

# The **EQUALIZER** **SALT**

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Society of American Law Teachers

September 1997

## **SALT LAUNCHES "ACTION CAMPAIGN" FOR DIVERSITY**

– Sumi Cho  
DePaul University  
College of Law

Last April, the SALT Board unanimously adopted a multi-year "Action Campaign" crafted at the CUNY "Haywood Conference" to reconstruct merit and affirm diversity in legal education. The Board also agreed to further the Action Campaign by organizing two sets of activities coinciding with the Association of American Law Schools annual meeting in San Francisco, January 6-10, 1998. First, a series of representational displays will visually depict the successes of affirmative action in diversifying legal education. The second activity will give law teachers the opportunity to embody their commitment to diversity in legal education by participating in a march. It is hoped that the January activities will represent a collective, catalytic act of civic courage to counter the rising tide of race-based reaction.

Given the magnitude of the planned activities, Board members Margaret Montoya (New Mexico) and Sumi Cho (DePaul) invited people interested in working on Taskforce #3, Legal and Political Resistance [see Action Campaign flow chart, page 6 herein] to convene in San Francisco and Berkeley for a series of five meetings over three days in July.

### **Enthusiastic Support from Local Civil Rights Groups**

At noon on Friday, July 25th, Taskforce #3 coordinators focused upon gaining support and input from Bay Area organizations that have been active on the issue of affirmative action. Martha Jimenez (MALDEF) and David Oppenheimer (Golden Gate) drew upon their local contacts from the leading organizations that formed the anti-

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## **SALT TEACHING CONFERENCE "Reconceiving Legal Pedagogy: Diversity in Classroom, Clinic, Theory and Practice"**

September 26-27, 1997  
Washington, DC

– Jane Dolkart  
Southern Methodist University  
Law School

From its beginning, a central mission of SALT has been the effective education of law students to become progressive, socially conscious lawyers who care and think critically about the effect of law on our institutions and the lives of individuals, as well as about the power of institutions and individuals to shape the law. Diversifying law school student bodies and faculties and transforming the curriculum are fundamental to that mission. Intensified attacks on affirmative action, including California's Proposition 209 and the Fifth Circuit's decision in *Hopwood v. State of Texas* led to the April SALT Conference "Affirming Action and Reconstructing Merit." The conference brought a new energy and sense of urgency to SALT's efforts to reconstruct and redefine the debate about diversity. A SALT Action Campaign was developed, the goal of which is to expand diversity within law schools by reexamining not only who should be admitted to law school, but also what and how they should be taught.

The SALT Teaching Conference is conceived as a part of this reexamination. It will be held on Friday and Saturday, September 26 - 27 at the

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President's Column . . .



## TURNING BACK THE CLOCK TO "SWEATT V. PAINTER"

— Linda S. Greene  
University of Wisconsin  
Law School

Will legal education turn the clock back to *Sweatt v. Painter*? Current events at Texas and Berkeley raise this question. Though the Supreme Court has not repudiated *Bakke*'s pro-diversity ruling, the shock waves of *Hopwood*, Proposition 209 and the California Board of Regents anti-affirmative action policy are rippling through legal education. And though *Piscataway* is a Title VII case and its layoff facts are far removed from the issues we face, the legitimacy of racial diversity will be a key question in the public debate, if not in the decision itself. We can neither run nor hide from the questions whether segregated legal education and the exclusion of minorities from the legal profession are consistent with our constitutional and moral values. The prospect of law school classes with few or no African-Americans and Latinos prompt simple shock. It should also prompt a renewed and reenergized debate on the relationship between diversity and the merit of a legal education.

The very title of our teaching conference at CUNY in April, "Affirming Action and Reconstructing Merit," communicated two clear priorities for both SALT and legal education. First, we must reconstruct existing notions of merit. Some of our conceptions stand in the way of diversity and are relied upon to explain away the lack of diversity in our student and professorial populations. This is not new. The presumption of black and minority inferiority justified their exclusion from legal education until *Sweatt*. What experiences and skills must potential students possess in order to study law to serve the people of this country and the world? What are the characteristics of the law school community which best prepare students to meet the challenges of justice in the 21st century? How we frame – reconstruct – the question of merit is crucial.

