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# THE STRUGGLE FOR MINORITY ADMISSIONS: THE UCLA EXPERIENCE

ROGELIO FLORES\*

I would like to take this opportunity to welcome you to the UCLA School of Law. I'm going to talk to you about what things to look for and the pitfalls to avoid while having your respective *cocos lavados*<sup>1</sup> by this institution. I would like to do this by reviewing the previous three years of this law school's history, so that we might share some of the experiences I have had while attending law school.

## WHY UCLA?

Choosing a law school can be a very difficult thing. I thought to myself: Should I apply to Boalt, Hastings, Stanford, or only to UCLA? Should I stay close to my community or go out-of-state? What about Harvard? I heard Harvard is where all the "heavy-weights" go, but would I really be happy there? In the end I decided to apply to UCLA, USC, Boalt, Hastings and Stanford.

After I completed the monumental task of preparing and sending my applications, I pretended to be completely indifferent to which law school, if any, accepted me. Nevertheless, I was very glad when I was accepted by UCLA. One reason for my delight was that I had attended UCLA as an undergraduate. Another reason was that I had heard how "together" the Chicano law students were. Of course, the academic reputation of the Law School had something to do with my happiness. Finally, I must admit I am an avid UCLA basketball fan.

## THE FIRST FEW DAYS

The first year class at UCLA Law School was divided into

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\* B.A. 1976, University of California, Los Angeles; J.D. 1979, University of California, Los Angeles. Mr. Flores is presently a staff attorney for the Legal Aid Foundation of Los Angeles in East Los Angeles. This speech was made at an orientation session for new incoming Chicano and Latino students (Class of 1982). The orientation was held on August 24, 1979, and it was sponsored by the Chicano Law Students Association.

1. The following translations are not literal, but reflect the colloquial usage, e.g., a literal translation of *cocos lavados* is "heads washed", but here the intended use is brainwashed.

four sections. There were seven Chicanos in my section: Ben, Nick, Manuel, Jose, Gabriel, Susana, and myself. I'll never forget those first few days when we huddled together like surfers in a snowstorm. We formed our own little *barrio*<sup>2</sup> near the back of the class. We slipped study aids or notes to a *carnal*<sup>3</sup> or *carnala*<sup>4</sup> should he or she be called on by the *profe*.<sup>5</sup>

It is hard to describe what it meant to have other Chicanos in my section. Although it wasn't always what might be called *carnalismo*,<sup>6</sup> it certainly was not the dog-eat-dog environment in which many students often found themselves. Our section was a microcosm of the Chicano Law Students Association (CLSA).<sup>7</sup> We were people from different backgrounds and different levels of involvement with *El Movimiento*.<sup>8</sup> Geographically speaking, we covered a wide area of this state: from Calexico to Lamont, from Sacramento to Fresno, from Santa Monica to some town called East L.A. As heterogeneous as we were, Anglo students, and even some minority students, looked at us as if we were members of a gang—mysterious, tightknit and always threatening. I look back at those times with some humor because they would have been surprised to learn that the CLSA members often disagreed on many issues.

#### THE CHICANO LAW STUDENTS ASSOCIATION

This brings me to the CLSA meetings. During my three years in law school, we met at noon on Mondays. In the first few months of the year, the second and third year students dominated the discussions. As the year progressed, however, the first year students gradually assumed their role in Association activities and discussions. You will notice, that there are those who are the talkers, those who are the listeners, and those who are more interested in the gourmet quality of the burritos sold in the vending machines than in the intense debate about the future of minority admissions at the UCLA School of Law.

The CLSA meetings are the heartbeat of the organization. Any achievements Chicanos and Latinos accomplish at the Law School depend upon the continuing vitality of the CLSA through your involvement in meetings and other activities. It is easy for

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2. Neighborhood.

3. Brother.

4. Sister.

5. Professor.

6. Brotherhood, comraderie.

7. Campus organization of Chicano students at UCLA Law School. The name of the organization has recently been changed (1980) to La Raza Law Students Association.

8. La Raza movement.

one to become oblivious to all of the activities in the law school, especially those who have sat through countless discussions relating to various aspects of the struggle for social justice. Nonetheless, it is important to participate and not isolate oneself from what is going on here.

#### THE SPECIAL ADMISSIONS PROGRAM

You may be wondering how the CLSA came into existence. A better question is, "Where did all these Chicanos come from and how long have they been here?" In the early days of the Law School there were few, if any, minorities at UCLA. In 1968, as a response to the political and social climate of the sixties and to demands being made on society by minority communities, the Law School instituted what was known as the Legal Education Opportunity Program (LEOP). This was an effort to increase the number of minorities at the Law School and eventually in the Bar.

