Inexplicably Green but Still Excellent

MJR&L 2022 Orientation

THE OFFICIAL MJRL ORIGIN STORY.

In the fall of 1993, four third-year law students at the University of Michigan Law School, Heather Martinez, Eddy Meng, Leslie Newman, and Dan Varner, reconstituted the then-defunct minority scholarship reading group as the Critical Race Theory Reading Group. The Reading Group gave its participants, individually and collectively, the opportunity to read many of the authors who inspired them and made meaningful their experiences in law school. The Reading Group also provided a forum—and even a home—in which to explore issues of racial inequality, issues that were pervasive in the minds and lives of the students, but strangely absent in the traditional law school environment.

By the following year, the Reading Group participants had come to recognize the monthly discussion of critical race scholarship as a necessary component of legal education, but it somehow was not enough. There were two options available at that time to further promote and advance discourse on issues relating to race and law. One involved lobbying the existing law journals to adequately address issues of racial inequality in their publications. This avenue included advocating that the existing journals alter their membership policies to increase the numbers of students of color on their staffs. Yet this option brought with it the limitations inherent in attempting to operate within the parameters of preexisting institutions. The other option—which ultimately turned out to be the most viable and desirable—was to form a new journal that adequately recognized the voices of people of color and that was dedicated unequivocally to discussing issues of racial inequality in the law.

The Journal *planned a symposium,* Toward a New Civil Rights Vision, *to bring together practitioners, scholars, students and activists to address critical issues relating to race and law. The symposium, held on October 13 and 14, 1995, explored contemporary social and legal issues, with an eye toward constructing, practically and theoretically, a civil rights jurisprudence for the twenty-first century. The symposium spurred lively discussions and generated several papers and student notes. Several of the papers presented at the conference, along with additional contributions from other authors, are printed in this inaugural issue of the* Michigan Journal of Race & Law. *The remaining conference papers will be printed in future issues of the* Journal, *which hopefully will come to serve as a space where discourse of race and law may grow and develop.*

SOME EARLY MJRL HISTORY. . .

Of course we greatly respected and appreciated Sallyanne Payton who had been tenured at Michigan well before we had arrived, but in the fall of 1994, I think she was the only person of color on the doctrinal tenure track, tenured faculty. And, I'm sorry, Jose Alvarez was also here, tenured; he left not long after we got here. Moreover, as members of various basement groups, that's what we were called; (such as BLSA, APALSA, LLSA, and WLSA) it's because they're located in the basement. But it has other meaning, too, I suppose!—

(Laughter)

As members of various basement groups, many of us had been carrying on what had become a tradition of advocating for more hiring and recruiting of faculty of color. This continues today, I think. We came to understand that one reason for this severe under-representation of people of color had to do with the pipeline from law schools to the academy, which was largely closed to people of color. So we thought it necessary as students at an elite feeder institution such as Michigan, to work to open up the pipeline in whatever way we could. We decided that the best way to do this was to establish a race-centered journal as an alternative to the *Law Review* and several other already existing topical law reviews.

EMILY HOUH, FROM PROPOSITION 209 TO PROPOSAL 2: EXAMINING THE EFFECTS OF ANTI-AFFIRMATIVE ACTION INITIATIVES, 13 MICH. J. RACE & L. 461, 481 (2008).

MJRL VOL. 2 EDITORS.

Now lest you think that we acted purely out of altruism and concern for others, let me assure you that we did not. We also felt it necessary to establish the *Journal* for ourselves. We knew that journal experience was a requisite for entry to the more prestigious echelons of the legal profession. At the time, several of us knew that we wanted to enter the legal academy, or at least have that open to us as an option. And by the fall of '94, we also knew that unless we did something, the writing was on the wall. We weren't, by and large, the top ten percenters that would be subsequently groomed by the institution for the academy. We weren't those traditional law students who after only one year of law school—one alienating year of law school—"loved the law," *loved* law school. Most of us were not on *Law Review*, either by choice and on principle, or because we didn't get on. Additionally, with respect to the vaunted *Law Review*, it was hard not to notice the racial homogeneity of the *Law Review*'s membership and the other journals' memberships, so we started to look into some of those journals' selection processes and policies and found that at the time, they were organizationally quite hostile to using affirmative action to select new editors who were also racially diverse. Now I say "organizationally" because several individual leaders and members of those journals were very supportive of our efforts and offered us a tremendous amount of assistance and support as we started this *Journal* from the ground up.

HOUH AT 484.

So in terms of the *Michigan Journal of Race & Law*'s success in addressing the pipeline issue, I think we were pretty successful. The annual symposia continues to be comprised mostly of people of color who come to speak, scholars of color. *Michigan Journal of Race & Law* alum who are now law professors include in alphabetical order: Jeannine Bell at Indiana-Bloomington; Guy Charles at Minnesota, who is now also finishing his second year as the Co-Dean of the University of Minnesota Law School; Matthew Fletcher at Michigan State, where he also directs the Indigenous Law and Policy Center; Luis Fuentes-Rohwer, also at Indiana-Bloomington; myself at Cincinnati; Angela Onwuachi-Willig at Iowa; and Tom Romero at Hamline. And I'm sure I'm missing several others.