Second, SALT also affirms an action role for us beyond mere reaction to disappointing events. In September of last year we began planning a series of activities to focus attention on the importance of diversity in legal education. We emphasized diversity at our SALT Awards Dinner when we honored the lives of **Haywood Burns** and **Shanara Gilbert**, as well as at our very successful Cover Study Group meeting, "Meritocracy and the Law School Culture." Our teaching conference at CUNY included both analytical and action emphases. We formed working groups which will focus on action we can take to influence decision-makers and policy choices. Our teaching conference later this month, "Reconceiving Legal Pedagogy: Diversity in the Classroom, Clinic, Theory and Practice," will continue this diversity theme. We invite all SALT members and supporters of diversity to work and support us (with your dues and financial contributions) and work with us to maintain and strengthen the relationship between legal education institutions and the increasingly diverse population of our country.

These are challenging times for legal education, but no more so than in 1950. That was the year **Herman Sweatt** and **Thurgood Marshall** asked the Supreme Court to declare separation unequal in legal education. It is tempting to look solely at the victory, but, as important as victory was, the prior proactive campaign to expose the fraud of "separate but equal" education provided the real historical lesson. Before the Supreme Court decides whether legal education institutions may pursue diversity goals, legal education must strongly reaffirm the value of diversity and inclusion and the relation of diversity and inclusion to legal justice in America. We owe this to current and future generations, and we owe it to Mr. Sweatt's generation, too. ■



## **1997-1998 SALT CALENDAR**

Friday, September 26th - Saturday, September 27th

**SALT Teaching Conference**

*"Reconceiving Legal Pedagogy: Diversity in the Classroom, Clinic and Practice"*

**American University, Washington D.C.**

Contact: Program

Alice Bullock, Howard University  
(202) 806-8090; [abullock@law.howard.edu](mailto:abullock@law.howard.edu)  
Carol Chomsky, University of Minnesota  
(612) 625-2885; [choms001@maroon.tc.umn.edu](mailto:choms001@maroon.tc.umn.edu)  
Karen Czapanskiy, University of Maryland  
(410) 706-2516; [kczapans@law.umab.edu](mailto:kczapans@law.umab.edu)  
Jane Dolkart, Southern Methodist University  
(214) 768-4396; [jdolkart@post.cis.smu.edu](mailto:jdolkart@post.cis.smu.edu)

Arrangements

Ann Shalleck, American University  
(202) 274-4152;  
[shalleck@wcl.american.edu](mailto:shalleck@wcl.american.edu)

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Sunday, September 28th

**SALT Board of Governors Meeting • 9am-4pm**

**American University, Washington D.C.**

Contact: Agenda

Linda Greene,  
University of Wisconsin Law School  
(608) 262-6351; [lsgreene@facstaff.wisc.edu](mailto:lsgreene@facstaff.wisc.edu)

Arrangements

Ann Shalleck, American University  
(202) 274-4152;  
[shalleck@wcl.american.edu](mailto:shalleck@wcl.american.edu)

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Tuesday, January 6th - Saturday, January 10th

**1998 AALS Meeting, San Francisco, CA**

Tuesday, January 6th

**SALT Board of Governors Meeting • 4pm-8pm**

Contact: Linda Greene,  
University of Wisconsin Law School  
(608) 262-6351; [lsgreene@facstaff.wisc.edu](mailto:lsgreene@facstaff.wisc.edu)

Wednesday, January 7th

**Cover Study Group • 8pm-10 pm**

Contact: Joyce Saltalamachia,  
New York Law School  
(212) 431-2360; [nylawsch@class.org](mailto:nylawsch@class.org)

Friday, January 9th

**SALT Awards Dinner • 6pm-10 pm**

Contact: Joyce Saltalamachia, New York Law School  
(212) 431-2360; [nylawsch@class.org](mailto:nylawsch@class.org)

**[ALL AALS DATES AND TIMES ARE TENTATIVE PENDING AALS CONFIRMATION]**

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April, 1998

**Cover Conference on Public Interest Law**

Contact: Steve Wizner, Yale Law School  
(203) 432-4800;  
[wizner@mail.law.yale.edu](mailto:wizner@mail.law.yale.edu)  
Aviam Soifer, Boston College Law School  
(617) 552-4340;  
[soifera@hermes@bc.ed](mailto:soifera@hermes@bc.ed)