At first, LEOP provided comprehensive services ranging from tutorials to financial aid. The program was quite small during that period, but it continued to grow and eventually peaked in 1977.<sup>9</sup> Unfortunately, as the number of minorities admitted increased, it seemed fewer services were provided. For example, the financial aid program for LEOP students, which originally had been a separate entity, was eventually delegated to the campus-wide office. Now one had to compete with thousands of other students for money. As for tutorials, attendance was no longer mandatory as it once was; in fact, some professors became reluctant to offer them.

Aside from the problems confronting LEOP from within, the program was also threatened by the California Supreme Court's decision in *Bakke v. Regents of University of California*.<sup>10</sup> In response to *Bakke*, the LEOP Task Force was formed in 1976. Consisting of five professors and four students, the Task Force was charged with assessing the effects of *Bakke* on UCLA's minority admissions program. It also was given the mandate of designing a program that would comport with the final outcome of the *Bakke* case.

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9. In 1978 and 1979 Chicano enrollment declined, with entering classes of 29 and 22, respectively. The Class of 1980, however, had the largest enrollment of Chicano students in UCLA's history, with 48 enrolled. This increase in enrollment is not indicative of other schools in California. Two other University of California campuses, Boalt and Hastings, have 25 and 9 Chicanos, respectively, enrolled in their first year classes. Other schools in the state also have low enrollments in comparison with UCLA, e.g., Golden Gate (10), New College (12), Santa Clara (16), University of San Francisco (9), and University of Southern California (8).

10. 18 Cal. 3d 34, 132 Cal. Rptr. 680, 553 P.2d 1152 (1976).

## THE STRUGGLE FOR STUDENT INPUT

During the Task Force's deliberations, it became apparent that the faculty intended to reduce student input into the admissions process. One faculty member, for example, proposed that minority students be admitted solely on the basis of grade point average (GPA) and Law School Aptitude Test (LSAT) scores without regard to other factors. While that drastic proposal was not adopted, the Task Force opted to reduce student input by minimizing the weight given to the student recommendations of applicants.

In the first eight years of LEOP the program guidelines contained language which, in effect, stated that student recommendations concerning applicants for admission to the Law School would be followed. This language became known as the "presumption". In the fall of 1976, the LEOP Task Force voted five to four (five faculty to four students) to have the "presumption" stricken. Apparently, the faculty, dissatisfied with student recommendations, felt the procedure was administratively cumbersome since it placed a time burden on the admissions process. Thereafter, seeking to have the decision of the Task Force overruled, minority students complained to the faculty. The faculty responded by ratifying the decision and by amending the guidelines to provide that substantial weight be given to a student's LSAT score and GPA. The CLSA concluded that this decision would be extremely detrimental to Chicanos from underprivileged backgrounds since their potential could not adequately be measured by objective criteria. In addition, the CLSA reasoned that, as minority students, our input was essential in order to more fully evaluate minority applicants.

After the faculty decision was announced, a coalition of minority and concerned Anglo students voted to strike in an effort to impress upon the faculty the importance of the issue at hand and to urge reconsideration of its decision. About 150 of us locked ourselves inside the Law School and occupied the main hallway for six hours. For the first time in its history the Law School was completely shut down due to the concerted effort of minority and concerned Anglo law students. Afternoon classes that day were spent discussing the *Bakke* decision and the general problems confronting minorities in society and in law school. Some students were out-and-out hostile. Some friendships between strikers and non-strikers were strained, if not terminated.

After the strike, a faculty committee met with members of the Asian American Law Students Association (AALSA), the Black Law Students Association (BALSA), the Indian Law Students Association (ILSA), the National Lawyers Guild ("the Guild") and

the CLSA. As a result of the meeting, language was added to the LEOP guidelines stating that substantial weight would be given to student recommendations. This illustrates a fundamental lesson law school teaches us—language, sentences, even single words can become an important part of our lives, and often these words can become the focal point in struggles for social justice.

Life returned to normal after the strike. As in previous years, each of the minority associations conducted interviews of LEOP applicants. After the CLSA presented applicants' files to the Admissions Committee and decisions were made, the final tally for that year was thirty-six Chicano/Latino students. This was the highest number of Chicano/Latino students to enroll in the school's history. During the 1977-78 school year, approximately one hundred of us attended UCLA. Although this was among the largest Chicano enrollment in the nation, it was not even ten percent of the total Law School enrollment at UCLA.

