

UNM School of Law  
Faculty Meeting  
April 22, 1974  
4:00 p.m., Conference Room

MINUTES

Present: Dean Hart; Associate Dean Desiderio; Assistant Dean Geer; Professors Daniels, Ellis, Goldberg, MacPherson, Muir, Norwood, Parnall, Reynoso, Romero, Simson, Teitelbaum, Utton, Walden, Walker; Librarian Coleman; Student Milne.

Dean Hart called the meeting to order; attention was given to the following, after approval of minutes of the April 15th meeting:

1. Dean Hart announced that Mr. Arthur Greenfield will be a visitor next academic year.
2. The faculty resolved unanimously that the new Honor Code (copy attached) is not yet in operation because of the absence of faculty approval.
3. After discussing the demands presented in person by the Mexican-American Law Students Association, the faculty voted to request Dean Hart to appoint a committee which would be available to the students to discuss their objectives. Copy of the paper read by spokesman Chavez is attached. Dean Hart appointed the committee: Professors Reynoso, Walden, and Walker.

The meeting was adjourned.

Respectfully submitted,

*Louise R. Camp*

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Secretary

MINORITY ADMISSIONS AT THE  
UNIVERSITY OF NEW MEXICO SCHOOL OF LAW  
PERSPECTIVE: MEXICAN-AMERICAN LAW STUDENT ASSOCIATION

INTRODUCTION

The facts speak for themselves. At one time the University of New Mexico School of Law considered itself a leader in minority admissions programs. The raw materials for such a program were there. The state was heavily populated with Chicanos and there was a sizable Native-American population. In the first year that the new law facility was open (1971) the school enrolled 113 first year students. There were 16 Chicanos in that class, a large increase over the previous year ( 9 Chicanos in a class of 80). The next year 106 students were enrolled and again 16 Chicanos were in the class. Apparently the admissions committee has liked that number because 16 Chicanos were enrolled this year in a class of 106. Stagnation is an ugly symptom for any program, but that is what we have at UNM.

From another point of view one can say that percentage-wise UNM has one of the larger minority programs in the country. But is this el fin del camino? Much work and effort has been expended by the Mexican-American Law Student Association (MALSA) to bring Chicano enrollment up to its present level. These efforts must and will most definitely continue as long as the disparity in the ratio of Chicano to white professionals in this state exists. MALSA believes that it should play a major role in determining policy considerations that will affect the very well-being of the community that we represent.

OVERVIEW

A glance at some statistics will show how we have progressed in the last fourteen years. There were a little over one million inhabitants in the state of New Mexico in 1970. The 1970 census placed the number of "spanish surnamed" people in New Mexico at 407,000.<sup>1</sup> The census was based on a sampling tech-

nisus commonly in use and popular among "social scientists". The Bureau of the Census revealed in 1973 that because of faulty sampling techniques the number of "spanish surnamed" individuals was actually 10.6 millions nationwide instead of the original 9.1 million estimate.<sup>2</sup> An extra 1.6 million had "appeared". Various estimates as to what that actually means for the state of New Mexico have been given, but using the most conservative estimates that would place the number of Chicanos in the state closer to 50% of the population.

In 1970 the median number of school years completed for Chicanos in New Mexico over 24 years old was 9.7. (The same median for non-Chicano whites was 13.7) 25.7% of these Chicanos had less than eight years of education. 22.1% had from one to three years of high school and 32.8% had graduated from high school but had not gone on to college. The same figures for non-Chicano whites showed 5.7%, 11.0%, 34.9% and 48.4% respectively.<sup>3</sup>

The picture is not all bleak though. The 34,850 Chicanos in the four-years-of-high-school-or-more category represented an increase of over 175% from the previous census. The increase for whites over the same period was 46%.<sup>4</sup> In 1970 there were 8,500 Chicanos enrolled in colleges across the state; the bulk of these under 24 years of age.<sup>5</sup> Between 1970 and 1972 the enrollment of Chicanos in state universities and land-grant colleges more than doubled from 19,000 to 41,500.<sup>6</sup>

It would seem that the same increase would be reflected in the professional community, but as we have seen that has not been the case. In the thirteen years between 1960 and 1972 the University of New Mexico School of Law graduated 25 "spanish surnamed" persons out of 379 graduates.<sup>7</sup> There are only 122 "spanish surnamed" lawyers out of a total bar membership in excess of 1500 in New Mexico.<sup>8</sup> There is one Chicano lawyer for every 4,100 Chicanos in the state; while the ratio

among whites is 1 to 355. The situation is recanted in other professional fields.<sup>9</sup>

#### AFFIRMATIVE ACTION

There can be no doubt from the foregoing statistics that there is a continuing need for affirmative action along with more effective recruiting of Chicanos for the legal profession.

By affirmative action we do not mean that schools should now open their doors and accept the top applicants by "mechanical standards" (ie., LSAT scores, undergraduate GPA and the so-called first-year predicted average), nor has this been the case at the UNM Law School for the past four years. (Although it is happening at many institutions.)