May 3rd

**SALT Board of Governors Meeting  
University of Miami Law School**

*[immediately following the May 1st-2nd Lat Crit Conference]*  
Contact: Stephanie Wildman, University of San  
Francisco School of Law; (415) 422-6504;  
[wildmans@usfca.edu](mailto:wildmans@usfca.edu)  
Phoebe Haddon, Temple University  
School of Law; (215) 204-8974;  
[phaddon@vm.temple.edu](mailto:phaddon@vm.temple.edu)



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Prop 209 coalition. Twelve people from eight organizations were represented at the meeting, including the American Civil Liberties Union of Northern California, Asian Law Caucus, Bar Association of San Francisco, California Minority



Counsel Program, Chinese for Affirmative Action, Equal Rights Advocates, Lawyers Committee for Civil Rights, and the Mexican American Legal Defense and Education Fund.

SALT representatives shared the history of the organization's commitment to diversity in legal education, which was already well-known to many in attendance. After laying out the historic mission and current Action Campaign, taskforce coordinators solicited support and input for the January march and visual displays. **Angelo Ancheta** (Asian Law Caucus, executive director) expressed confidence that SALT would be able to garner a number of endorsements from local civil rights organizations for the march. **Drucilla Ramey** (BASF, executive director) suggested that SALT members draft a resolution describing the January march that could be forwarded to local organizations and the 35 Bay Area bar associations for a broader set of endorsements. **Kimberly Pate** (Equal Rights Advocates, staff attorney) reminded



us to seek out and pay particular attention to admissions data broken down by race and gender. **Dorothy Ehrlich** (ACLU of Northern California, executive director) and **Oren Sellstrom** (Lawyers Committee for Civil Rights, staff attorney) added practical logistical suggestions regarding possible routes for the January march.

The meeting between SALT and the assembled group representatives established a foundation for possible future interactions. **Ted Wang**

(Chinese for Affirmative Action, employment director) offered a mutually beneficial suggestion. He proposed a formalized networking system of law faculty and community groups to link students interested in social justice internships with progressive organizations, an excellent idea that we promised to forward to Taskforce #2 on Social Justice Curriculum and Practice.

After thanking all the participants for their time and input, SALT Board members left to prepare for the next dinner meeting, energized by the warm reception and encouragement offered by attendees.

### Challenges Ahead – Hard Choices for the Boalt Community

The next meeting focused on bringing together members of the UC Berkeley Boalt Hall community to strategize a progressive course of



action in light of the recent setbacks to minority admissions through the UC Regents' SP-1 and SP-2 and Proposition 209. Twenty people, almost evenly

divided among former alums who had been active in the Coalition for a Diversified Faculty (CDF) in the 1980s and 1990s, current students involved in CDF and in drafting the New Directions in Diversity (NDD) report, Boalt faculty **Ian Haney-Lopez**, **Angela Harris**, **Rachel Moran**, and **Eleanor Swift**, and SALT Board members **Keith Aoki** (Oregon), **Anthony Farley** (Boston College), **Cho, Harris**, and **Montoya** met in the home of Boalt alum **Annamaria Loya** (La Raza El Centro Legal, staff attorney). In order to help facilitate an atmosphere for candid discussion, analysis and sharing, the meeting started at 7:00 pm with a tasty, organizer-friendly home-cooked meal.

The meeting opened with the SALT presentation of the overall Action Campaign and January activities. Toward the end of the initial presentation, **Marvin Peguese** (Boalt 2L and co-author of the NDD report) asked whether SALT had considered not using the term "affirmative action" in light of the lack of tolerance for the term expressed by California voters and the need to use more palatable language in order to build a new majority to reformulate admissions procedures. Marvin's



important strategic question was debated and revisited throughout the weekend.