#### THE SECOND YEAR

My second year in law school started off differently from my first. I had a feeling of confidence in my academic ability that did not exist the previous year. I realized that I could make it through law school without losing all contact with the economic and social problems of my community. In addition, my opinion of the faculty changed. When I started law school I naively believed that most faculty members were sincere in their sympathy for the concerns of the minority communities and minority law students, but the proof is in the *atole*.<sup>11</sup> The faculty's refusal to listen to the concerns raised by minority and concerned Anglo students taught me that the ivory towers believed to have been torn down during the struggles of the sixties were in fact being built stronger and higher than ever before.

That lesson was brought home again in April of 1978 when the faculty initiated its second major "spring offensive." I say "spring offensive" because, traditionally, disputes about minority admissions take place during the spring semester when applicants are being interviewed and presented to the faculty admissions committee. This crisis did not only concern language, but also involved the possibility that Chicano admissions (and probably the entire LEOP) would be cut in half if something was not done.

The admissions procedure in prior years went something like this; of forty-five Chicanos admitted, about fifty percent would choose to attend UCLA. Additional applicants would be admitted from a waiting list numbering as many as twenty students,

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11. A thick, creamy beverage with consistency similar to eggnog.

until a target of thirty-two was reached. In total, approximately sixty-five letters of acceptance were sent out to Chicano applicants. In the Spring of 1978, however, something unique happened. The Admissions Committee admitted only thirty-three Chicanos and refused to form a waiting list. The Committee claimed, given the smaller applicant pool, they could not find any more qualified applicants. The Dean of Admissions estimated that this action would yield a Chicano entering class of sixteen or seventeen students, about half the usual number. While it was true that the number of Chicano applicants had dropped almost twenty percent, the CLSA did not believe this warranted a potential fifty percent reduction in Chicano admissions. As a matter of fact, all applications were down, including Anglo students'. Certainly the Admissions Committee was not suggesting that there should be a similar cut in the number of regular student acceptances. Moreover, in terms of qualifications, the applicant pool was not much different than that of earlier years.

The main reason perceived for such a large reduction in Chicano admissions was in retaliation for the strike of the previous year. By reducing the total number of low income, and presumably socially conscious students, the Law School could finally achieve the "prestige" it had been seeking for years (*i.e.*, by admitting only the "cream of the crop"), and also avoid the embarrassing press coverage of demonstrations by Third World students and communities. The entire purpose and role of this state funded institution was at stake. Would the UCLA School of Law now only be a training ground for lawyers to serve the traditionally powerful interests, or would students representing historically oppressed people get a fair share of the seats in the Law School?

The fear of a fifty percent reduction brought minority students together with other students to discuss what action should be taken. Numerous meetings were held between the faculty and the students in an attempt to avoid the confrontations of the previous year. In one general faculty meeting, the Chairperson of Admissions, a respected member of the faculty, threatened to resign if the "no waiting list" decision of the committee was overturned by the faculty. As if fearful of the consequences of raising the ire of the Chair, the faculty voted to uphold the committee's decision. Student groups demanded the reinstatement of the waiting list and a guarantee that there would be no reduction in the number of any minority groups' admissions. The "irresistible force" of these demands met the "immovable object" of the Chair, and the student strike of 1978 resulted.

## THE STRIKE OF 1978

The strike began as a series of demonstrations, picket lines, and a boycott of classes that at times was seventy percent effective in cancelling classes. Even the staff of the UCLA Law Review, not known in the past for its progressive nature, presented a petition to the faculty asking that the student demands be met. The strike lasted for eight days and resulted, not only in the occupation of the main hallway, but also in a takeover of the library and records office and the closing of the entire Law School.

A faculty negotiating team met with members of the student coalition steering committee during the strike. A compromise position was proposed by the faculty that no waiting list be established, but that Chicanos be admitted from the waiting lists of Harvard and Boalt. The strikers voted not to compromise their original position and the strike continued. At times the crowds in the halls numbered more than five hundred students. During the day, Chicano brothers and sisters from the UCLA Graduate School of Management coordinated food distribution for the strikers. Undergraduate student groups from UCLA and other local campuses came by at different times to offer their support.

