

The **EQUALIZER** **SALT**

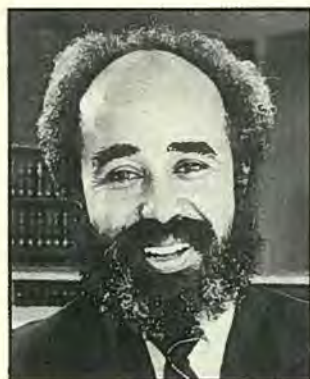
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HAYWOOD BURNS AND SHANARA GILBERT TO RECEIVE SALT AWARDS IN WASHINGTON, D.C.

– Joyce Saltalamachia
New York Law School



SALT's Annual Awards Dinner at the AALS yearly meeting is the occasion for SALT members to gather together in a spirit of camaraderie to honor an individual for lifelong service and teaching in legal education. This year, the SALT Teaching Award will be given posthumously to **W. Haywood Burns**, former Dean of CUNY Law School and tireless advocate of under represented citizens everywhere, who died earlier this year in an automobile accident in South Africa. In addition, SALT will present a new award, the SALT Human Rights Award, to **M. Shanara Gilbert**, Associate Professor of Law at CUNY Law School, who also lost her life in the same automobile accident.

From the time that he first integrated the swimming pool in Peekskill, New York at age 15, until his death, Haywood Burns's life symbolized his devotion to ending oppression and exploitation of minority citizens and eliminating injustices throughout the legal system. Haywood's career encompassed an astonishing number of causes and projects. He spent time registering voters in the

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SALT TO HOST MAJOR CONFERENCE IN APRIL: The Law School Culture and Concepts of Meritocracy

– Michael Rooke-Ley
Nova Southeastern University
Law Center

It has been a bleak year for people committed to integration and diversity. In March we lost our friend and long-time Board member, **Haywood Burns**. In June the Supreme Court declined to review the Fifth Circuit decision, *Hopwood v. The University of Texas*, that effectively "reversed" *Bakke* for public schools in that circuit. In November, the voters of California approved a broad initiative condemning efforts to promote

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EXCITING AND CHALLENGING WORK AHEAD

— Linda S. Greene
*University of Wisconsin
Law School*

Greetings! We have a lot to be excited about and a great deal to do in the coming year. Our Board has been focused on future planning, and a part of that process is the election of new Board members. Our Membership and Board Nominations Committee, co-chaired by **Phoebe Haddon** and **Cynthia Bowman**, developed a list of excellent and diverse potential Board candidates. You elected the following persons to serve on the SALT Board of Governors until January 2000. They are: **Rennard Strickland**, **Avi Soifer**, **Ann Shalleck**, **Lisa Ikemoto**, **Elvia Arriola**, **Steve Wizner**, **Wendy Brown-Scott**, **Sharon Hom**, **Keith Aoki**, **Juan Perea** and **Elizabeth Iglesias**. We are indeed fortunate to have these wonderful people on our Board and look forward to including them in our work.

We have also included on pages 7 & 8 a 1997 calendar so that you can plan to participate in as many SALT events as possible. I've noted the names of Board members who have assumed primary responsibility for many of these events. Do not hesitate to call, fax, or email them to make suggestions and provide feedback. Better yet — why don't you get directly involved in our work. We need you more than ever.

The challenges to the diversification of American institutions continue, and the *Hopwood* case is just one example of a theme — perhaps worst exemplified by California's Proposition 209 — of resistance to an inclusive and pluralistic vision of American life. Our September Hopwood Emergency Meeting [see page 6 herein] laid a strong foundation for the upcoming Hopwood Conference on April 11-12, 1997, in New York. The planners of the Emergency Conference — **Phoebe Haddon**, **Sylvia Law**, **Pat Cain**, and others — brought together SALT members, civil rights specialists, law school admissions professionals, and others to study *Hopwood* and identify the important issues and questions to be addressed at the April Conference. We agreed that success in maintaining and increasing the diversity of the legal profession would be possible through proactive and visionary work by SALT, in coalition with other groups and individuals. The Hopwood Conference in April will provide such an opportunity.

SALT events at the AALS Annual Meeting certainly reinforce our concerns about inclusion,

diversity and justice in law school admissions. The Cover Study Group will meet to discuss "Meritocracy and the Law School Culture." Our Annual SALT Awards Dinner will celebrate and posthumously honor the lives of **Haywood Burns**, former Dean of CUNY Law School, who devoted a substantial part of his life to the diversification of the legal profession, and **Shanara Gilbert**, also of CUNY, for her many contributions, including her work to expand access to legal education in South Africa. Do not miss these events; see page 7 for details.