To open the next agenda item, Boalt faculty presented their outreach, admissions, recruitment and curricula ideas to maintain student diversity in light of the strictures imposed by Prop 209's prohibition on the use of race-conscious admis-



sions criteria. CDF veterans Anna Loya and Ana Martinez (Upward Bound program coordinator, Napa Valley College) questioned whether recruitment and outreach programs were adequate given the moral crises presented by the passage of Prop 209 and Prop 187, and placed on the table the issue of whether Boalt faculty would consider calling for non-compliance with Prop 209. This question led to discussions over the next few days that helped to reveal and clarify strategic convergences and divergences among the various constituencies at the meeting. Kaaryn Gustafson (Boalt 2L, NDD report co-author, CDF) wisely suggested that the



group take a short break to re-establish more personal contact with one another. Boalt faculty, alums, students and SALT members took this time to air opinions in smaller groups in an attempt to understand and bridge strategic differences.

Angela Harris provided synthesizing comments on the differing perspectives and interests of those working at Boalt as teachers and those outside of the institution, but emphasized that the



common goal of reframing the question of merit, devising progressive admission policies and diversifying the student/faculty composition could go forward with multiple complementary strategies. With her "agree-to-disagree" / "let-a-thousand-flowers-bloom" exhortation that meaningful coalition work is often hard, the group moved onto the final agenda item of student-alum

concerns.

Current students who had authored an impressive 100+ page report on alternative admissions wanted input on their local organizing plans with a Bay Area group of Boalt alums and students called together by Eva Paterson (LCCR, executive director) under the name of Protecting and Recognizing the Importance of Diversity in Education (PRIDE). In this last segment, Peguese