After the occupation of the library and the records office, the faculty asked the strikers to vacate the facilities as a sign of good faith so that the school could resume operations. At first we refused; however, on the seventh day of the strike both concessions were made. Later that evening, student negotiators returned to inform the strikers that they had been deceived. The faculty had made its final proposal: the Harvard-Boalt plan with no modifications. Try to imagine the frustration of hearing these words. After seven days of struggle, it was the faculty who did not negotiate in good faith. On the morning of the eighth day, a moratorium on the strike was declared and student input along with the last vestiges of LEOP all but came to an end.

The Admissions Committee eventually admitted a few Harvard and Boalt people and then began an unprecedented effort to recruit Chicanos in order to avoid the embarrassment of only a token number in the next year's first year class. Unlike other admittees, Chicanos were assigned certain faculty members to "help" them choose the law school they would attend in the fall. In addition to being wined and dined at the Faculty Club, the Chicano students were also sent a variety of literature informing them of UCLA's merits. As a result of these efforts, twenty-nine Chicanos enrolled at UCLA. This was a reduction from previous years, but not as small as we had feared.

During the summer of 1978, while the faculty recruited students, and the CLSA met with other groups to see what should be



done about the moratorium, the United States Supreme Court handed down its decision in the *Bakke* case.<sup>12</sup> The Court held that an admissions policy which specifically sets aside slots for minorities was unconstitutional.<sup>13</sup> The Court, however, also held that a school could take race into account in its admissions process.<sup>14</sup> In a plurality opinion, the Court alluded to the Harvard diversity admissions program as an example of one that would not violate the Constitution.<sup>15</sup>

Consequently, the administration revived the old LEOP Task Force, now called the *Bakke* committee, chaired by Professor Kenneth Karst, a noted constitutional scholar. The Committee was charged with formulating an admissions program consistent with the Court's ruling. The feeling was, however, that the Committee would be more concerned with creating a "*Bakke* proof" program, rather than with addressing the needs of disadvantaged minority students and their communities.

By the beginning of the fall semester of 1978, a number of different proposals were presented to the *Bakke* Committee. Professor Karst introduced a proposal calling for special admissions based on the diversity approach used by Harvard.<sup>16</sup> The CLSA, AALSA, and the Black Law Alumni Association, each introduced proposals similar to the old LEOP admissions program which used "disadvantage" as the primary factor distinguishing regular admittees from special admittees.

The CLSA proposal was the painstaking work of a handful of Association members who met for months to research and write. The proposal attempted to reinstate stronger language than the "presumption" which was eliminated in 1977. It also called for mandatory interviews of applicants wanting to be considered

12. 438 U.S. 265 (1978).

13. *Id.* at 307, 315-20.

14. *Id.* at 320.

15. *Id.* at 315-19.

16. Under the current admissions program, the Karst Proposal, 60% of the class is admitted on the basis of a figure known as the "predictive index." The formula for this index is:  $(200 \times \text{GPA}) + \text{LSAT score}$ . For example, a GPA of 3.50 (4.00 = A) and a LSAT score of 670 would give the following results:  $(200 \times 3.50) + 670 = 1370$ .

The Karst proposal also created a diversity program under which approximately 40% of the entering class is admitted on the basis of scores and subjective diversity characteristics. It is interesting to note that while the original purpose of the special admissions program was to increase the number of minorities in the legal profession, *see*, THE SPECIAL ADMISSIONS PROGRAM, *supra* at 3, the stated goal of the current admissions program is to provide a diverse student body: ". . . [O]ur recommendations aim at producing a student body that is diverse, consisting of students who come from a wide range of different backgrounds and have a variety of life experiences and career objectives. ADMISSIONS TASK FORCE, 1978-79, 3-4." Race and disadvantage are but a few of many factors to be considered in the diversity admissions program: "Another part of the diversity we seek is a diversity of race and ethnic background of our students." *Id.*

under the new special program. The interviews were to ensure that the applicant met the special qualification, whether it be "diversity" or "disadvantage". These interviews would be conducted by the concerned student groups, *e.g.*, AALSA, BALSAs, and CLSA.

The consensus among minority students was that, as minority students, we were in a better position than the faculty to determine to what extent a person was a minority. This is especially true of Chicanos, since we are *mestizo*.<sup>17</sup> Language and cultural experiences differentiate the Chicano from mainstream America, giving the Chicano community a different perspective. With few exceptions, the faculty had trouble identifying members of a minority group. They identified minorities by superficial characteristics, such as skin color and surname, rather than identifying students who have the minority perspective. Because they were unfamiliar with the minority perspective the faculty still judged minorities from a mainstream perspective. Thus, we felt student input into the admissions process was essential, even under the faculty's diversity program because we knew we did not want the faculty to decide who will represent our people.