The new year is approaching, and it's time to make New Year's Resolutions and to give gifts. Among your many self-promises, please resolve to bring just one new person into the SALT membership (or give a gift of membership if you are feeling especially festive). Also, the best gift for me would be your work with us on at least one SALT event this year.

I look forward to seeing you in D.C. Take care until then. ■



"FIRST MONDAY" PROGRAMS AT OVER 130 LAW SCHOOLS

— Ann Shalleck
*American University
College of Law*

October 7, 1996 marked the third annual *First Monday in October* celebration, a national public interest law event organized by the Alliance for Justice, SALT, and other progressive organizations. Over 130 law schools, bar associations and law firms nationwide participated in *First Monday*, which is designed to build a national network of students and public interest advocates dedicated to promoting and protecting equal justice.

This year's program highlighted the political pressures on judges and celebrated the courage of those judges who have brought to their work a progressive vision of a just and humane society. The Alliance produced an inspiring video entitled *Profiles in Judicial Courage*, which chronicled the actions of Federal District Court Judges **William Dwyer**, **William Wayne Justice**, and **Thelton Henderson** and Court of Appeals Judge **Rosemary Barkett**, all of whom have withstood intense community and political hostility in implementing their judicial visions.

Building upon the themes of the video, numerous SALT members organized local events

stressing the importance of diversity in the dialogue about justice and fairness. For example, the Rutgers School of Law, in conjunction with Seton Hall Law School and the Center for Social Justice Public Interest Law Center of New Jersey, held a *First Monday* program entitled *Judicial Independence and Partisan Politics*. More than 175 people attended the event, organized by Professors **Frank Askin** and **Nadine Taub**. Following a screening of the video, Judge **Nicholas H. Politan** of the U.S. District Court for the District of New Jersey deliv-

"[L]egislators and other politicians have been using the media as a bully pulpit, criticizing perfectly valid legal decisions, and the judges who render them, in an effort to ride the wave of political sentiment."

ered a stirring speech in which he decried any judge who would "prostitute himself or herself for the sake of public gratitude ... [L]egislators and other politicians have been using the media as a bully pulpit, criticizing perfectly valid legal decisions, and the judges who render them, in an effort to ride the wave of political sentiment." A lively panel discussion concluded the program.

Professor **Carol Chomsky** organized a program for more than 80 students and faculty at the University of Minnesota Law School. Judge **Pamela Alexander** of the Hennepin County District Court addressed the crowd, speaking of her personal confrontations with political encroachments upon the judiciary. Judge Alexander is most noted for her controversial decision in *State v. Russell*, in which she struck down a state statute that implemented mandatory minimum sentences for crack-related crimes because of the racial disparity between sentences for crimes involving crack as opposed to powder cocaine. Judge Alexander stated that after making her decision she regularly encountered death threats and public name-calling and accusations of racial bias. The day the *Russell* decision was announced, Alexander, watching the five o'clock news, heard the reporter say, "Black judge lets out all black drug dealers." Alexander concluded by stating that when a judge "make[s] unpopular decisions, people will say ugly things about you. But the mark of a good judge is being able to stand up and make those decisions when they need to be made."

A University of Tennessee College of Law event, organized by Professors **Dean Rivkin** and

Fran Ansley and third-year law student **Mike Whalen**, and co-sponsored by the National Lawyers Guild and the Tennessee Association for Public Interest Law, consisted of a video screening, a debate over the pros and cons of judicial appointments and judicial election, and a keynote address by former Tennessee Supreme Court Justice **Penny J. White**. White was ousted from the state's high court just two months after she joined in an opinion ordering a new death-sentencing hearing for a convicted murderer. White remarked that "all judges face the challenge of being publicly criticized, ostracized and attacked for decisions they must make. Let us remind the public that a judiciary which looks to another branch of government to be told how to rule on important legal and social issues is not doing [its] job. Let us explain why a judge who publicly promises in advance to rule a certain way on a certain issue is not judging, is not worthy of judging, but is simply politicking. Let us explain to our citizens that the only people who benefit from a judge who looks over his or her shoulder are those who are standing behind the judge at the moment that the judge chooses to look."

