

The **EQUALIZER** **SALT**

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President's Column . . .

COMING FULL CIRCLE: 100 YEARS AFTER PLESSY

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

How ironic that we are challenged by *Hopwood* – just 100 years after *Plessy*. *Plessy* legitimated segregation by denying the harm which results from state-approved segregation premised on inferiority. *Hopwood* is similar to *Plessy* because it implicitly approves segregation in legal education, but perhaps worse than *Plessy* because it condemns affirmative efforts to diversify access to legal education. The message of *Hopwood* is especially harsh in the context of the University of Texas, the historic defendant in *Sweatt v. Painter*.

SALT is concerned about the implications of *Hopwood* both within its circuit and beyond. At our Board meeting in May, we devoted a significant period to a discussion of *Hopwood* specifically as well as other threats to diversity, inclusion and empowerment. The Board authorized the filing of a SALT brief if the Supreme Court were to grant certiorari and the formation of a *Hopwood* Ad Hoc Committee to pursue multiple strategies and explore partnerships and coalition approaches so that our work would not occur in isolation.

When we convene our Board of Governors' meeting in September, we will review the Ad Hoc Committee's work and decide how we will make more effective our efforts to expand access to legal education and legal services. We recognize that this is a crucial time for legal education. We have formally renounced our own apartheid policies, and we have made significant progress in our efforts to make legal education and its benefits available to a broader range of communities and persons. However, *Hopwood* challenges us to reaffirm and rearticulate our commitment to "equal justice for all" and to expressly link our "just society" commitment to the composition of our student bodies, our faculties and our curricula. ■

DIVERSITY IN JEOPARDY AS SUPREME COURT DECLINES TO REVIEW HOPWOOD

– Sylvia A. Law
*New York University
School of Law*

On March 18, 1996, by a two-to-one vote, a panel of the Fifth Circuit Court of Appeals shook the academic world, asserting that "any consideration of race or ethnicity by the law school for the purpose of achieving a diverse student body" is unconstitutional under the Fourteenth Amendment. The case, *Hopwood v. Texas*, arose in 1992 when four white applicants who had been denied admission to the University of Texas Law School filed suit, challenging the school's admission program.

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HAYWOOD BURNS and SHANARA GILBERT

The Society of American Law Teachers mourns the death of Haywood Burns, a long-time SALT activist and beloved member of our Board of Governors, and his colleague, Shanara Gilbert. SALT awards will be presented in honor of Haywood and Shanara at our annual dinner on January 5, 1997 during the AALS meeting in Washington, D.C.

Reprinted below is a letter from SALT President Linda Greene on behalf of our membership and Haywood's obituary, which was provided at the memorial service held at the Abyssinian Baptist Church in Harlem, New York on April 8, 1996.

W. Haywood Burns, a passionate advocate for civil rights, racial justice, gender equality and international human rights, lost his life on April 2, 1996 in South Africa. The night before his death, in a call to his wife, Haywood said that attending a session of the democratic South African parliament and hearing the address of President Nelson Mandela was "the proudest and happiest day of my life."

Haywood's political activism showed at age 15 when he helped integrate a swimming pool in his native Peekskill, N.Y. After graduating with honors from Harvard College and earning his law degree from Yale, Haywood served as the first law clerk to U.S. District Court Judge Constance Baker Motley. Then, while Assistant Counsel to the NAACP Legal Defense and Education Fund, he also served as general counsel to Martin Luther King's Poor People's Campaign.

In 1969, Haywood helped found and became the first director of the National Conference of Black Lawyers, the legal arm of the Black revolution. He became the first African-American president of the National Lawyers Guild. He led both organizations in championing international solidarity from Grenada to Namibia. He fought the U.S. blockade of Cuba, monitored trials in Northern Ireland and South Africa's first election, and advised on drafting South Africa's Interim Constitution.

Haywood continuously battled racism in his writing and the courtroom, from proudly coordinating the Attica prisoners' defense and representing Angela Davis, to protecting the rights of lawyers of color, and opposing Clarence Thomas' Supreme Court nomination.

A recognized constitutional and criminal law authority, Haywood was founding dean of the City College Urban Legal Studies program from 1977 to 1987. He then became the first African-American dean of a New York law school and led CUNY Law School in gaining its accreditation, insuring the survival of its progressive commitment to public interest law. An excellent teacher, Haywood mentored thousands of students, particularly African-Americans, fostering their entry to legal practice.

In 1995, after a year as a Senior Visiting Scholar at Yale Law School, Haywood returned to CUNY as a full professor and joined in forming the Harlem-based law firm of Van Lierop, Burns and Schaap. The recipient of numerous awards and honors, he was President of the Nation Institute, a pillar of the Center for Constitutional Rights, a member of the Council on Foreign Relations and numerous other organizations.