FIRST MJRL CONFERENCE -- 1995

Scholars to speak on issues of race at U symposium

By Kate Glickman
Daily Staff Reporter

Some of the country's most influential civil rights leaders will be speaking at the University today and tomorrow as part of a conference on race and contemporary legal and social issues.

The Civil Rights Symposium, sponsored by the Michigan Journal of Race and Law, will host several scholars and practitioners who will speak about welfare reform, criminal justice, affirmative action and other timely topics.

"Our goal is to pull together noted authorities who will construct a framework for students interested in voting rights, affirmative action, crime and punishment," said symposium coordinator Hardy Vieux.

The three highlighted speakers for today's conference are Kimberle Crenshaw, professor at Columbia University School of Law; Derrick Bell Jr., professor at New York University School of Law; and A. Leon Higginbotham Jr., former chief judge of the 3rd circuit U.S Court of Appeals.

> **"Their views aren't completely polar, but they definitely disagree on some issues."**
>
> — Hardy Vieux
> Symposium coordinator

Speak on the media's role in shaping the affirmative action debate.

Higginbotham headlines a dinner gala tonight after the daylong symposium. The gala costs $30 for University students, but all other events are free with a University ID.

"It has been difficult to bring together such noted authorities," Vieux said. "We have had trouble with speakers canceling last minute."

The speakers at the event have conflicting views, said Vieux, who expects heated debate at the panel discussions following the speakers.

MJRL CONFERENCE IN 1997

The honorable Mavivi Manzini, member of the South African Parliament, spoke to University Law students and guests about creating South Africa's constitution.

S. African legends grace Ann Arbor

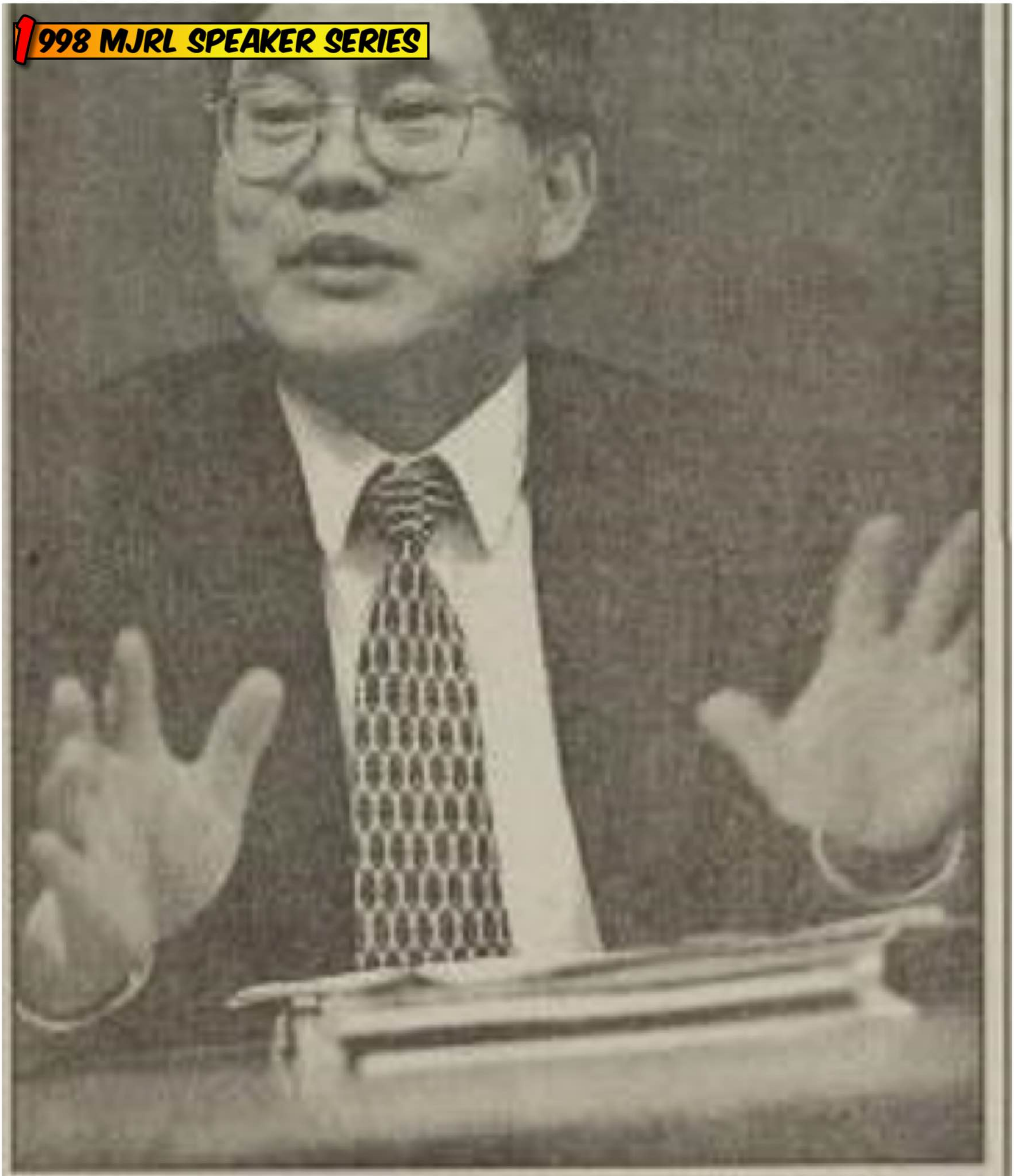
By Alice Robinson
Daily Staff Reporter

Anyone seeking information on the South African constitution this weekend would be hard pressed to find an expert — in South Africa.