By joining with the Alliance for Justice in the development of *First Monday*, SALT is working to bring together progressive academics, students, lawyers and organizers to create a strong and vibrant movement for public interest law that seeks to realize justice and equality within our society. Each year, as *First Monday* events become a regular part of more and more law schools, we contribute to this national effort to create and sustain a progressive legal culture. ■



FULL AGENDA FOR SALT BOARD IN CHICAGO

— Joyce Saltalamachia
New York Law School

The SALT Board of Governors held its regular Fall meeting on September 21, 1996 at Northwestern University School of Law. Twenty-four Board members were in attendance.

The meeting began by President **Linda Greene** and Board members sharing memories of **Trina Grillo**. Board members all commented on how valuable it had been that SALT had honored Trina with our annual SALT Teaching Award two years ago and how everyone wished that we could find ways that SALT could keep the memory of

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Trina's life and work alive. Suggestions included a Trina Grillo Retreat in San Francisco along the lines of the Cover Retreat.

As part of his regular Treasurer's report, **Scott Taylor** shared with the Board his estimation of future SALT budgetary problems. As in the past, our expenditures have been between \$30,000 - \$35,000 per year, but there has recently been a decline in reserve funds due primarily to the fact that we have not held a teaching conference in a few years. Teaching conferences usually increase membership and produce modest revenue. The Board decided that we should keep a reserve of \$50,000 on hand at all times, and any decision to spend down on this amount must come before the full Board.

It was decided that SALT should host a hospitality suite during the AALS Annual Meeting and that Board members would be present in the suite to greet members and prospective members and to provide information about SALT.

In an effort to have Board members take a fresh look at SALT projects and activities, Linda Greene has appointed a number of new or special committees. **Phoebe Haddon**, **Holly Maguigan** and **Cynthia Bowman** reported on plans for the annual Cover Conference. This Committee felt that it was important to preserve the national quality of the Cover Conference rather than attempt to have regional conferences as had been suggested in the past. The Committee recommended continued SALT support provided that there is earlier preparation and more connection to SALT. One of the Conference originators, **Avi Soifer**, reported that the Tenth Annual Cover Conference is planned for March 7-8, 1997. Boston College is taking administrative control for this year, but Avi stated that the Conference is still essentially a student-run activity. It was suggested that there be more student-to-student communications about the Conference as well as more communication directly to the deans of the law schools. There was a discussion about whether the Conference should continue to be student-run. While Avi thought that there were policy considerations for doing it this way, he did acknowledge some inherent inefficiencies. After more discussion, it was decided that basic Cover Conference information should be circulated by November 1, 1997 [did you receive yours?] and that there should be a special pamphlet for the tenth anniversary. Also, information on the Conference will be included on the SALT Web Site.

On behalf of the Committee on Board Nominations and Memberships, it was reported that there have been requests for leaves of absences from two SALT Board members. In one

case, an individual is planning to be out of the country on sabbatical; in another, a Board member felt unable to meet the obligations of Board membership while at the same time preparing for tenure review. Discussion followed about whether leave should be granted automatically or at all. The By-Laws of SALT allow for a member to miss three consecutive meetings without being questioned. This being the case, the Board decided to allow the granting of one-year leaves of absence that would not toll the term of a Board member's appointment (Board members are elected for three-year terms); but after a one-year leave of absence, the Board member no longer would be entitled to the three-meeting absence rule.

For the Publications and Communications Committee, **Frank Valdes** reported that there is now a home page for SALT and that the on-line discussion group for the entire membership is up and running.

The Awards, Conferences and Programs Committee, co-chaired by **Carol Chomsky** and **Joyce Saltalamachia**, is an umbrella committee for several activity-specific committees. On behalf of the First Monday Subcommittee, **Ann Shalleck** reported various concerns about the timing of mailings and some of the details concerning First Monday. At this point, First Monday programs were proceeding at a number of law schools, but SALT Board members agreed to contact individuals at each school to remind them about the importance of having programs during that day. [See Ann's post-First Monday report on page 2 herein.]

The Awards Subcommittee moved that SALT establish a Human Rights Award such as the one to be given next month to **M. Shanara Gilbert**. The Board adopted a proposal to give a SALT Human Rights Award on a continuing, but not necessarily annual, basis. The Cover Study Group Subcommittee had several proposals for a theme for the Cover Study Group, which is held each year at the AALS Annual Meeting. After discussion, it was decided that the theme for the next study group should be "Meritocracy and the Law School Culture" and would look critically at the LSAT as a measure of merit. [See Carol Chomsky's article on page 10 herein.] The Teaching Conference Subcommittee, co-chaired by **Jane Dolkart** and **Karen Czapanskiy**, announced plans for the next teaching conference in the Fall of 1997, entitled "Bridging the Gap Between Clinic and Classroom," at American University in Washington, D.C. [See Carol Chomsky's (other) article on page 12 herein.]