Haywood's generosity of spirit and appetite for people were unbounded; he always reached out with true emotional concern to others. His talents, passions and zest for life were his signature: motorcyclist; basketball player and Knicks fan; dancer and rock 'n' roll enthusiast, treating himself to a pair of blue suede shoes on his fiftieth birthday.

He is survived by his beloved wife Jennifer Dohrn and his children Seth Rubin, Jeremiah Burns, and Amilcar, Haydee and Ata Dohrn-Melendez; his brothers Junious Leon Burns and Joseph L. Teel, and his sister Nancy Arlene Clark. Haywood drew enormous strength and pleasure from his family, to whom he gave back equal measure.

SOCIETY OF AMERICAN LAW TEACHERS

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April 5, 1996

The City University of New York School of Law Community
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Dear Colleagues and Friends:

The Society of American Law Teachers shares the grief of the CUNY Law School Community upon the unexpected deaths of former Dean Haywood Burns and Professor Shanara Gilbert. We have lost two irreplaceable champions of justice and equality. The very location of their untimely deaths is a tribute to the boundlessness of their commitment.

We know we can never replace these wonderful, precious, and courageous souls. Their deaths remind us that we cannot take long life for granted, and that the measures of our lives are the values we embraced and lived during our brief moments on earth. By this standard, Haywood Burns and Shanara Gilbert lived full lives - as full as we could ever have hoped and dreamed - lives filled with compassion, confidence, and commitment.

We must never grow accustomed to this loss. Rather, we must keep their legacies alive through our own words and deeds. Let us continue their work to achieve equality, diversity, and justice. Let our lives be a daily tribute to the irrepressible spirit and unforgettable passion of Haywood and Shanara.

With great compassion,
Professor Linda S. Greene, President



SALT BOARD MEETS . . . AND REORGANIZES

— Lisa Ikemoto
Loyola Law School

Thirty members of the SALT Board met at the University of San Francisco School of Law on May 5th and 6th, 1996. The high turnout and the participation of so many new Board members contributed to the high energy level and the depth of the discussions.

For the first part of the meeting, which took place on Sunday evening, SALT President **Linda Greene** arranged an effective and revealing leadership training session conducted by **Dr. Karen Wilson-Stark** of Transleadership, Inc., focusing on Myers-Briggs type indicators. Linda opened the May 6th meeting with a discussion of how we wanted to proceed both during the meeting and during her term as president. We decided to shift much of the preliminary discussion and planning work to committees, setting a more regular meeting schedule for the Board and committees and developing a clear idea of the message we (SALT) want to give society and legal education in the year 2000.

The Board had an extensive discussion of how SALT could and should respond to the *Hopwood* case, the 5th Circuit Court of Appeals decision that virtually eliminated race-based affirmative action at the University of Texas School of Law (and other public schools in the circuit). This part of the discussion of *Hopwood* focused largely on briefwriting efforts. **Leslie Espinoza** reported the plans formulated at the LatCrit conference in San Diego, which included preparing a brief highlighting personal narrative, much like one submitted in the *Webster* abortion case. **Phoebe Haddon** suggested that we need to destabilize the idea that maintaining *Bakke* is the goal. **Liz Schneider** and **Linda Greene** commented on the possibility of writing a historical brief that would include the context and significance of *Sweatt v. Painter*. **Frank Valdes** and **Anthony Farley** suggested the possibility of submitting a video brief or photographs of law school classes over the years to show, in literal terms, the difference affirmative action makes. The Board agreed to form an Ad Hoc Committee of those interested in developing and acting on these ideas.

On a related subject, the Board listened to a brief presentation from **Stephanie Wildman** and voted unanimously to provide our membership

mailing labels to the California Civil Rights Opposition Group. [See Stephanie's article on page 6 herein.]

Committees met for an hour before lunch, and then reported back to the full Board. The committees were Budget and Fundraising; Board and Member Meetings; Membership and Board Nominations; Awards, Conferences and Programs; and the Ad Hoc Hopwood Committee.

Scott Taylor reported on behalf of the Budget and Fundraising Committee. The discussion that followed focused largely on his suggestions for fundraising, including increasing memberships. [See Scott's article on page 11 herein.]

For the Committee on Board and Member Meetings, **Stephanie Wildman** proposed that the next meeting be held on September 20-21, at Northwestern University School of Law in Chicago and that the subsequent meeting will be held at the Annual AALS Conference in Washington, D.C. on Friday, Jan. 3, 4:00 - 7:00 p.m. Also at the AALS, the Cover Study Group will convene on Jan. 4, at 7:30-9:30 p.m., and the SALT dinner will take place on Jan. 5, at 6:00 - 9:00 p.m.