That's because three of South
tor of the Michigan Journal of Race and Law, who was involved in planning the event.

The South African officials joined Law students in Hutchins Hall from Thursday through Saturday to discuss how the newly signed South African

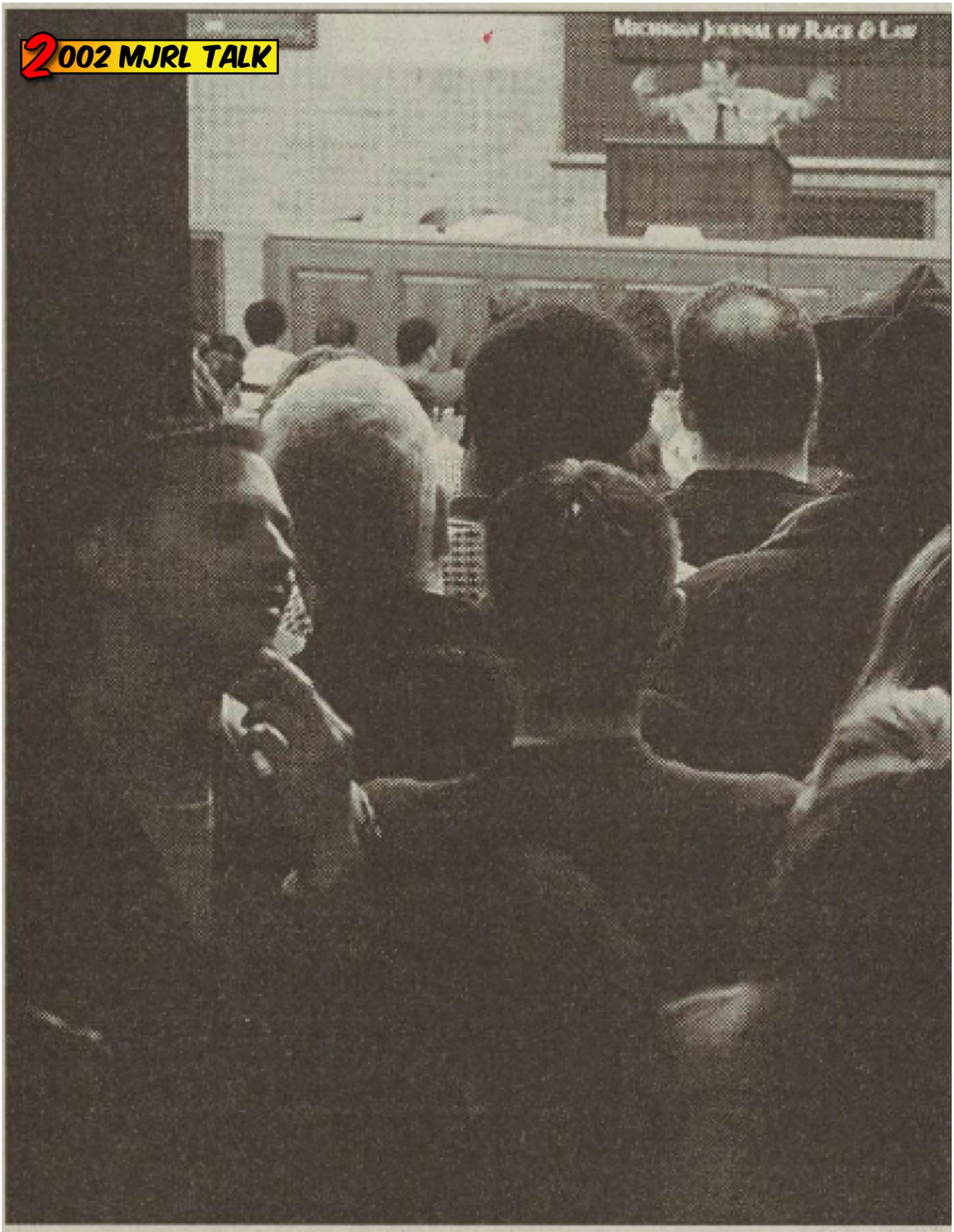
1998 MJRL SPEAKER SERIES



Michigan Assistant Attorney General Roland Hwang speaks about hate crimes last night at Hutchins Hall.

Speaker discusses recent hate crimes

2002 MJRL TALK



DAVID KATZ/Daily

Students crowd outside Hutchins Hall in an attempt to hear Jonathan Kozol speak Friday afternoon.

Speaker addresses

MJRL CONFERENCE IN 2005

Law symposium to feature black racial theorists

By Breeanna Hare
For the Daily

When Critical Race Theory was originally envisioned, it was to be an intersection of racial theory and activism. However, many CRT theorists today are frustrated at the turn CRT has made from activism to academics.