Other items of business at the Board meeting were the approval of a \$5,000 interest-free loan to support the Women and the Law Conference in 1998, SALT support of a new film by **Abby**

Ginzberg, and the placement of an ad in the National Conference of Black Lawyers Conference brochure as a memorial to Haywood Burns and M. Shanara Gilbert.

The remainder of the day was devoted to a discussion of the Hopwood Emergency Meeting held the previous day. [See page 6 herein.] ■



PROPOSITION 209 SIGNALS AN ALL-OUT WAR ON AFFIRMATIVE ACTION

— Stephanie M. Wildman
University of San Francisco
School of Law

SALT's national fight to support affirmative action has recently concentrated on the *Hopwood* case, but now we need to expand our focus. On November 5, 1996, California citizens voted in overwhelming numbers to amend the California Constitution. Proposition 209, the so-called "Civil Rights Initiative," ends public-sector affirmative action programs by banning "preferential treatment" based on "race, ethnicity and gender." The passage of this initiative is expected to encourage similar campaigns nationwide.

SALT members David Oppenheimer (Golden Gate University) and Margaret Russell (Santa Clara University) thanked our membership on behalf of the anti-209 Campaign. The response by SALT members to their fundraising letter raised enough money to buy air time for a 30-second commercial during the Monday night football game on the eve of the election.

Opponents of the measure have filed a lawsuit challenging its constitutionality, while its passage is being hailed by its supporters as a victory for integration. Campaign chair and UC Regent Ward Connerly said, "Voters are saying they really want to change our excessive preoccupation with race. This is not just a question of ending preferences; it's dealing with this obsession with race. This is a step toward us becoming a colorblind society."

Women voted yes on 209, narrowly supporting the measure, 51% - 49%. Men supported it by a fourteen-point margin. Every minority group, including African-Americans, Latino/as, Asian-Americans and Jewish-Americans, opposed the measure. The initiative was most supported by those with incomes over \$100,000 per year, while

those with incomes under \$30,000 opposed it.

The campaign and debate surrounding Proposition 209 demonstrated that the public debate about affirmative action, integration and race in America has failed to transcend sound bites. The proposition was titled the "Civil Rights Initiative," misleading voters throughout the campaign. It even invoked Martin Luther King's dream until the King estate intervened to stop the lies.

Opposition to affirmative action is becoming widely entrenched in American culture, springing from a sense of not wanting special treatment on account of race or sex and of yearning to be judged on our so-called "merit." While these are powerful sentiments, which we all feel at some level, they ignore the realities of life in modern-day, multicultural America. The reality that our lives are very segregated by race was not discussed in mainstream media coverage of the campaign. Residential communities, workplaces, and even our places of recreation continue to be overwhelmingly segregated, unless we are acting affirmatively to change that reality.

We also see a lot of sex segregation, not in living patterns, but in paid and unpaid labor. Recent Bureau of Labor statistics demonstrate that most women in the paid labor force work in only five jobs, including secretary, elementary school

"The passage of this constitutional amendment in California shows that we have our work cut out for us . . ."

teacher and nurse. When we hear the term "women's work," everyone knows what is meant.

Sexual orientation or preference is also rendered invisible in this culture. Ten percent of our population is composed of gays or lesbians, but rarely do we see their families in television programs or advertisements even though they are our colleagues, neighbors and families. We don't see them unless we act affirmatively, unless we remind ourselves to see them.

Crimes of violence against racial minorities, women, gay and lesbian people, and Jews are all on the rise. They have never really gone away. Our societal ideal urges not treating anyone differently because of race, gender or sexual orientation, yet there seems to be a lot of different treatment going around.

The passage of this constitutional amendment in California shows that we have our work cut out for us, nationwide, to educate people about the invisible preferences that this legislation isn't addressing. ■

racial, ethnic and gender diversity.

SALT, in conjunction with CUNY Law School at Queens, will sponsor a conference to be held on Friday and Saturday, April 11 and 12 in Manhattan to address these issues and to honor Haywood Burns. Save the dates!