On behalf of the newly formed Ad Hoc Hopwood Committee, **Phoebe Haddon** reported on the committee's goals of addressing both the need to respond directly to *Hopwood* via an amicus brief and to respond in ways that transform. **Phoebe** described possible projects in three arenas: amicus briefs, activism aimed at public persuasion, and use of the media. The committee proposed a weekend strategy session at St. Mary's School of Law in Texas. [For further *Hopwood* developments, see related articles herein. In addition, reports from the other committees are included on pages 9-11.] ■

NEXT SALT BOARD MEETING:
Friday, September 20 (evening)
and
Saturday, September 21, 1996

Northwestern School of Law
Chicago

Members always welcome!

Modest efforts to promote and nurture diversity are common in American higher education. Thoughtful people have become increasingly conscious of the tenacity and pervasiveness of traditional presumptions of privilege based on race, gender, language, sexual orientation, physical fortune and class. Further, many people who have experienced working in integrated groups have come to appreciate the benefits of diversity. Both the persistence of illegitimate hierarchy and the virtues of integration have led most schools to struggle to address these issues.

The Supreme Court's 1978 decision in *Regents of the University of California v. Bakke* laid out the ground rules for university admission programs designed to promote racial diversity. The *Bakke* decision recognized that the attainment of a diverse student body "clearly is a constitutionally

"The Fifth Circuit's sweeping dicta would condemn virtually all programs designed to promote racial diversity."

permissible goal for an institution of higher education." The Court approved of ethnicity as "one element in a range of factors a university properly may consider in attaining the goal of a heterogeneous student body." More specifically, Justice Powell approved an admission program in which "race or ethnic background may be deemed a 'plus' in a particular applicant's file, yet does not insulate the individual from comparison with all the other candidates for the available seats."

Law schools and other institutions of higher education have developed programs consistent with these principles. The Fifth Circuit's sweeping dicta would condemn virtually all programs designed to promote racial diversity.

The University of Texas program originally challenged in *Hopwood* seems to violate the principles articulated in *Bakke*. Specifically, the law school's admissions program had separate committees to consider applications from white, African-American and Hispanic students and set fixed quotas for the numbers of applicants to be admitted from each group. In response to the suit, the law school abandoned these aspects of its admissions process. The District Court, while rec-

ognizing that the abandoned program was unconstitutional, quite sensibly declined to issue an injunction against a program that was no longer being used. Further, since plaintiffs had not established that they would have been admitted even if the improper admissions process had not been in effect, the District Court held that they were entitled only to nominal damages.

It is extremely unusual for a lower federal court to effectively reverse a Supreme Court decision. But that is precisely what the Circuit Court majority did in holding that *Bakke* is no longer good law. Circuit Judge Wiener, concurring and dissenting in *Hopwood*, said, "... if *Bakke* is to be declared dead, the Supreme Court, not a three-judge panel of a circuit court, should make that pronouncement."

In highly unusual dictum, the Circuit Court majority issued the following threat "... "If the law school continues to operate a disguised or overt racial classification system in the future, its actors could be subject to actual and punitive damages." Those words will inevitably have a chilling effect on schools in Texas and other states in the Fifth Circuit.

The Fifth Circuit's decision is such a radical departure from existing law, and has such a serious impact on all of American higher education, that many people hoped that the Supreme Court would accept review and reverse the decision. But on July 1, the Court declined to take review. The formal rule is that a Supreme Court decision declining discretionary review expresses no opinion on the merits of the controversy. Furthermore, individual Justices do not usually explain why they have decided not to review a case within their discretionary jurisdiction.

Supreme Court Justices Ginsburg and Souter, perhaps fearing that the Court's decision declining review would be read, incorrectly, as an affirmation of the Fifth Circuit's decision, explained that the Court was denying review because the case did not present a live controversy. "[W]e must await a final judgment on a program genuinely in controversy before addressing the important question raised in this petition."

Justices Ginsburg and Souter also recognized that "[W]hether it is constitutional for a public college or graduate school to use race or national origin as a factor in its admissions process is an issue of great national importance."

SALT will continue its long history of addressing these issues. First, it is important to

underscore that *Bakke* remains the law of the land outside of the Fifth Circuit. Our colleagues in the public law schools of the Fifth Circuit face special challenges, and we are committed to working with them.

Second, this issue is not going away, and it is vital that we ensure that the admissions programs in our schools are operated in accordance with the governing standards of *Bakke*.