The Michigan Journal of Race and Law, run by Law School students, will host a symposium titled Going Back to Class: The Re-emergence of Class in Critical Race Theory this evening and tomorrow.

"This symposium is key because it goes back to when the journal was founded," said MJR&L business manager Maureen Bishop. "It's a look at the progress of CRT from the first symposium 10 years ago, in 1995."

A focus of the symposium will be University of Pittsburg Law School Prof. Richard Delgado's article titled "Crossroads and Blind Alleys: A Critical Examination of Recent Writing About Race," focusing on the recent transformations the theory

> "I'm worried that the younger crop of CRT theorists are enamored (with) ... writing about race, the word, and not race in the world."
>
> – Richard Delgado
> Professor, University of Pittsburgh Law School

tion in his speech.

"Just like *Brown v. Board. Hernandez* came down because the establishment needed a Latino breakthrough," Delgado said. "American elites could foresee trouble on the Latino front."

The premise of interest conver-

gence will be integral at the sympo-

Reprinted from *Res Ipsa Loquitur*, published by University of Michigan Law Students in 1996.

Demystifying Faculty Hiring

Like many aspects of law school, the faculty hiring process often seems--to students, at least--shrouded in mystery. How and why do certain candidates join the faculty? How can Michigan best improve its student-faculty ratio? Why are there so few women, and fewer people of color, on our faculty, especially in tenured or tenure-track positions? If we are to work as a community to increase and diversify the faculty, thinking about these questions is imperative for all of us.

Beginning the Search: The Meat Market

The faculty hiring process begins each year when the dean appoints faculty members to serve on the personnel committee. Professors agree that this is one of the most time-consuming of the faculty committees. This year, professors Chambers and Sandalow co-chair the committee; the other members are Dean Lehman and professors Croley, Eisenberg, Frier, and Westen. The committee's mission is to identify promising candidates, and then present them to the entire faculty for review.

How does the committee find these candidates? One major source for entry-level hires is the Association of American Law Schools' yearly convention (also known as the meat market), usually held in Washington, D.C., in early November. Professor Chambers estimates that upwards of 1100 teaching hopefuls and 100 law schools attend each year. Prior to the convention, each candidate fills out a one-page form, summarizing biographical information, as well as noting gender and race; AALS then compiles these forms into a book and makes them available to law schools. Before the convention, the personnel committee members pore over this book, selecting 35 to 40 candidates whom they will interview briefly at the meat market.

After the First Cut

If the committee is interested in someone whom they have met at the convention, the next step is a two-stage process. The candidate comes to Michigan for a half-day interview, at which he or she meets with the personnel committee and gives a brief "job talk": a presentation of current research. Most candidates are then invited to return for a day-long interview, when they meet the full faculty, give a longer job talk, and meet with students. Chambers reports that this year about a dozen candidates came for half-day interviews, and about eight then came back to meet the full faculty.

Taking a Vote

After the day-long interview, the committee decides whether or not to recommend the candidate to the full faculty. The faculty discusses the recommended candidate at two meetings, and then takes a vote. The full faculty, says Dean Jeff Lehman, "usually accepts the recommendation of the committee, but not always."

The students who have met the candidate--usually students on the LSSS faculty hiring committee, plus others such as representatives from basement groups--also write a report to the personnel committee summarizing their views. The student committee does not have an official vote, but their report "has influence," says Lehman, especially regarding candidates' teaching abilities.

Persuasion

Once a candidate is accepted, the faculty "switches into recruiting mode," says Professor Heidi Li Feldman. "We have to woo them to accept," Chambers explains. Most faculty members interviewed describe Michigan's location as a weakness, as compared to other top law schools. "The biggest obstacle, in my view," says Chambers, "is that in comparison to schools we want to compete with, we are least well-positioned to provide opportunities for spouses and partners. We have lost several people this year because of that." Other candidates simply may view Ann Arbor as too small. Lehman identifies Regina Austin and Lani Guinier, both African-American professors at the University of Pennsylvania Law School, as people whom Michigan was interested in hiring as "laterals"--those who have already achieved tenure at other schools. The faculty offered a position to Austin, and approached Guinier to ascertain whether she was interested. But ultimately, says Lehman, neither was willing to live in Ann Arbor.

Chambers reports that two offers have so far emerged from the hiring process this year. In addition, several candidates remain under consideration.

Faculty point out that entry-level candidates can also come through sources other than the AALS meat market. Some people write directly to law schools. For others, their recommenders might contact law schools, alerting them to a promising candidate. Professors also emphasize that the process of locating candidates is quite different for lateral hires, who are already involved in teaching.

Gold Stars

What are the standards used in choosing candidates? In weeding through the hundreds of people registered with AALS, the committee tends to look for conventional law-student goodies: top grades from an elite law school, law review editorial board position, high quality published work, glowing recommendations, a prestigious clerkship. Faculty say they also focus on gender and race: Chambers estimates that about half the people interviewed at the convention this year were either women or minorities.