Plans for the April conference rose out of a highly energetic Emergency Meeting on *Hopwood* that SALT sponsored at Northwestern University in Chicago on September 20th. That meeting began with a discussion of the difficult legal and political situation in the Fifth Circuit. The complexities and ambiguities were revealed through exchanges among Professor **Doug Laycock** of the University of Texas Law School; Dean **Barbara Aldave** of St. Mary's University of San Antonio School of Law; **Ted Shaw** and **Norman Chachkin**, veteran lawyers with the NAACP Legal Defense Fund who had sought, unsuccessfully, to represent minority students in *Hopwood*; and **John Fry**, a lawyer with the U.S. Department of Education, Office of Civil Rights.

The Emergency Meeting then turned to an examination of why we believe that integration and diversity are educationally and politically valuable. **Theresa Cropper**, Director of Minority Affairs at Northwestern University School of Law, provided a poignant, riveting, sad and humorous account of the remarkable work she has done to promote integration at that school, and **Phoebe Haddon** led a discussion probing how diversity relates to the goals of legal education and the mission of the profession.

The leaders of the third session moved us beyond a defense of traditional concepts of affirmative action to a more fundamental exploration of the concept of merit in law school admissions and education. **Lani Guinier** and **Gerald Torres** presented data challenging the assumption that LSAT's and GPA's measure law school performance, much less skill in the practice of law. Representatives from the Law School Admissions Council met informally with some of the participants to explore these issues. **Judy Appelbaum** of the National Women's Law Center shared her experiences of how to communicate effectively about these issues to the general public and political officials. Judge **Leon Higginbotham** offered lessons from a lifetime of personal and professional work on these issues.

Finally, the Emergency Meeting developed

a multi-faceted agenda of concrete work to address these complex issues. People are working to develop materials; put human faces on the benefits of diversity and the contributions of those who have "failed" on standard criteria yet have succeeded in life; create a media strategy; provide support to schools in the Fifth Circuit and educate others about the limited impact of *Hopwood*; present visu-

"Do the traditional measurements utilized for law school admissions, particularly the LSAT, serve as reliable predictors? (and what, exactly, are we seeking to predict?) If not, what are the alternatives? What is our definition of merit? How do our larger concepts of the mission of legal education and the legal profession influence our answers?"

al representations of law schools with and without diversity; and much more.

The April Conference will continue this dialogue. Do the traditional measurements utilized for law school admissions, particularly the LSAT, serve as reliable predictors? (and what, exactly, are we seeking to predict?) If not, what are the alternatives? What is *our* definition of merit? How do our larger concepts of the mission of legal education and the legal profession influence our answers?

The April Conference will also include people with diverse experiences – not just legal educators, but also legal practitioners, social scientists, and others whose work influences (and is influenced by) the resolution of these difficult issues.

Cynthia Bowman of Northwestern University is Chair of the Conference Committee. Other Committee members include **Fran Ansley**, University of Tennessee; **Sue Bryant**, CUNY Law School at Queens; **Pat Cain**, University of Iowa; **Phoebe Haddon**, Temple Law School; **Lisa Ikemoto**, Loyola Law School; **Nadine Taub**, Rutgers Law School, Newark; **Paula Johnson**, Syracuse University College of Law; and **Gerald Torres**, University of Texas. If you are interested in helping to plan this conference, please contact any of these people. In any event, we look forward to seeing you in New York, April 11-12, 1997. ■

continued from page 1 - SALT Awards in Washington, D.C.

South and as a staff attorney for the NAACP; he was chief counsel for The Poor People's Campaign, Reverend Martin Luther King Jr.'s last project prior to his 1968 assassination; he represented **Angela Davis** and was widely known for his defense of Attica inmates.

Haywood graduated from Harvard College with honors and was a 1966 graduate of Yale Law School. He was co-founder and first executive director of the National Conference of Black Lawyers and served as Director Emeritus until his death. In 1963, he wrote The Voices of Negro Protest in America. He was a law clerk for United States District Court Judge **Constance Baker Motley** and served a brief stint with the law firm of **Paul Weiss Rifkind** in New York. During his career in legal education, he was affiliated with a number of law schools throughout the country. He was named Dean of CUNY Law School in 1987 and served in this position until 1994. Upon returning to the classroom in 1994, he taught a number of subject areas, including race and the law, critical race theory and constitutional law. His

*"Haywood . . . was the gentlest of gorillas;
his weapons of choice in storming the
barricades of greed and bigotry were
humor, wisdom and scholarship."*

colleagues at CUNY noted that Haywood always made it a point to know the name of every student, often surprising students with personal greetings in the hall.