The type of fixed-quota, number-based admissions program operated by Texas in 1992 allows a school to achieve a diverse student body with less effort than the individualized, multi-faceted approach approved by the Court in *Bakke*. But shortcuts to diversity are both less fair and legally vulnerable in today's environment.

Finally, and most importantly, we need to continue to make diversity work and demonstrate its successes. Opponents of diversity have succeeded in painting it in negative terms as a form of punishment for past sins or as an unjustified departure from supposed "meritocracy." Diversity is not simply a matter of admissions. To "work", diversity must also include the creation of classroom and law school environments that foster mutual respect and honest engagement across the differences that so deeply divide American culture.

SALT's Hopwood Ad Hoc Committee, co-chaired by Phoebe Haddon of Temple, Elvia Arriola of Texas and myself, will continue to address these issues. Pat Cain of Iowa and Barbara Aldave of St. Mary's are working with people in Texas, while Leslie Espinoza at Boston College is the liaison between SALT and the LATCRITS. Strategy sessions and conferences are already being planned. ■

HOPWOOD DISCUSSION GROUP

– Pat Cain
*University of Iowa
College of Law*

On the assumption that the Supreme Court would grant cert in *Hopwood*, a committee of the SALT Board began working with Dean Barbara

Aldave of St. Mary's to host a small conference in San Antonio. A major focus of the conference was to have been coordination of amicus briefs in the *Hopwood* litigation and general brainstorming about what other action to take in response to *Hopwood*.

Even though *Hopwood* is no longer before the Supreme Court, the case appears to be affecting admissions and financial aid decisions in institutions beyond the Fifth Circuit. Several SALT members have expressed an interest in discussing issues related to *Hopwood* amongst like-minded law teachers. Some Board members would like to see SALT provide a national forum for this discussion in the form of a conference. The SALT Board of Governors will discuss these options at its September board meeting. In the interim,

I am setting up an informal e-mail discussion group for SALT members to talk about substantive issues related to affirmative action, diversity and the effect of *Hopwood*. If you are interested in becoming part of this informal discussion group, please e-mail PCain@lawnet-po.law.uiowa.edu with a message that says "Add me to Hopwood SALT list." Be sure to give your exact e-mail address and your name. ■

EMERGENCY MEETING TO PLAN AFFIRMATIVE ACTION STRATEGY IN THE WAKE OF HOPWOOD

SALT is organizing a one-day meeting to share information and develop strategy: Northwestern School of Law, Chicago, 9:30 am to 6:00 pm, Friday, September 20th. If you would like to attend and contribute to the *Hopwood* discussion, please contact Phoebe Haddon (Temple), Sylvia Law (NYU), Elvia Arriola (Texas) or Cynthia Bowman (Northwestern).

[Please note that the September SALT Board meeting is scheduled to begin that evening and continue all day Saturday.]

CALIFORNIA THE NEXT BATTLEGROUND OVER AFFIRMATIVE ACTION POLICY

— Stephanie Wildman
University of San Francisco
School of Law

With the United States Supreme Court's refusal to hear the *Hopwood* case, the battle looming in California over the so-called "Civil Rights Initiative" (CCRI) becomes even more critical. The initiative has qualified for the November ballot, and, if it passes, it will dismantle virtually all government-sponsored affirmative action programs in California and will set back by decades the hard-won achievements just now being realized for women and minorities.

Many SALT members have signed the following letter. If you wish to add your signature and support, please contact the "No on CCRI" office at 8170 Beverly Boulevard, Suite 205, Los Angeles, CA 90048.

STATEMENT OF LAW PROFESSORS CONCERNING THE PROPOSED CALIFORNIA CIVIL RIGHTS INITIATIVE

After careful consideration, we the undersigned law professors feel compelled to publicly state our opposition to the California Civil Rights Initiative (CCRI). We have taken this unusual step after considerable deliberation because of the potentially devastating impact of CCRI and the misleading constitutional analysis that has been presented by the proponents of CCRI.

If adopted, CCRI would not create greater constitutional protections for victims of discrimination, as its proponents argue, but would have a devastating effect on the ability to achieve equal opportunity for women and people of color. CCRI would abolish a vast array of state and local programs to remedy discrimination. Future innovative programs to overcome continuing discrimination would never be realized.

CCRI would eliminate all state and local programs that "grant preferential treatment to any individual or group on the basis of race, sex, color, or ethnicity, or national origin in the operation of public employment, public education, or public contracting." "Preferential treatment" is nowhere defined in CCRI, nor has it ever been defined by a court of law. In one broad and overreaching stroke, there is a very real danger CCRI would eliminate outreach programs for women and minorities, training, counseling and mentoring, as well as goals

and timetables for hiring and contracting with women and minorities and countless other efforts to overcome sex and race discrimination. We cannot support such a sweeping and thoughtless rewriting of the remedies available under the California Constitution for invidious sexism and racism.