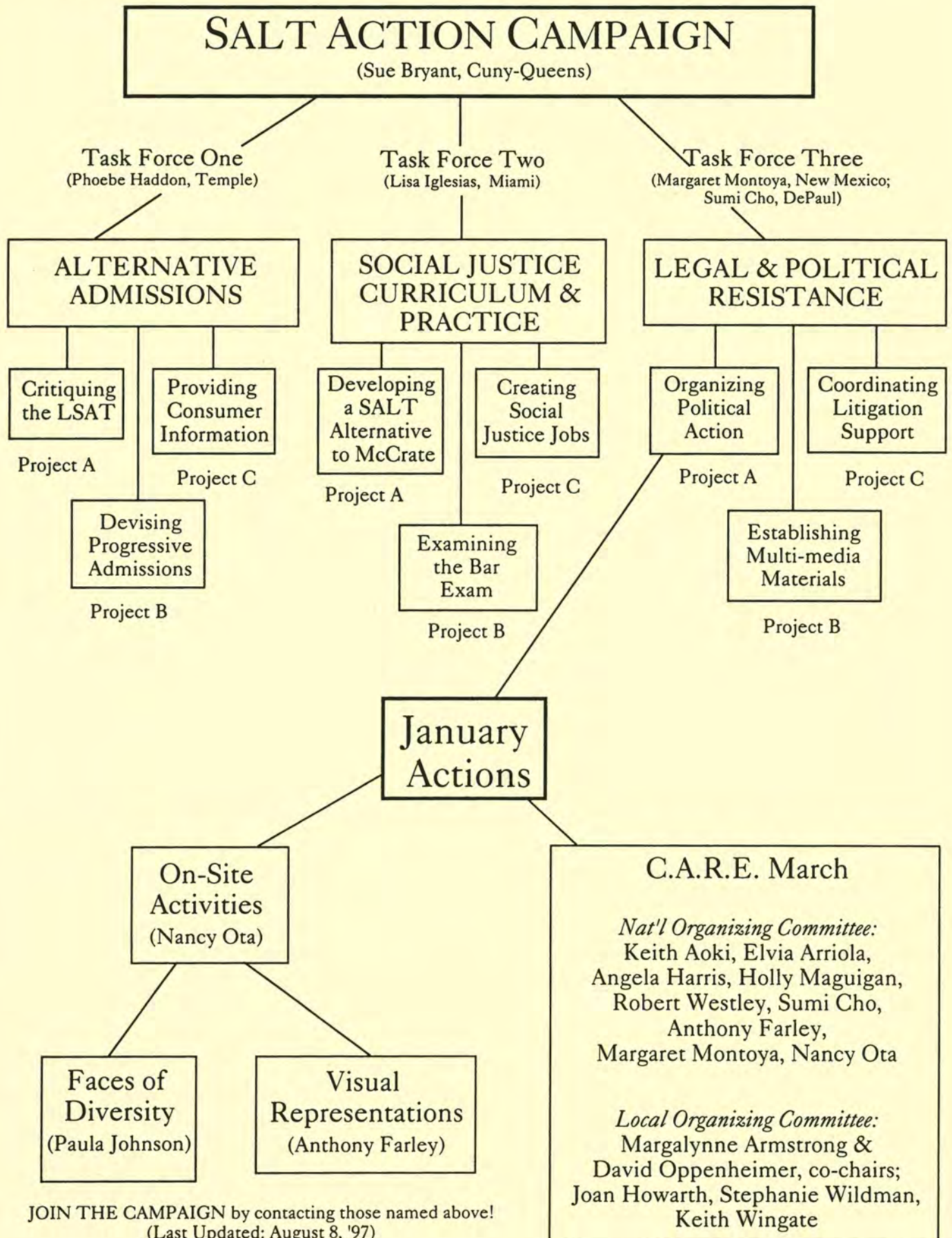


laid out the overall structure established by the PRIDE student-alum group and its four working groups: 1) Dialogue, 2) Media, 3) Alumni, and 4) Direct Action. He provided the history of the newly-formed PRIDE organization, which has met three times over the last month with 150+ attendees at a very successful meeting just two days prior. Lisa Belinky (Boalt 2L, CDF) announced that there would be a noontime rally on the first day of class at Boalt on Monday, August 18th in the courtyard. Boalt alums and former CDF members offered support and suggestions and inquired into the state of student organizing and the base of support for NDD/CDF/PRIDE activities at the school.

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The official agenda items were not exhausted until 11:30 pm, well after the initially allocated hour and one-half for the meeting. As a testament to the commitment, energy and vitality of the participants, everyone stayed until the formal conclusion of the agenda items, with a smaller group of



students, alums and SALT members remaining well into the early hours of Sunday morning to continue discussions, strategize and, of course, clean up.

### Board Members Map Out Long- and Short-Term Strategic Planning

Six SALT Board members (Aoki, Cho, Farley, Harris, Montoya, Wildman), joined by Critical Race Theory Workshop volunteers Nancy Ota (Albany) and Robert Westley (Tulane, New Orleans) [see Critical Race Theory Workshop endorsement, page 9 herein], tackled a full day's agenda beginning at 9:00 am on Saturday, July 26th at Boalt Hall. **Stephanie Wildman** (San Francisco) chaired the morning discussion on long-term strategic planning for the overall Action



Campaign. Board members updated Stephanie on the previous evening's question regarding use of the term "affirmative action" in the SALT campaign which led to an extended discussion of the proactive goals and objectives for the campaign.

Prior to the lunch break, the group addressed strategic planning for the January AALS meeting, starting with the various proposals for

the visual displays. The displays are intended to represent the successes of affirmative action and diversity in law school classrooms. The group brainstormed and eventually endorsed two visual display proposals: one based upon a chart produced previously by **Paula Johnson** (Syracuse) reflecting the changing face of graduating classes at particular law schools and the other suggested by **Anthony Farley** (Boston College) depicting the pre- and post-affirmative action racial composition of law students nationally using jars of colored jelly beans. **Nancy Ota** volunteered to coordinate both visual display projects.



**Phoebe Haddon** (Temple) joined the group after lunch and chaired the afternoon discussion on the January march. The group identified Thursday, January 8th, 10:15 am to 12:15 pm, as the



tentative time for the march. The afternoon brainstorm for a name yielded more promising suggestions than the morning session, but no consensus agreement. The Saturday group did agree that the march would not involve arrests or civil disobedience, but that the emphasis would be on embodying collective action as law teachers, our commitment to education and the importance of diversity to fulfilling that commitment.

### Local SALT Members Join the Campaign

SALT members from local Bay Area schools joined the discussion in the afternoon. After the recap of the overall campaign and weekend meetings, we turned to the issue of outreach and pub-

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licity. **Joan Howarth's** (Golden Gate) estimate of 200 law faculty as a reasonable target goal for march participation coincided exactly with the number offered by **Keith Wingate** (Hastings).



**Maria Ontiveros** (Golden Gate) reminded us not to ignore the progressive community support available in the Bay Area and volunteered to reach out to local labor organizations.