As the process continues, though, the pool gets progressively less diverse. Although, says Chambers, several minorities came for half-day interviews, the final group of people who gave full job talks included no people of color,

and only two women. Also, as some professors point out, the process, especially for entry-level hiring, stifles not only gender and racial diversity, but also simply general diversity. The bias towards people with the traditional markers of merit tends to produce a group of candidates who closely resemble one another not only in terms of sex and ethnicity, but in other ways as well.

The reasons for the lack of diversity are both troubling and familiar. Feldman, in delving into the background reasons as to why "more white men in the pool look promising than white women," notes that law school professors tend to reach out less to women students, and that women feel less comfortable than men entering into mentoring relationships with faculty. Chambers agrees that we need to question "whether there's something going on that's making teaching unattractive to the most able women and minorities." Professor Sam Gross describes a process in which most law students in general don't end up racking up the accomplishments that lead to guaranteed success in the academic job market. Then, within this framework, longstanding and often subtle factors can dampen women's and minorities' enthusiasm for the gold-star activities even further. This then contributes to the number of females and people of color in the pool of top teaching candidates being even lower than their numbers in law school, period.

But, how much protection can the "there aren't enough candidates" lament provide? "There's no lack in the supply of superbly qualified people of color and women," asserts Professor Catharine MacKinnon. She questions the explanations that it's difficult to locate female and minority candidates: "What is this--'it's so hard'--when there's this pipeline of brilliant people?" The problem, she says, is that female and minority candidates are viewed and treated differently: "Implicitly, there are disparate standards." While acknowledging that conventional law school measures of success "are systemically biased, in a way that shrinks at every step the available pool," she points out that "that doesn't justify adding additional systemically biased standards."

What Is To Be Done?

Professors point to three major goals in hiring: to increase the faculty in general ("grow the faculty"), to diversify the faculty, and to hire people who have the potential to become outstanding scholars and teachers. It's a slow process, faculty say. Most people who give a job talk and meet the full faculty do not receive offers, Lehman observes. Chambers agrees that "we're cautious." Second-year student Nancy Vettorello, a member of the LSSS faculty hiring committee, in recalling this year's candidates who gave job talks and met with the student committee, says that the students "were hoping there would be people that we felt really enthusiastic about, but there haven't been....I can't honestly say that there have been great people who have come who haven't gotten an offer."

Yet professors also express frustration at the fact that the searches generate small numbers of candidates--especially women and people of color. "We plainly must hire more women and more minorities," notes Chambers, but adds that "I'm puzzled as to how we can structure things to do it better."

Clearly, changes need to be made at points early on, so that the pool of people who make it to the full faculty review does not remain so homogeneous. A number of faculty members strongly emphasize broadening the hiring viewpoint. In terms of diversity, says Professor Deborah Malamud, "The broader our definitions are in terms of the kinds of faculty who will enhance our institution, the better off we'll be." Chambers notes that "we have to push ourselves to re-evaluate our standards....Are we able to recognize really able people who think about the world differently than we do?"

But what does this mean, in practical terms? Gross observes that "if we want to increase diversity, we've got to look for people in different places." He stresses searching for people who "have the ability and interests," even if they have not gathered some of the traditional marks of accomplishment. He believes that one focus should be on people who have been out of school and practicing for a period of time--people who may not even be thinking of going into academia, but who have achieved something extraordinary in their field, and who would be outstanding teachers. Both Professor Ted Shaw and visiting Professor Bryan Stevenson, says Gross, are these kind of hires: lawyers with top achievements, even if the achievements are not the conventional academic ones. Gross points out that among the pool of recent graduates, factors such as grades and law review editorship are often all there are to look at, since many people have not actually done anything else. But with a broader pool, one can start to look for and place value on other sorts of accomplishments. "I think this has to be done," says Gross. "It's a top priority. What I mean by 'be done' is combing the earth with a magnifying glass rather than mowing the lawn....I have no doubt that these people are out there."

So?

Well, much of this sounds like an embodiment of some of those favorite buzzwords that, as we have learned, define and justify the world of law: words such as "reasonable," and "in good faith." But will anything change? Some eloquent excerpts from others may best serve to illustrate the entrenched nature of these issues. The Women's Review of Books devoted a large part of its February issue to a special section on "Rights and Wrongs: Women and the Law on the U.S. Campus." One piece, "Anita's Sisters," is an interview with three female African-American law professors: Regina Austin of Penn, Kim Taylor-Thompson of Stanford, and Adrienne Davis of American University.

Austin notes that "the kinds of criticism of black female faculty I heard in 1977 are still being voiced today. And things have gotten worse, because race-conscious

responses are now dismissed as racism. So I don't want you to think that it's a historical problem. It has not gone away for the young teachers or for the older teachers, and the older women are not in a position to protect young women the way the older white males seem to be able to protect the younger white males. It's hard to get folks hired....women in institutions are vulnerable in ways that we cannot protect them against, so it's very frustrating to be a senior person and to have people think that all the problems have gone away when they haven't."