The sweep of CCRI may be far broader than it appears. For example, in the area of elementary and secondary education, the Independent Office of the California Legislative Analyst believes it may require the defunding of all voluntary school desegregation efforts and the elimination of all magnet schools.

CCRI constitutionally authorizes discrimination against women and girls in a manner that is much broader than any

*"CCRI . . . would have a devastating
effect on the ability to achieve
equal opportunity for
women and people of color"*

current law. Clause (c) of CCRI says: "Nothing in this section shall be interpreted as prohibiting bona fide qualifications based on sex which are reasonably necessary to the normal operation of public employment, public education, or public contracting." We fear that this provision will have

two undesirable, and otherwise unsupportable effects on the law that limits gender discrimination.

CCRI not only extends this exception to sex discrimination, but significantly broadens the exception in the employment context. Current law permits gender discrimination only where it is reasonably necessary for a "bona fide occupational qualification." Clause (c) of CCRI leaves out the word "occupational." We understand how significant such an omission is because the United States Supreme Court has continually stressed this word in justifying this narrow exception to Title VII of the 1964 Civil Rights Act. e.g. International Union UAW v. Johnson Controls Inc., 499 U.S. 187 (1991), wherein the Court emphasized that the word "occupational" is the key limitation upon the scope of this exception under Title VII.

The second crucial impact of Clause (c) is its potential to reduce the level of scrutiny for gender discrimination under the California Constitution. Since 1971, the California Supreme Court has interpreted the California Constitution to require strict scrutiny for gender classifications. CCRI is an amendment to the California Constitution. Clause (c) says that gender discrimination is permissible in the areas of contracting, education and employment where "reasonably necessary" to achieve a bona fide qualification. Reasonably necessary is a far cry from strict scrutiny.

Clause (c) of CCRI creates the outrageous possibility that the protection of women's constitutional rights will be greatly weakened under the California Constitution.

The sweep of CCRI is simply too broad. As professors of law, we cannot support an initiative that would mean the loss of protections and remedies achieved through thoughtful and deliberate constitutional analysis. The CCRI must be rejected. ■

A MODEST PROPOSAL FOR DIVERSIFYING THE LEGAL ACADEMY

- | | |
|---|--|
| <p>– Sumi Cho
De Paul University
College of Law</p> | <p>– Anthony Paul Farley
Boston College
Law School</p> |
|---|--|

There are too few professors of color in the legal academy. Many of us arrived by accident. That is, no one advised or invited us – we simply showed up at the door. We believe that SALT can make a significant contribution towards increasing the numbers of scholars of color by systematically reaching out to students and practitioners of color who may not have given serious thought to law teaching. If each of us would locate one or two potential law professors, we would be doing a great deal. With our experience, we could help potential law professors be competitive during the selection process by providing career counseling, scholarship review and nuts & bolts advice about resumes and interviewing.

SALT could facilitate these individual efforts by including students/practitioners of color in our conferences. Students/practitioners could be designated "SALT Fellows" and be invited to present academic papers at SALT-sponsored events. Individual SALT members could take it upon themselves to involve SALT Fellows in various local non-SALT conferences. It might even be possible to develop a summer program for the SALT Fellows.

We are putting together a formal proposal for the Board of Governors meeting in September. Please do not hesitate to contact either one of us if you have any ideas regarding our preliminary suggestion or if you know of other programs which we should consider.

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SALT COLLEAGUES PRAISE STEPHANIE WILDMAN'S NEW BOOK!

Privilege Revealed: How Invisible Preference Undermines America by University of San Francisco law professor (and SALT co-president elect) **Stephanie Wildman** with contributions by **Margolynne Armstrong**, **Adrienne D. Davis** and **Trina Grillo** has just been released by New York University Press.

Affirmative action remains a hotly contested issue on our political landscape, but the institutionalized systems of privilege which uphold the status quo remain unassailed. Many Americans who advocate a merit-based, race-free worldview simply do not acknowledge the systems of privilege, long in place, which benefit them.

Laws born of the civil rights era are designed to protect people from gross discrimination. Yet less visible systems of privilege work to maintain existing hierarchies of oppression. Attacking overt discrimination alone is therefore not enough. This important volume examines how privilege of all forms manifests itself and how we can, and *must*, be aware of invisible privilege in our daily lives.

The following comments exemplify the high praise which Stephanie's book has engendered.

"Unlocks a critical piece of the puzzle that activists and scholars have called 'subordination.' It reveals the complex interaction of systems of privilege. Yet the analysis is compelling, personal, and completely accessible. By breaking the silence about our unwritten rules, Privilege Revealed demonstrates how to reject privilege and embrace inclusion in a way that lights our passage toward the end of the tunnel."