Haywood touched the lives of so many people around the world that it would be impossible to do justice to his memory in these few paragraphs. In an obituary published in *The Nation*, it was noted that

Haywood managed always to couch his radical analysis of the injustices of the system toward the poor, blacks, women, Latinos – any group partaking of "otherness" in the view of the establishment – in terms so persuasive, so erudite, so grounded in history and constitutional lore that even the most conservative and racist members of his audience must have experienced a

quiver of doubt.... He was the gentlest of gorillas; his weapons of choice in storming the barricades of greed and bigotry were humor, wisdom and scholarship.

At the time of his death in Capetown, South Africa, Haywood was attending a conference on Democracy and International Law when a truck ran a stoplight and hit a car in which he and Shanara Gilbert were riding. Haywood is survived by his wife, **Jennifer Dohrn**, as well as his children, **Seth Rubin**, **Jeremiah Burns**, and **Amilcar**, **Haydee** and **Ata Dohrn-Melendez**.

The first SALT Human Rights Award will be presented posthumously to **M. Shanara Gilbert**, Associate Professor of Law at the City University of New York Law School. Her career, albeit shorter than Haywood's, also exhibited an uncompromising commitment to human rights. After receiving her degree in political journalism from Syracuse University, Shanara worked for numerous legal aid agencies, including the advisory board of the Neighborhood Defender Service of Harlem. After earning her law degree from the University of Pennsylvania in 1983, she served as a staff attorney for the District of Columbia's Public Defender Service and the Massachusetts Committee for Public Counsel. Shanara began teaching at CUNY Law School in the late 1980's, where she founded and co-directed the law school's Defender Clinic. She was devoted to CUNY Law School and served on numerous committees. She was the Faculty Advisor to the Black American Law Students Association and was a regular instructor during the Third World Orientation Program. Shanara also served as a member of the National Conference of Black Lawyers and was the past chair of the Conference's Section on Criminal Justice.

Shanara assisted in the development of legal education in South Africa when, as a consultant for the Ford Foundation, she authored a report on the status of university legal aid clinics in South Africa. As noted above, at the time of her death she was attending a conference on Democracy and International Law sponsored by the International Association of Democratic Lawyers.

SALT's Annual Awards Dinner will be held on Monday, January 6, 1997, in the Sheraton Washington Hotel, Maryland Ballrooms A & B, 6:30 pm - 8:30 pm. Reservations should be made now. Please see page 7 herein for details. ■

TENTH ANNUAL COVER STUDY GROUP TO EXAMINE MERITOCRACY AND LSAT

– Carol Chomsky
University of Minnesota
Law School

Each year at the AALS Annual Meeting, SALT sponsors a study session at which we honor Professor **Robert Cover** by meeting in his memory to think collectively about issues of social justice.

Bob Cover was only 42 when he died in 1986, but he deeply touched the lives of his colleagues and students with his intellectual power and personal commitment to justice. While a Princeton undergraduate in the early 1960s, he registered voters in Albany, Georgia, for nine months as a volunteer with the Student Nonviolent

"... Bob Cover [was] 'a funny, challenging, marvelously irreverent, and deeply serious dreamer' who believed that 'the very process of argument and irreverent imaginings with others past and present' could help us to make 'new, better worlds together.' "

Coordinating Committee and served as a local liaison with the National Sharecroppers' Fund.

While a faculty member at Columbia and Yale, he picketed on behalf of university workers seeking better wages and working conditions, led teach-ins on divestment of university funds from South Africa, protested the prosecution of black radicals on conspiracy charges, and worked with law students trying to help the homeless in New Haven. As a scholar, he published works that examined the moral dilemma facing antislavery federal judges charged with enforcement of the fugitive slave laws (*Justice Accused: AntiSlavery and the Judicial Process*); discussed the connection between law and violence based in the coercive nature of state authority (*Violence and the Word*, Yale Law Journal, 1986); and explored the relationships among law, culture and the judiciary (*Nomos and Narrative*, Harvard Law Review foreword, 1983).

In the 1992 reprinting of the collected essays of Robert Cover, **Avi Soifer** described Bob Cover as "a funny, challenging, marvelously irreverent, and deeply serious dreamer" who believed that "the very process of argument and irreverent imaginings with others past and present" could help us to make "new, better worlds together." We meet in Bob Cover's memory to continue to walk that path with him, working together to examine complex issues of justice that face us today.