Participants re-voted the issue of whether to use the term "affirmative action" in the aftermath of Prop 209. On the basis of the Friday and Saturday discussions, Board members recommended proceeding with the use of affirmative



action language where needed, with the proviso that we would check in with Bay Area faculty and students on issues of local outreach and publicity.

At the conclusion of the Saturday session, we had a local organizing committee for the march in place charged with coordinating logistical details and local outreach/support. Previous volunteers **Margalynne Armstrong** (Santa Clara) and **David Oppenheimer** will serve as co-chairs, joined by committee members **Joan Howarth**, **Stephanie Wildman** and **Keith Wingate**. The national march

committee includes **Aoki**, **Cho**, **Farley**, **Harris**, **Montoya**, **Ota** and **Westley**. We adjourned after identifying the work groups and division of labor that we needed for the final day on Sunday.

### Rolling Up Our Sleeves . . . Ideas Into Action

The final session and work meeting on Sunday, July 27th started at 10:00 am. The first order of the day was the unfinished business of naming the march. After a productive brainstorm-



ing session, **Robert Westley** provided the consensus proposal – **Communities Affirming Real Equality (C.A.R.E.) March**. After agreeing on the name, we divided into specific work groups and clarified our planning responsibilities for the weeks ahead. We adjourned, energized and exhausted, at 2:30 pm.

Upon her return to New Mexico, **Margaret Montoya** summed up the weekend by remarking that "it was lots of work and there were certainly tense and frustrating moments." "But overall," she concluded, "the weekend was wonderful. By working together we really do form ourselves into



a tight community. We shared stories, ate some great food and laughed ourselves silly while achieving our goals. I feel fortunate to have been there and to have been part of the work." ■



*continued from page 1 - SALT Teaching Conference*

Washington College of Law, American University in Washington, D.C. Any such reevaluation must be premised on an exploration of the habits of mind, skills and values that are needed in the legal profession. Mindful that clients, witnesses, judges, lawyers, and other participants in the legal process are diverse in race, class, disability, sex, and sexual orientation, the conference will continue SALT's examination of legal pedagogy and the development of innovative teaching methods that reflect the values of diversity and effective representation of all in society. The conference will explore the intersecting ways in which various perspectives, such as critical race theory, feminist theory and clinical theory can help us to construct new forms of legal education, in both classroom and clinical settings, based on our evolving understanding of what it means to be a "good" lawyer. The conference is designed to further break down the barriers that separate us in our work as teachers in order to help us in the task of creating a legal pedagogy that enables a diverse student body to provide legal services in many practice settings to all in our society.

The conference will give participants opportunities to examine various teaching methods in relationship to institutional issues of diversity. There will be several plenaries in which common themes will be introduced. In concurrent sessions divided by subject matter area, participants will be able to see examples of teaching that integrate different methods in presenting issues of diversity. The heart of the conference will be the small groups which will meet at various times throughout the conference. Each small group will develop a class or a portion of a class that draws upon diverse teaching methods and that presents an issue related to diversity. The small groups, comprised of both classroom and clinical teachers, will be facilitated by two teachers with experience in using a variety of teaching methods and in addressing issues of diversity. Participants will be able to choose a small group in a subject matter area with which they are familiar or a group that crosses subject areas.

Additionally, the conference will focus on the SALT Action Campaign in a plenary addressing how we can use our positions of academic privilege to engage in activism. The plenary will also describe the status of the various task forces of the Action Campaign. This will be followed by conference participants' attendance at one of the various working groups within the campaign.

The conference promises to be exciting and thought provoking. There are over eighty participants confirmed, representing some of the most thoughtful and innovative teachers among us, and

enormous diversity in the broadest sense of that word. The Planning Committee hopes to see you all in Washington, D.C. on September 26-27.

By now, you should have received your registration materials. The Conference Committee members are **Alice Bullock**, Howard University; **Carol Chomsky**, University of Minnesota; **Karen Czapanskiy**, University of Maryland; **Ann Shalleck**, American University; and myself. If you have any questions, please contact one of us. ■



## **NINTH ANNUAL CRITICAL RACE THEORY WORKSHOP ENDORSES SALT ACTION CAMPAIGN**

— Margalynne Armstrong  
*Santa Clara University  
School of Law*

Unfazed by the swelter of New Orleans in June, an intrepid group of critical race scholars and fellow travelers made a commitment to action at the 9th Annual Critical Race Theory Workshop, held at Tulane University. During a plenary session entitled "Organizing Resistance," workshop participants unanimously voted to support the SALT Action Campaign to combat the backlash against diversity and the evisceration of affirmative action programs in the nation's law schools and colleges.