– Lisa C. Ikemoto, Loyola Law School

"A brilliant and compassionate book. A dazzling integration of high theory and splendid story."

– Sylvia A. Law,
New York University School of Law

"Speaks with powerful understanding and empathy about privilege and subordination. In these times of backlash, when our politicians speak only in words that divide us, Privilege Revealed gives us language to help us discover our common cause in the struggle against oppression."

– Charles R. Lawrence III,
Georgetown University Law Center

"A remarkably readable and persuasive account of how problematic the status quo actually is....This book can and should be read by an audience far beyond the usual readers of books about law."

– Aviam Soifer, Dean, Boston College Law School

LATCRIT THEORY: RECENT NEWS, CURRENT PROJECTS AND UPCOMING EVENTS

– Francisco Valdes
*University of Miami
School of Law*

As you read in the last issue of *The Equalizer*, the First Annual LATCRIT Conference took place this May in La Jolla, California. The event drew over 80 registrants from various critical quarters of the academy and engendered searching, vigorous, diversified discussions of pending and emerging issues in critical legal discourse. Highlights among LATCRIT I activities included: the spirited discussions of "ethnicity" and nationality in relationship to "race" and class in American law and society, the spontaneous Latina caucus and the underlying role of sex and gender in the construction of the Latina/o legal professorate, the standing ovation received by Elvia Arriola at the conclusion of her presentation, and the keynote talks of Richard Delgado (on theory), Gerry Lopez (on praxis), Cruz Reynoso (on history) and Michael Olivas (on the state of Latina/o representation in the academy). The four-day conference was sponsored by California Western School of Law and co-sponsored by the *Harvard Latino Law Review*, which will be publishing the conference proceedings in the fall.

This conference also led to the formation of three LATCRIT Ad Hoc Committees. The Progressive Media Committee was created to help generate and place op-ed pieces on current events in the news media. In this way, this committee can help disseminate progressive views on current social and legal issues in an ongoing and effective manner. The coordinator of this committee is Laura Gomez, who can be reached at UCLA (213-737-6110). The Video Works Committee was organized to develop ideas for videos that can help to educate the public about the importance of diversity and to explain the value of progressive social and legal policies toward race, ethnicity, sex, sexual orientation and class. I am the coordinator of this committee and can be reached at Miami (305-

284-1780). The third committee – the *Hopwood* Committee – was formed to stimulate effective responses by legal scholars to the regressive reasoning of the Fifth Circuit in the *Hopwood* litigation, but its activities are being rethought in light of the Supreme Court's denial of certiorari in that case. LATCRITs are working closely with SALT on this issue, and contact persons are noted in the *Hopwood* articles herein.

The LATCRIT I conference also occasioned advance planning for similar events during the 1996-97 academic year. The next event will be the one-day Colloquium on International Law, Human Rights & LATCRIT Theory, which will take place in Miami on Friday, October 4, 1996, as part of the Annual Convention of the Hispanic National Bar Association. And in the spring will take place the Second Annual LATCRIT Conference, which is scheduled for May 1-4, 1997 in San Antonio. Save these dates and make your arrangements to attend!

An exciting event during the conference was the independently-planned visit of student editors from the *California Law Review* and *La Raza Law Journal* and their announcement of their editorial boards' decisions to publish a joint issue devoted to a symposium on LATCRIT theory.

The symposium will be organized into three thematic clusters of essays or mid-length articles: 1) *Ethnicity, Race & Nationhood*; 2) *Policy, Politics & Praxis*; 3) *Identity, Intersectionality & Outsider Jurisprudence*. The symposium is slated for the May 1997 issues of the two journals, making it available for the LATCRIT II conference in early May.

If you are interested in submitting an article, or want to receive more information about this symposium project, contact Symposium Editor Joseph Hahn at 213-892-5749.

As can be seen from the scope of recent and planned activities, LATCRIT theory is only at the beginning of a continuing and growing exercise in the production of knowledge, the cultivation of communities, and the building of coalitions. As the LATCRIT movement continues to develop, your participation and collaboration is warmly invited.

Just as this issue of The Equalizer was going to press, I received word that TRINA GRILLO, professor of law at the University of San Francisco School of Law and recipient of SALT's 1995 Teaching Award, passed away after a long struggle with cancer. We will miss her terribly. A profile of Trina can be found in the December 1994 edition of The Equalizer; Abby Ginzberg's film on the contributions of this extraordinary colleague is also available.

– M.R.L.