This year's discussion will focus on broad concerns about law schools and their admissions processes. The decision in *Hopwood v. Texas* has called into question the continued existence of affirmative action to ensure diversity in university and law school admissions. *Hopwood* has forced us to think not only about the legality of admissions processes, but also about the current use and misuse of the LSAT and its impact on women and people of color. But those concerns must be part of a larger inquiry into the fairness and function of the law school admissions process for everyone. The Study Group session is an opportunity to begin a conversation about the role of legal education in a democracy and how our admissions decisions relate to our vision of that role. The discussion will be facilitated by SALT members **Margaret Montoya** (University of New Mexico), **Susan Sturm** (University of Pennsylvania), and **Gerald Torres** (University of Texas). This Study Group session will also serve to preview our weekend conference in April. [See page 1 herein.]

For exact time and location and suggested background readings, see page 7 herein. We look forward to seeing you. ■

**Make your Dinner Reservations
NOW . . . before it's too late!**

**SALT Awards Dinner
honoring Haywood and Shanara**

**Monday, January 6, 1997
Sheraton Washington Hotel**

**Call Scott Taylor
(505) 277-2113**

SALT URGES SUPREME COURT TO PROTECT CIVIL RIGHTS

— Sylvia A. Law
New York University
School of Law

SALT joined 25 other civil rights and women's rights organizations in filing a brief *amicus curiae* in the Supreme Court in *Blessing v. Freestone*. The case raises the vital question whether beneficiaries of cooperative state-federal programs can bring suit in federal courts to require states to comply with the federal rules on which funds are conditioned. 42 U.S.C. § 1983 was adopted as part of the package of legislation designed to implement the Civil War Amendments to the Constitution. It provides that every person who under color of state law deprives any person of rights, privileges or immunities secured by the Constitution and laws of the United States shall be liable in an action in law or equity. This provision, and a corresponding provision giving federal courts jurisdiction to hear these claims, provides the foundation of all efforts to enlist the federal courts in protecting federal rights and entitlements.

The notion that vulnerable people have rights or entitlements has been under serious attack for many years. This year, Congress made plain that poor families have no legal entitlement to subsistence aid. In addition, a series of recent Supreme Court cases has made it even more difficult for people protected by federal laws to seek the help of the federal courts in enforcing the rights ostensibly created. Basically, the Court will stretch to find that Congress did not intend to create an enforceable right.

In *Blessing*, the state of Arizona takes this assault on rights and entitlements one step further, urging the Court to hold that, despite the plain words of Section 1983, it should be read to deny any cause of action for claims that states have denied people rights protected by federal statutes. As a practical matter, if the argument is accepted, it would mean the end of rights and entitlements, not simply for poor families seeking welfare, but for millions of people entitled to rights and benefits under federal programs. Dozens of federal statutes have been held to support Section 1983 claims: Medicaid, The Model Cities Act of 1966, The Veteran's Reemployment Rights Act, The Housing Act of 1949, The Housing and Community Development Act of 1974, The Rehabilitation Act of 1973, The Supplemental Food Programs for

Women, Infants, and Children, The Low-Income Home Energy Assistance Act, and many others. The state urges the Supreme Court to deny the beneficiaries of all these programs access to federal courts to enforce the rights created by Congress.

The issues are presented in the specific context of Title IV-D of The Social Security Act, which provides significant federal funds to participating states to use in establishing maternity programs, and in establishing, enforcing and modifying child support orders. The statute and its legislative history confirm that Congress intended to benefit children and custodial parents and to impose binding obligations on the states to provide specific paternity and child support services.

The Ninth Circuit Court of Appeals rejected the state's assault on § 1983 and held that the IV-D program created individual federal rights that could be enforced in the federal courts. 68 F.3d 1141 (9th Cir. 1995).

The *amicus* brief, filed in October on behalf of civil rights and women's organizations, was prepared by lawyers from the National Women's Law Center, NOW Legal Defense and Education Fund, and the Women's Legal Defense Fund. SALT is proud to be part of this coalition seeking to defend basic civil rights for American people. ■



PLANS DEVELOPING FOR SALT TEACHING CONFERENCE:

*"Bridging the Gap Between
Classroom and Clinic"*

September 26-27, 1997

— Carol Chomsky
University of Minnesota
Law School

SALT's next teaching conference will bring together clinicians and non-clinicians to explore the many ways we can work more effectively together to reach our common goal of educating students to be skilled and thoughtful attorneys who think critically about the impact of law and who are dedicated to issues of social and economic justice. Both clinical and non-clinical experiences are valuable for students, but too often they

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remain separate aspects of a law student's education. We would enrich both our own lives and the lives of our students if we were better able to share our understandings of the law and approaches to teaching and to provide a more comprehensive learning environment for our students.