Critical Race Theory workshops have been held yearly since 1989, serving as an important resource for scholars writing in the area. The workshops traditionally include panel presentations, discussion groups and critiques of works-in-progress. A significant number of workshop participants, both past and present, are active in SALT. This year's group determined it imperative to expand the workshop's traditional focus by planning specific action to respond to the threat that the diversity backlash poses to the future of critical race scholarship.

One of the immediate steps that participants agreed to take was to recruit colleagues to take part in SALT's "Communities Affirming Real Equality" (CARE) March in January, coinciding with the Association of American Law Schools annual meeting. Conference attendees identified challenging the role and use of the LSAT in law school admissions as a priority project. Critical race scholars viewed their active participation in the SALT Action Campaign as a worthwhile means of carrying on the work of the Workshop year-round. ■



*For members' consideration and vote at the SALT Teaching Conference  
(Sept. 26-27, 1997, American University, Washington, DC)*

## **RESOLUTION IN SUPPORT OF THE SALT C.A.R.E. MARCH** **"COMMUNITIES AFFIRMING REAL EQUALITY"**

Thursday, January 8, 1998  
San Francisco, CA

### **PREAMBLE**

The Society of American Law Teachers (SALT) is an organization of over 700 law professors committed to ensuring that legal education and the legal profession engage the task of promoting social justice. Diversifying law school student bodies and faculties, transforming law school curricula and promoting legal services for underserved groups have always been central components of that mission. SALT's Board of Governors has responded to the most recent wave of assaults on affirmative action by launching a multi-year ACTION CAMPAIGN to reframe the public debate and reaffirm the legitimacy of race- and gender-conscious criteria to increase access and opportunity in law school admissions and throughout the legal profession.

The ACTION CAMPAIGN has its origin in a collective judgment that the ongoing backlash against the relatively modest advances in providing equal opportunity warrants an immediate response. While we must never forget the great courage and personal sacrifices of those involved in earlier struggles for racial justice who worked to advocate for affirmative action, we must also remember that affirmative action fell far short of the comprehensive and fundamental reforms that they even then had envisioned. It is also important to understand that the rhetoric of backlash tends to obscure how conservatives originally forged affirmative action in order to divert and limit movements fighting racial and other forms of structural, institutional, and social discrimination. By launching this campaign, SALT refuses to ignore the fact that the United States is still a racist society. By taking action, we pay tribute to the long history of struggles against racism in this country.

While we commit ourselves to the long-term, formidable task of combatting racism, we also acknowledge the connections among all forms of oppression that exclude us from equal citizenship. Moreover, attacks on affirmative action, immigration, welfare, and gay and lesbian equality must be understood as interrelated, mean-spirited policies of exclusion. Therefore, each struggle against Prop 209, Prop 187, the "Welfare-to-Work" law, or the Defense of Marriage Act must be seen as part of a larger movement for social transformation and justice.

The ACTION CAMPAIGN targets retrenchment in the legislatures, courts, universities/colleges, and in society at-large. SALT is uniquely situated to play a significant role in promoting effective responses by working with our constituencies in legal education as well as with legal, political and community advocacy groups engaged in this struggle.

### **RESOLUTION TEXT**

- 1) WHEREAS, affirmative action fights America's seemingly intractable legacy of racism and white privilege and moves toward the fuller inclusion of people of color and women;
- 2) WHEREAS, affirmative action has been pivotal in moving us from an era of virtual white, male monopoly of law school admissions twenty-five years ago (1971-72), when enrolled law students were 93.9% white and 90.61% male; and
- 3) WHEREAS, affirmative action remains, as yet, one of the only social programs to address the historic gender and ongoing racial imbalance in law school admissions, where even as late as 1996-97, whites comprise 80.35% of all U.S. law students; and
- 4) WHEREAS, California's Proposition 209, the Fifth Circuit's decision in *Hopwood v. University of Texas*, the University of California (UC) Regents' resolutions SP-1 and 2, and proposed federal anti-affirmative action legislation constitute policies that result in the exclusion of peoples of color from meaningful participation in American society; and
- 5) WHEREAS, under the new anti-affirmative action policies, for