Taylor-Thompson says that "we like to think of trailblazing as a thing of the past, but it's not. I am the first woman of color to be hired on the tenure track at Stanford Law School, and I was hired in 1991. That speaks volumes, not about Stanford but about the state of our progress in law schools in general....The other point...is that it really is difficult when you are coming into an institution, when you are the first person or maybe the third, and you cannot find someone to serve as a mentor or do the advising and protecting that your white male colleagues can enjoy....And if people of color don't feel that they can continue to work and thrive in an institution, it makes it very difficult for the new ones coming in to get a foothold, to get some understanding of what the place is like. I suspect that Regina is still fighting a million battles."

And from Davis: "To echo what Kim said: it's 1995. American University, a wonderful law school, has 45 faculty and I'm the only black woman....You have to ask yourself, where do people go?" Davis concludes by discussing the results of a ten-year study, begun in the 1980s, that measures the rates of law professors choosing to leave teaching prior to tenure decisions. She reports that "the overall attrition rate for law professors leaving prior to a tenure decision is around twelve percent. For black law teachers, it's around thirty percent. And for nonblack people of color, Asians and Latinos, and I guess Native Americans, it's around forty percent."

More Bad News

Looking for more hard evidence? Fewer personal stories? Another piece in this special section, "Patterns of Prejudice," summarizes a law review article by Deborah Merritt, professor at Ohio State University Law School, and Barbara Reskin, sociology professor at OSU (The Double Minority: Empirical Evidence of a Double Standard in Law School Hiring of Minority Women, 65 S. Cal. L. Rev. 2299 (1992)). Merritt explains that: "The research we did involved people who started tenure track jobs at law schools between 1986 and 1991. We were able to collect data on about 1100 law faculty members--every single person who began a tenure-track job during that time period. It's not a sample, it's a complete population....

"One of the things we were particularly interested in was what the sex and race effects would be in law school hiring....The results are quite striking and quite depressing. The minority men's and women's credentials are virtually identical: the prestige of the schools they attended; whether or not they had judicial clerkships...whether or not they were members or editors of law review. Yet we found very large differences in the prestige of the schools the men and women were hired at, the ranks they started teaching at and whether they taught the high-status courses or the low-status courses in the law school.

"We put all the data through a regression analysis...and we still found overwhelming differences between the men and the women within that minority group. In fact, we found that sex is actually the largest factor in determining the prestige of the school where one teaches. All the way down the line, you find that, on average, with the same credentials, the man will teach at a significantly more prestigious school; he is going to be more likely than the woman to be hired as an associate professor or at a higher rank, and he is going to be less likely to teach a course like legal writing or trial advocacy, which are the low-status courses....In short, the men are being judged by their credentials. The women seem to be judged overwhelmingly by the fact that they're women.

"There's been quite a bit of discussion of these results since we published them. They're so counterintuitive to so many law professors that people are brought up short, but then when they look at the data and they see that the findings are fairly dramatic in statistical terms and that we controlled for so many things, they begin to think there must be some truth to it, and they start wondering what's been going on in law school hiring....

"Our study was done during a period when law schools claimed that they were doing very aggressive affirmative action--and in fact, one of the results we got on white women (and on minority men) in the other parts of the study shows some modest preference for them. But even for white women the story was pretty bleak. To me this suggests that the affirmative action stance was necessary to overcome what are some very deeply-held and unconscious biases that the people who are the decision-makers don't even know they have. You need to push people to overcome those biases by telling them to be aggressive in recruiting women and minorities, telling them to look very carefully at those credentials and maybe even to show a preference for the woman or minority. It may be that that so-called preference is only overcoming an unconscious bias. What our study and others I've seen with similar sorts of results suggest to me is that we need to be very careful before we dismantle affirmative action programs. We have to think about revising the whole notion of preference and doing some public agitation about what that word really means."

Of course, these pieces do not necessarily reflect what goes on at Michigan. No doubt, each school has its own unique qualities and history. But isn't it...reasonable...to think that findings such as these can teach us about our own environment? Regarding the issue of unconscious bias, for example--the sort of factor that may lead to the results that

Merritt found--Professor Chris Whitman (who was hired in 1973 along with Professor Sallyanne Payton as Michigan's first female professors) comments that it may be that the hiring process is "easier for white men." If most faculty members can identify with the candidate, "they're quick to forgive them for mistakes or gaps in their presentation." MacKinnon notes that "it's harder for the people who make the decisions to perceive the merits of women and people of color, women or men, even when they meet every standard in the book....What we need to do differently is recognize merit when it's in front of our face. And it's my opinion that people in power have a lot of trouble doing that with women and people of color."

If there is any hope of combating this sort of pervasive bias, surely it will take steps more drastic than what has been done in the past. But the present focus, asserts third-year student Guy-Uriel Charles, is simply "modifying the current system at best, not shifting the paradigm. If we do have a commitment in practice to diversifying the faculty, what does that mean? That means rethinking the whole way we do the hiring process."

-- *Rachel Schwartz*

Recent efforts by students to highlight problems of inequality at the Law School have provoked much discussion among students, faculty and staff about the appropriate and effective strategies for advocating change. The following pieces attempt to place the current movement in historical context.

Brief History of (Spring)Time

An offensive and painful event occurred at the law school. Students outraged by the incident brought their concerns to the attention of the Dean. Hundreds of students went to a meeting with him and courageously shared their stories. They told him that the school was not meeting their needs and that they are repeatedly alienated both in and out of class by professors and fellow students. They made numerous recommendations for change. They threatened never to donate money to the law school or recommend the law school to prospective students. And in the end, the status quo prevailed....