SALT PLANS AHEAD

– Joyce Saltalamachia
New York Law School

The new Committee on Awards, Conferences and Programs is a consolidation of several regular and ad hoc committees. As SALT has grown in membership and in the scope of its activities, it has become increasingly difficult to keep track of planning for SALT events. Thus, this new consolidated Committee was formed in order to provide a planning structure for SALT events for the next three years.

Co-chaired by Carol Chomsky and Joyce Saltalamachia, the Committee is in charge of planning the Annual SALT Teaching Award Dinner, the Cover Conferences, the Cover Study Group, First Monday activities, as well as any teaching conferences and AALS programs that we might wish to organize. Because of the broad scope of these responsibilities, subcommittees for each event have been established and have been working with the main Committee throughout the summer. I chair the Awards Subcommittee; the Cover Conference Subcommittee is chaired by Phoebe Haddon and Cynthia Bowman; the Cover Study Group chairs are Judith Resnik and Juan Perea; the Teaching Conference chairs are Jane Dolkart and Pat Cain; the First Monday chair is Ann Shalleck. At the May retreat in San Francisco, the entire Committee felt that there were enough activities to keep SALT busy throughout the next year and that we should not plan a program for the 1997 AALS meeting.

The first order of business for the subcommittees is to develop a planning calendar for each event or activity. These planning calendars should be useful not only for the current year but for helping document the process for developing events in the future. The subcommittees are also charged with critically examining each event and with making recommendations for changes and improvements.

All SALT members are encouraged to give feedback on events and activities and should contact the subcommittee chairs with any comments. The SALT Board recognizes the importance of providing these events as educational and social functions and wants to make them as useful as possible for the general SALT membership. ■

SALT GOES CYBER: A PRELIMINARY REPORT TO THE MEMBERS

– Francisco Valdes
*University of Miami
School of Law*

The newly-formed Communications and Publications Committee of the Board of Governors has begun work on two related but distinct high-tech projects. Both of these projects are designed to use cutting edge technology to increase and improve the ability of Board members and general members to keep in touch with each other and to keep abreast of SALT-related activities. Because both of these projects are just getting underway, this preliminary report is intended to provide members with advance notice of them and to invite suggestions and comments.

The first of these projects, the creation of a Home Page on the World Wide Web, is calculated to facilitate communications between SALT generally and anyone interested in learning about us. The second of these projects, the creation of an e-mail discussion group, is intended to foster contacts between the Board and the organization's general membership in a timely and efficient way. Both of these projects are scheduled to be operational by September 30th.

The Home Page is being created with the assistance of the technical staff at the University of Miami School of Law. It is presently on line, but its contents have not yet been entirely posted. Among the contents planned for inclusion in the Home Page and presently being compiled are: the names and addresses of Board members and the Board's various committees, current announcements or statements, an up-to-date calendar of activities, *The Equalizer* (including past issues of at least one year), historical and archival information (such as past recipients of SALT awards, etc.) and SALT reports or publications (such as previous reports on diversity). In addition, SALT's Home Page will be linked to those of organizations with similar orientations. To access the Home Page and to follow its development in the coming weeks, simply input:

"<http://www.law.miami.edu/~cinstser/SALT>"
(note that the "SALT" at the end is in upper case).

The e-mail discussion group will be "open" so that anyone wishing to subscribe can join. The

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purpose of the SALT e-mail discussion group will be to create a forum for direct and interactive discussion of social and legal issues of particular interest to SALT members. Through this discussion group, the Board can gain a better sense of the members' views or sentiments on new or pending issues and act accordingly.

If you have any suggestions about either of these projects, please contact me by phone (305-284-1780) or fax (305-284-6506). Otherwise, look for additional information in the next issue of *The Equalizer*. Either way, plan to visit SALT's Home Page and to join our e-mail discussion group this fall! ■



SALT MEMBERS NEEDED FOR FIRST MONDAY IN OCTOBER PLANNING COMMITTEES

— Ann Shalleck
*American University
College of Law*

As the U.S. Supreme Court ends its 1995-96 term, the Alliance for Justice, in conjunction with SALT, is gearing up for the new challenges that the public interest community will face in the upcoming 1996-97 term. For the third year in a row, *First Monday in October* deliberately coincides with the opening of the new term of the U.S. Supreme Court. This national event devoted to fostering public interest law will be held on October 7, 1996 at 140 law schools across the country.

At each of these locations, progressive students, academicians, litigators, policy specialists and organizers will meet to explore the status and future of public interest law. *First Monday* creates an opportunity for SALT to reach out to and join with both national and local organizations working to achieve justice and equality within American society. As it did last year, the Alliance for Justice is developing a video which provides common material for the local events occurring around the country.