The conference will seek to begin the process of "bridging the gap" between the classroom experience and the clinical environment, between clinical and non-clinical faculty. We plan to explore the topic from a broad variety of perspectives, including the institutional impact of bridge-building, possibilities for innovation and transformation in legal pedagogy, and broadening community involvement and community-building through clinic to classroom ties.

The co-chairs of the conference are Jane Dolkart and Karen Czapanskiy. We are interested in hearing from anyone who would like to serve on the planning committee for the conference or would like to participate in some other fashion. We will have a dinner planning committee meeting during the AALS Annual Meeting on Friday, January 3rd at approximately 7:00 p.m., immediately after the SALT Board meeting, but you need not be able to attend that meeting to work with us on the committee.

If you are interested in serving on the planning committee and/or attending the planning meeting, please contact Karen Czapanskiy at kczapans@umlaw2.ab.umd.edu or 410-706-2516. ■



CALL FOR PAPERS
Conference on Critical Race Theory
October 16-18, 1997
YALE LAW SCHOOL

— Angela P. Harris
UC Berkeley
School of Law

The beginning of the movement known as "Critical Race Theory" has been traced back to a Critical Legal Studies "summer camp" in 1986, to a course at Harvard Law School in 1981, and even to the late 1970s when veterans of the Civil Rights Movement began to feel they were "stirring the

ashes." But however the exact date of birth is calculated, 1987 is one of the most important dates in the movement's history. It was in 1987 that the Harvard Civil Rights - Civil Liberties Law Review published a symposium issue called "Minority Critiques of the Critical Legal Studies Movement." 1987 was also the year that Charles Lawrence's pathbreaking and influential article, "The Id, the Ego, and Equal Protection: Reckoning with Unconscious Racism" was published by the Stanford Law Review. Together with previous works such as Derrick Bell's Harvard Law Review foreword "The Civil Rights Chronicles" (1985) and subsequent works such as Kimberle Crenshaw's Harvard Law Review article "Race, Reform and Retrenchment: Transformation and Legitimation in Antidiscrimination Law" (1988), these articles would form the canon of an exciting and highly controversial literature and lie at the center of a sprawling, occasionally contentious fellowship of scholars. Interestingly, but not surprisingly, nearly every scholar associated with the movement has also been a member of SALT.

The intervening decade has seen an explosion of work both affiliating itself with Critical Race Theory and harshly critical of it. Moreover, Critical Race Theory is no longer the new kid on the block. Movements such as "queer theory," Asian American legal scholarship, and "LatCrit" have begun to push for their own intellectual space and to ask whether Critical Race Theory needs to be altered in some fashion. In light of all these developments, the ten-year anniversary of the Harvard CR-CL symposium and "The Id, the Ego, and Equal Protection" seems an appropriate time to hold a conference assessing Critical Race Theory: where it has been and where it is going.

The organizers of the conference seek proposals both for panels and for individual papers. Topics might include "Critical Intersections: Rethinking the Relationships among Race, Gender, Ethnicity, Religion, Sexuality, Class and Disability;" "Critical Race Theory and International Law: Beyond the Domestic Civil Rights Paradigm;" "Race and Space: Cities, Segregation and the Geography of Race;" "Critiques of Critical Race Theory;" "Race and the Possibility of a Class-Based Mass Politics."

Please send me a one-page abstract describing your paper or panel proposal by January 15, 1997 and/or feel free to contact me with any questions. Professor Angela Harris, 689 Boalt Hall, University of California, Berkeley School of Law, Berkeley, CA 94720-7200, (510) 643-6354 (voice), (510) 642-3856 (fax), harrisa@boalt.berkeley.edu ■

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NOTES FROM OUR TREASURER

— Scott Taylor
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HAVE YOU PAID YOUR DUES? IT'S OFTEN HARD TO TELL!

To check your dues status, look at the mailing label on your *Equalizer*. If the number is [96] or higher, then you are current in your dues or have paid one or more years in advance. If the number is [95], you'll be getting a final dues notice in late January.

A few of you have paid your dues twice for this year. In those cases, I have applied the dues to next year. The number after your name should be [97].

If you just paid your dues in November of this year, then it's likely that I didn't get the check in time to update my membership records, so not to worry.

For those of you who would like to pay your SALT dues for the rest of your life, you can now purchase a lifetime membership from SALT for \$750. Because SALT is a section 501(c)(3) organization, your dues would be deductible as a charitable donation. Keep that in mind for any year-end tax planning. I will send a written receipt acknowledging payment. Make check payable to SALT and send it to the address below.

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