This exclusive use of mechanical standards is what Marcos DeFunis would have law schools do. DeFunis v. Odegaard, 507P2d 1169; cert. granted, 414US--, 42L.W.3306(Nov. 1973) The Washington State Supreme Court rejected DeFunis' contention that he was denied equal protection of the laws because 36 minority applicants (and 38 white applicants also) with lower "mechanical standards" than himself were admitted while he was rejected.

The broad general issue before the U.S. Supreme Court is whether criteria other than "mechanical standards" - including race - can be used in admissions decisions in order to correct deficiencies of minorities in the bar membership that resulted from past patterns of racial discrimination and general suppression. Should the Supreme Court reverse - and there is no indication that it will - it would have to overrule cases and statutes that have firmly established the constitutionality of affirmative action programs ranging from school desegregation plans (Brown v. Board of Education, 349U.S.294 (1955).) to Congressional statutes (Indian Preference Statutes, 25USCA44-46 and 472). But this possibility is not a rational-

ization for holding the minority admissions program in abeyance until the court hands down its decision.

Furthermore, the situation in Washington state is clearly different from the situation in New Mexico. In Washington there are a total of 23,000 black persons and 70,700 Chicanos in a population of well over 4 million. At the time of the case (DeFunis) there was not a single Chicano lawyer in the entire state and only 20 black lawyers.<sup>10</sup> The University of Washington Law School enrolled more minority students on a percentage basis than is reflected in the total population of the state in order to more quickly raise the number of lawyers in the state who could more effectively serve their communities.

In New Mexico we are not even approaching a ratio of Chicano law students to total law students that compares to the ratio of Chicanos to the total population of the state. We firmly believe that the University of New Mexico School of Law is perfectly justified in accepting each and every qualified Chicano applicant to the law school.

Nor do we mean by affirmative action that policy of setting aside a specific quota of openings in each first year class for minority students. This has been the practice at the University of New Mexico. By setting a quota of twenty minority students in the category of "special admission" the law school has effectively limited the growth of the affirmative action program. There are well over 20 qualified Chicano applicants to UNM this year and to date only 19 have been accepted of the 140-odd acceptees. (Taking into account the normal attrition rate among acceptees the number of Chicanos in next year's class will be the same or smaller than for this year.) Coupled with the continuing financial problems with the Council on Legal Education Opportunity (CLEO) and subsequent decreases in the number of minority students allowed to attend its summer institute, there is danger that Chicano enrollment will further decrease in coming years if the present

quota system is employed.

This pattern of discrimination extends to the faculty and administrative level. There are only two Chicano faculty members and no Chicano administrators. MALSA efforts to correct these gross imbalances in representation have met with frustration at the hands of the administration.

#### DEMANDS

To meet this problem and to embark on an expansion of the affirmative action program at UNM, MALSA makes the following demands:

1. That the MALSA admissions committee be granted full access to all Chicano files;
2. That the MALSA admissions committee be given full power to send out at least 40 letters of acceptance to Chicano applicants;
3. That a full-time Chicano dean be hired, with the approval of MALSA, to handle (among other things) the administrative details of our admissions program, to act as liaison between MALSA and the regular admissions committee, to work in conjunction with the MALSA admissions committee in evaluating Chicano applicants, to sit on the regular admissions committee as a voting member and to develop, coordinate and implement all aspects of the Chicano program;
4. That the law school hire more Chicano employees at all levels in accordance with the affirmative action plan to achieve population parity in New Mexico;
5. That the law school provide MALSA with sufficient funds to conduct a viable recruitment program under the direction of the above mentioned dean;
6. That Chicano law students be guaranteed sufficient financial assistance according to need based on a realistic standard

to be decided by mutual agreement between the law school and IALSA;

7. That the admissions committee be reorganized to include two student members - one of whom shall be a Chicano;
8. That the programmed studies program be expanded to include a minimum of 40 students.

RESPECTFULLY SUBMITTED,

MEXICAN-AMERICAN LAW STUDENT  
ASSOCIATION

1. All the statistics on population in New Mexico were derived from a booklet entitled: General Social and Economic Characteristics, New Mexico; issued by the U.S. Department of Commerce and the Bureau of the Census, December 1971, Government Printing Office, Washington D.C..
2. "Census Bureau Updates Count Of Spanish Origin", New Mexico Eye On Washington, Albuq. Journal, Gene Goldberg, Jan. 22, 1974.
3. See note 1.
4. Spanish Surnamed American Employment in the Southwest, Fred Schmidt, Institute of Industrial Relations, University of California at Los Angeles (prepared for the Colorado Civil Rights Commission), Table 24, p.50, GPO, Washington D.C., 1970.
5. See note 1.
6. "Minorities' College Enrollment Up", Associated Press, Albuquerque Journal, p.A-6, August 22, 1973.
7. Compiled from the official graduation lists for the University of New Mexico Law School, 1960-1972.
8. Martindale-Hubbell Law Directory, vol. III, pp. 762B-845B, R. R. Donneley & Sons Co., 1974.
9. See note 1.
10. Morris, Equal Protection, Affirmative Action and Racial Preferences, 49 Wash. Law Rev. 1, 38 (1973)