example, UC Berkeley's Boalt Hall School of Law will enroll at most one African American student this year, down from 20 last year; UC San Diego's Medical School will enroll 5 Latina/os down from 16 the previous year, and did not admit even one of the 27 Native Americans who applied; the University of Texas law school will enroll 4 African Americans and 21 Latina/os, down from last year's class of 31 African Americans and 42 Latina/os; and

6) WHEREAS, although anti-affirmative action policies may benefit certain Asian American groups episodically in the short-term, it is still a fact that Asian Americans have benefitted more than any other racial group from affirmative action efforts in law school admissions in the last 25 years; furthermore, the short-term benefits from anti-affirmative action policies diminish neither the institutionalized racism perpetuated by the over-reliance upon standardized tests nor the moral culpability of those who seek to engage in divide-and-conquer racial politics; and

7) WHEREAS, studies confirm that there is little or no significance between high LSAT scores and likelihood of law school graduation, bar passage, and/or success in the practice of law such that the Law School Admissions Council (LSAC) which develops and oversees the LSAT test consistently cautions law schools against over-reliance upon exam scores in admissions decisions; and

8) WHEREAS, allegedly "color-blind" admissions policies that over-rely on standardized tests impose a self-serving conception of merit that penalizes the poor, people of color, and women to the benefit of those who are wealthy, white, and male; and

9) WHEREAS, such socially regressive policies threaten the integrity of American legal education by creating stale, racially-exclusionary educational environments; and

10) WHEREAS, the immediate and symbolic resegregation of public law schools in California and Texas as a result of anti-affirmative action policies poses a particular challenge and responsibility for justice-minded teachers of law;

THEREFORE BE IT RESOLVED, that the Society of American Law Teachers endorses a collective reaffirmation of diversity and commitment to reconstruct merit, and thereby urges all its members to participate in the "Communities Affirming Real Equality" (CARE) March, on Thursday, January 8, 1998 in San Francisco.

BE IT FURTHER RESOLVED, that in solidarity with other groups and individuals committed to social justice, SALT's President will forward a copy of this resolution inviting them to endorse and join us in this march. Such groups and individuals include but are not limited to American Bar Association President Jerome Shestack, AALS President John Sexton, LSAC Executive Director and President Philip Shelton, law school deans, and Bay Area as well as national civil rights groups and community organizations.

BE IT FINALLY RESOLVED, that on behalf of the organization, SALT's President will forward a copy of this resolution to California Governor Pete Wilson, the UC Regents, Members of the Fifth Circuit, and Texas Attorney General Dan Morales and other public policy makers.

### ***We Won't Go Back!***

*To suggest amendments to the resolution prior to the SALT Teaching Conference September 26, please e-mail the SALT Board at [salt@scuacc.scu.edu](mailto:salt@scuacc.scu.edu).*

*SALT welcomes organizational or institutional endorsements of the march. To request a version of this resolution for endorsement purposes, please contact Margaret Montoya by e-mail: [montoya@libra.unm.edu](mailto:montoya@libra.unm.edu) or phone: (505) 277-3010.*



# SOCIETY OF AMERICAN LAW TEACHERS

## Communities Affirming Real Equality

### "CARE" March

I, (s) \_\_\_\_\_, will join the SALT CARE March  
on Thursday, January 8, 1998, to demonstrate my commitment to  
maintaining and expanding diversity in legal education.

Name \_\_\_\_\_  
School \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_  
Zip \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_  
SALT Member? ☐ Yes ☐ No

SALT encourages march participants to wear  
academic regalia to convey a collective commit-  
ment to action as law teachers.

**CHECK ONE:**

- ☐ I own academic regalia and will bring it to  
the march.
- ☐ I will rent academic regalia on site. Enclosed  
is my \$20 check for the rental fee.  
Height \_\_\_\_\_ Cap Size \_\_\_\_\_  
Institution \_\_\_\_\_  
Highest Degree \_\_\_\_\_
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