The above story recounts events that have occurred at this law school each Spring for the past three years. During the Spring of my first year here, a controversy arose when former Dean Bollinger did not approve funding for the Public Interest Office for the following academic year. Students who had relied heavily on that office for help in obtaining public interest jobs and support for their decisions to pursue public interest careers were outraged. We formed committees and had long, heated discussions about what to do about the situation. We wrote letters to the RG, to the faculty, and to Dean Bollinger. We met with Dean Bollinger in the Lawyers Club Lounge to express our views. The room was filled to capacity. Throughout this meeting, students repeatedly expressed that this law school is not supportive of students who do not plan to work at large law firms. Many students gave personal accounts of how their viewpoints were not taken seriously in the classroom, of acts of bigotry and hatred perpetuated against students of color, of the marginalization of women's issues at the law school. Despite our efforts, Dean Bollinger chose to leave the funding decision up to the incoming Dean. While the Public Interest program is now doing an excellent job, for a long time there were significantly reduced services for students who were committed to public interest careers.

Last Spring, students learned of several administrative actions that again angered and discouraged us. The administration decided to close the Women and the Law Clinic (which, for the record, was a decision made long before Julie Field decided to leave her position) and decided to place the Michigan Journal of Gender and Law on probationary status. When we first heard of these decisions, we formed ad hoc committees and had many discussions about what to do. We wrote letters. We met with the faculty. We had a large meeting with Dean Lehman in the Lawyers Club Lounge where many students told about their experiences as women in the law school. We talked about how our concerns were minimized by professors and by the administration. We recounted acts of hatred against us (including sexist and homophobic graffiti written on women's week posters, not dissimilar from the racist graffitti that has sparked current discussions). We talked about the important role the Women and the Law Clinic played in the community; Jennifer Ireland and her daughter attended to show their support. We begged the Dean not to close the Clinic. At the end of the meeting, Dean Lehman said, "Thank you, and I'll think about what you said." The result: the Clinic is closing and the Journal of Gender and Law is currently on probationary status. The standards that need to be met in order to be deemed a "permanent" journal have been deliberately left unclear, a decision that affected not only MJGL but also the Michigan Journal of Race and Law.

Students who were at those past two meetings no doubt shared my feelings of deja vu at Monday's meeting with the Dean and the faculty. It leads me to wonder how many annual springtime meetings with angry students have occurred in the history of this school. At Monday's meeting, a student pointed out that years ago a study was done of racism here, but it vanished into the administrative void. What events led to the undertaking of that study?

As a third-year student about to graduate, it is tempting to say that none of this matters anymore because I am outta here!! I know many students who are also tired of always being the ones to fight for changes at this law school. How many times can we speak and have our concerns be ignored without feeling hopeless and invisible? Yet unfortunately it seems that that's the exact reaction the powers-that-be at this school want. The student body at this school is constantly changing, while the power structure remains the same. As long as the administrators feel they can appease us by holding meetings and perpetually studying the problems, nothing will change. New students will arrive, become outraged by their treatment here, try to make changes, become frustrated, and leave.

At the end of Monday's meeting, Dean Lehman said, "Thank you, and I'll think about what you said." Based on what happened the last time he made that exact statement, I am not optimistic about the future. I have a feeling that it holds many more annual springtime meetings and very few changes to the status quo. I hope I'm wrong.

-- *Susan Schick*

Roll Call

I noted--with a mixture of anger and amusement--that many professors have referred to the roll call vote as childish or juvenile or some variation thereof.

Two years ago, when I was less cynical about this place, I was the NLG representative on a committee of basement group folks that was formed to lobby the faculty about faculty hiring. We went to speak with the (then) head of the hiring committee, and told him that we (mostly BLSA and APALSA) had compiled a list (and resumes) of potential candidates that we would like to see the University approach.

We explained that we had considered writing to these folks ourselves but had been counselled (by a newly arrived professor) that this would discourage, rather than encourage potential applicants because they would perceive themselves as having been brought in through the "back door". Our basic question was whether the faculty committee would be willing to try their drafting skills on a letter that would solicit inquiries from these already identified persons without making it sound as if they were already on some short list. It did not strike me then, nor does it now, to be too great a feat of drafting for such an august group of draftsMEN as made up the hiring committee.