SALT members have a critical role to play in creating exciting and thought-provoking discussions within each of the law schools where we

teach, events which can kindle in law students an enthusiasm for serving the public interest. In particular, this year the SALT Board has decided to focus energy and attention on the ongoing struggles for affirmative action. *First Monday* provides an excellent opportunity to create forums to dis-

*"This national event devoted to fostering
public interest law will be held on
October 7, 1996 at 140 law schools
across the country . . . A committee of
the SALT Board is available to help
you plan the event at your school . . ."*

cuss many different facets of affirmative action, including the impact of the Supreme Court's decision to leave intact the 5th Circuit's decision in the *Hopwood* case, the importance of affirmative action in our own institutions and communities, and the ways we can fight against the injustice and inequality we find in our lives.

This year's *First Monday* video, produced by Roger Lowenstein, a writer for *LA LAW* and long-time public interest lawyer, celebrates the courage of judges who, at considerable risk, have upheld individual rights and liberties. Judges Thelton Henderson (N.D. CA), William Dwyer (W.D. WA) and Rosemary Barkett (11th Cir.) will be featured in the video.

In addition, the Alliance has added the Don Edwards 1996 Bill of Rights Award to its *First Monday* activities. Four law students will be awarded \$5000 each for their award-winning essays which identify one of today's assaults on liberty and propose creative ways to address the problem.

Many SALT members have worked to develop successful *First Monday* events in the past at their schools. Many more SALT members are needed to expand this network and to make this day part of a national effort to create and sustain a progressive legal culture. A committee of the SALT Board is available to help you plan the event (contact me at American, Holly Maguigan at NYU or Eric Wright at Santa Clara), as is the Alliance for Justice (contact Erin Prangley at 202-822-6070 or look for *First Monday in October 1996* information on the Alliance web site <http://www.essential.org/afj>). ■

COMMITTEE ON MEMBERSHIP AND BOARD NOMINATIONS

— Cynthia Bowman
Northwestern University
School of Law

The committee on Membership and the committee on Board Nominations have been combined, with Cynthia Bowman and Phoebe Haddon serving as co-chairs. Since the May meeting of the Board of Governors, we have updated the SALT recruitment brochure and used it to attract members at AALS conferences over the summer. When the fall semester is under way, we will be contacting SALT members at each school to help us expand membership; if you would like to help in this undertaking, please contact me at Northwestern ((312) 503-6607; Fax: 503-8977; E-mail: cgbowman@nwu.edu).

At the September Board meeting in Chicago, we will also be reviewing our policy on Board vacancies and leaves of absence. Soon after, we will begin to put together the list of Board nominations. In addition to ability and commitment to working on SALT's goals, we seek diversity by race, sex, age and geography. If you would be interested in serving on the Board of Governors for a three-year term beginning in January 1997, or want to nominate someone, please contact Phoebe Haddon at Temple ((215) 204-8974; Fax: 204-5424; E-mail: phaddon@vm.temple.edu). ■

NOTES FROM THE TREASURER

— Scott Taylor
University of New Mexico
School of Law

MEMBERSHIP DUES

This is just a reminder that your annual dues are payable at the beginning of each academic year. I will be sending out notices this September for your 1996-97 dues, as well as confirmations to those who have already paid their 1996-97 dues. In addition, those of you who find repeated check-writing to be a headache are invited to pay your dues for up to five years in advance.

FEELING MORTAL?

For those of you who are feeling mortal and overcome with a desire to make out a will, remember that SALT is a section 501(c)(3) organization eligible to receive bequests that will be deducted from your estate for federal tax purposes. If you're feeling charitably minded and have a soft spot in your heart for SALT, consider a bequest. The bequest can be restricted or unrestricted. However, restricted bequests should involve activities consistent with SALT's mission, such as scholarships for students working in public interest jobs. If you have any questions, please give me a call at 505-277-2113. ■

SOCIETY OF AMERICAN LAW TEACHERS MEMBERSHIP APPLICATION (OR RENEWAL)

- ☐ Enroll/renew me as a regular member. I enclose \$50.00 (\$35.00 for those earning less than \$30,000 per year).
- ☐ Enroll/renew me as a contributing member. I enclose \$100.00.
- ☐ Enroll/renew me as a sustaining member. I enclose \$300.00.
- ☐ I enclose _____ (\$100, \$150, \$200 or \$250) to prepay my dues for _____ years (\$50 for each year).

Name _____ School _____

Address _____

Zip Code _____

Make check payable to:
Society of American Law Teachers

Mail to:
Professor Scott A. Taylor
University of New Mexico School of Law
1117 Stanford Drive N.E.
Albuquerque, New Mexico 87131-1431

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