges mount, however. Thus, in facing the future, we will continue to actively support equality and diversity in education; fairness and liberty based on sexual orientation; international consensus on matters of international conflict; and only those candidates to the federal judiciary who recognize essential rights and freedoms. In addition, we must work to repair our relationship with the international community, and restore confidence in our legal system and its constitutional guarantees. As our membership continues to grow, you have signaled your willingness to sustain the struggle for these principles.

The coming days, months, and years may be exceptionally trying for us. Yet, spring endures, and with your continued support, so shall SALT and all that we value.



Above and right: New York City Peace Rally, Feb. 15, 2003.

SALT Annual Dinner a Rousing Success

Bob Dinerstein, American University, Washington College of Law

This year's SALT Annual Awards Dinner in Washington, D.C., was a celebration of the extraordinary life work of four remarkable individuals. SALT conferred its Human Rights Award on Stephen Bright and Bryan Stevenson, two long-time, tireless advocates for defendants charged with capital crimes. The SALT Teaching Award went to two of our most valued colleagues, Professors Chuck Lawrence and Mari Matsuda of Georgetown, law teachers who have inspired their students and us with their passion, commitment, and wisdom.

The well-attended dinner was at the Fairmont Washington Hotel (formerly – until about two weeks before the event – the Monarch Hotel). Like most SALT dinners, this one offered ample opportunities to catch up with old friends and make new ones. And like most SALT dinner planning committees, we didn't quite stick to the precise timetable that we had painstakingly devised. But the speakers who introduced our awardees were notable in their ability to evoke what was so special about Steve, Bryan, Chuck and Mari. Thanks to Charles Ogletree, Martha Morgan, Emma Coleman Jordan, Marnie Mahoney, Rhonda Reaves, and Cheryl Mills who spoke about their friends and mentors. It was also terrific to see how many of the honorees' family members and loved ones – some from quite far away – were able to attend the dinner. They were not the only ones beaming through the program.

The co-chairs of the dinner/awards committee, Bob Dinerstein and Margalynne Armstrong, wish to thank the other committee members (Marnie Mahoney, Steve Wizner, and Holly Maguigan); our incomparable treasurer and committee member Norman Stein; Eric Janus for his photographs; and our co-presidents, Michael Rooke-Ley and, in particular, Paula Johnson, who provided critical assistance and guidance. And thanks to Karen Czapanskiy who recommended the hotel. For our sins, we will be co-chairing the committee again this year, and may well be calling on some of you, especially those in the Atlanta area, for logistical and other assistance.



SALT Annual Awards Dinner. Upper photo group, clockwise from top left: Honoree Chuck Lawrence with Stephanie Wildman and Margalynne Armstrong; Attendees at SALT's Annual Awards Banquet, Jan. 4, 2003; Former SALT Co-President Margaret Montoya and Grutter student intervenors. Lower photo group, clockwise from top left: Honorees Bryan Stevenson and Stephen Bright; Honorees Mari Matsuda and Chuck Lawrence and their families; Former AALS Presidents Deborah Rhode and Elliott Milstein; Honoree Mari Matsuda and family; SALT Co-President Paula Johnson and family; SALT Co-President Michael Rooke-Ley and honoree Bryan Stevenson

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