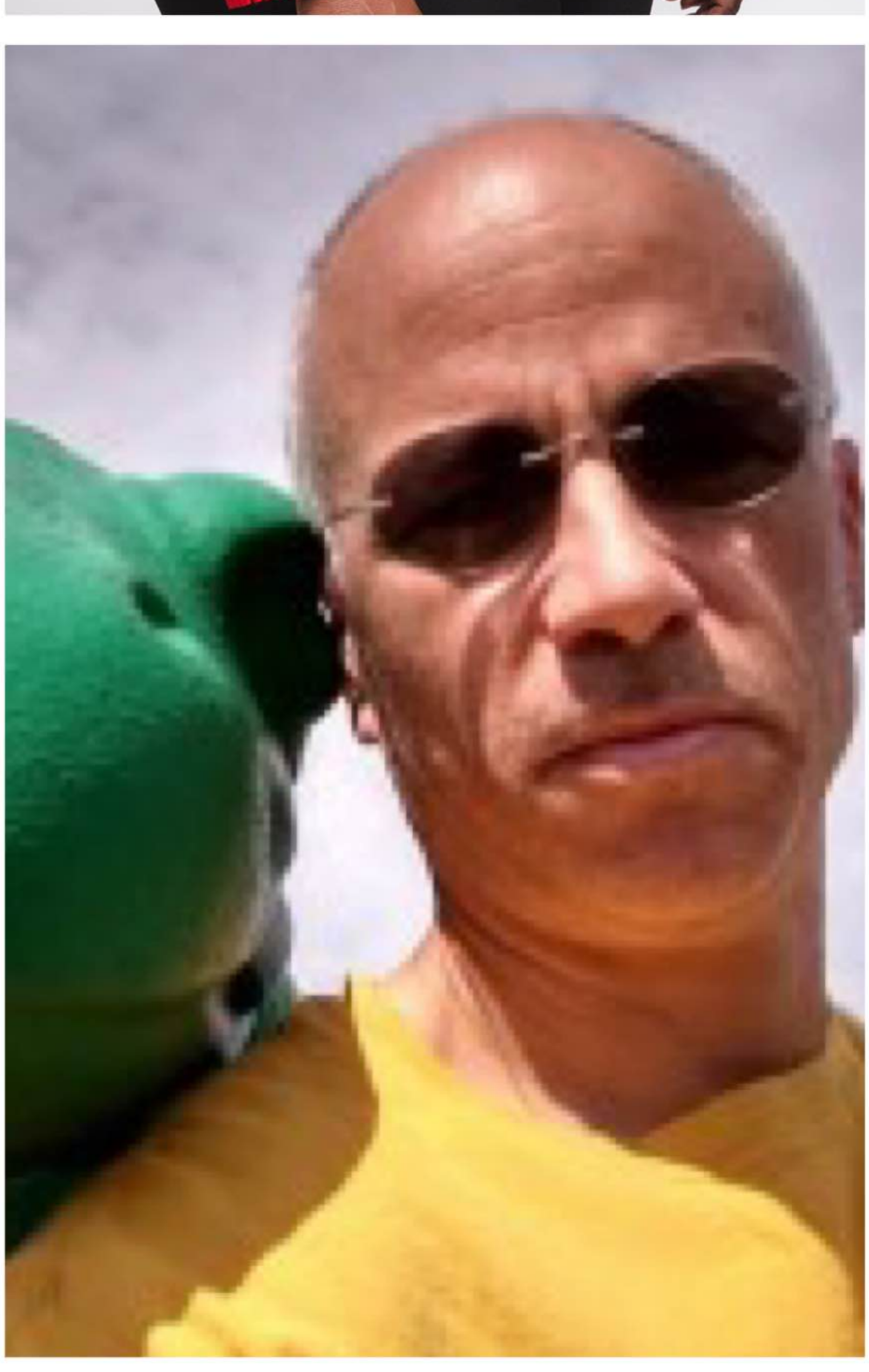
The committee chair hemmed and hawed about hiring criteria. When we tried to pin him down as to what these might be, he started speaking of "procedures." When we tried to pin him down on what those might be, the only one he mentioned was picking up the phone and calling old professors at Harvard to inquire as to their brightest recent students. This was enough to make us realize that we certainly couldn't question the rigor of their search procedure nor the concreteness of their criteria. Finally, after more than an hour of his assuring us of the purity of the faculty's motives and the DEEP concern they had for attracting "Qualified women and faculty of color" (funny how they always need to include that adjective, as if we were asking them to hire Mike Tyson or Madonna), he basically told us (though not in so many words): this is all very complicated (too much so for you children) and you'll just have to trust us (like children must trust their parents) and go ask your mother (just kidding). We kids had tried the most adult way we knew (researching and compiling resumes in advance of our meeting, never speaking out of turn, proposing very UNradical measures, etc.) and had the door politely, but firmly, slammed in our faces.

Last year I was again on a similar committee, this time including the majority of basement groups and the LSSS, and we drafted (and redrafted ad nauseum) a letter to the faculty demanding more candidates and hires from those groups so glaringly under-represented at the law school. In response to that very polite and downright adult letter we received two letters of encouragement--one from Dean Ecklund and one from Professor Nick Rine, neither of whom has any control over these matters--and nothing else. Nothing. No words, no resolutions, and no action.

Now, it is interesting to me that by sending out the open roll call ballots, we get called immature. I agree with the faculty who suggest that the roll call is a blunt instrument and that the proposals are in need of discussion and the polishing that such discussion may provide. But there have been years and years of attempts--don't think for a second that the committee I was on two years ago was the first group of students to look around and notice the monochrome (and bi-chromosonal) make-up of the faculty--using more finely calibrated instruments of persuasion, and those attempts have added up to very little more than diddly-squat.

They can call us whatever they wish; we got them to respond, and in numbers. They say foolish and immature. I say effective.

-- *Garth Van't Hul*



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