The Karst proposal, on the other hand, did not call for interviews of any kind. A questionnaire which had always been required of out-of-state LEOP applicants, and which was reviewed by student groups to determine the applicant's "ethnicity" and "disadvantaged" background, was now optional. In effect, it meant an end to meaningful student input into any future admissions program.

Some faculty members believed that they had the best interests of our communities at heart. Minority students responded by asking faculty members when they had ever been to our communities. In fact, it is *our* people who visit faculty members' communities—to cut their grass and clean their houses!

Interviews and student input were only some of the conflicts between the Karst proposal and the proposals propounded by Third World student groups. A more fundamental difference revolved around the basis under which students would be given special consideration. Under the new plan, an applicant who did not meet the objective criteria (measured by GPA and LSAT score) for regular admissions, but could add to the diversity of the student body, would be put into a second applicant pool.<sup>18</sup> Diverse individuals included the handicapped, persons with advanced degrees, foreign citizens, persons pursuing a second career, and other people with interesting life experiences (*e.g.*, World War II fighter

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17. A person having both Spanish and Indian heritage.

18. See note 16 *supra*.

pilots, college quarterbacks, world travelers, etc.). Also, since the use of grades and test scores in making admissions decisions would produce an almost "lily white" class, being non-white was one way of qualifying for the new program.<sup>19</sup> The faculty argued that diverse students would enhance the educational atmosphere of majority students and the Law School generally; a proposition which smacks of tokenism, if not racism.

### THE HUNGER STRIKE

A major shift had occurred. The Law School would now seek minorities in order to benefit the institution rather than to assist Chicanos who desired to fill the legal needs of our communities. Concerns were raised about what to do next. Some said, "Let's strike and shut the Law School down!" Others said, "I'm tired of fighting these . . . (expletive deleted) . . .!" Still others remained quiet, thinking about different tactics which might be used. Finally, a tactic was agreed upon: a hunger strike. This strike would take place the week after Thanksgiving, beginning on Monday and continuing through Friday when the Karst proposal would be presented to the full faculty for ratification.

When I was asked to participate in the fast, I admit I had mixed emotions. At first I could only think of the turkey dinner my mother makes for the *familia*<sup>20</sup> every Thanksgiving. I was also concerned with the lack of involvement by other third year students. Would I look like a *viejito*<sup>21</sup> sitting alongside first and second year students? Last, but not least, finals were just a few weeks away and I had yet to start reading *Gilberts*.<sup>22</sup> After weighing these factors, I decided to join the strike. Besides, I figured I'd probably faint after the first day.

Well, I didn't faint, and neither did any of the other forty people who joined the hunger strike. We camped out on the second floor of the Law School, in front of Dean Warren's and Professor Karst's offices. We studied, sang songs, saw movies, watched ourselves on the news, drank every kind of tea and fruit juice available, and communally lost a few hundred pounds. We had a very effective press committee which contacted every newspaper and television station in town. News of the hunger strike spread to the extent that we succeeded in getting the support of many people throughout the state, including Cesar Chavez (who knows all about fasting to get a point across).

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19. *Id.*

20. Family.

21. Little old man.

22. Commercial law outlines. Gilbert Law Summaries, Harcourt, Brace, Jovanich Legal and Professional Publications, Inc.

One might be impressed, but the faculty certainly was not. They voted twenty-seven to two to support the Karst proposal with minor modifications.

We realized that if we were going to fulfill the legal needs of our communities, we would have to take exams and pass them. In addition, we had succeeded in publicizing our discontent and demonstrated our commitment to seeing that the doors of the Law School remain open to minority students. At the end of the seventh day, therefore, the strikers voted to end the fast.

On the last day of the strike, a large rally was held in the patio attended by Cesar Chavez, Professor Ken Graham, and a variety of progressive attorneys who urged us not to be afraid to carry on the struggle in other forms. On that note, the LEOP, under which many Chicanos have passed, gasped its final breath.

Despite repeated assurances by the faculty that the proposal would not result in a reduction in the number of minority students, it most certainly did. There are only twenty-two Spanish Surnamed students and even fewer Blacks and Asians in this year's entering class.<sup>23</sup> I shudder to think how many of these students would not be here had it not been for the actions taken in attempting to save special admissions.

#### CONCLUSION

So what did we, the Class of 1979, leave for you? Well, it sounds like we suffered three years of defeat at the hands of the faculty. All is not lost, however, we still have two offices on campus, the CLSA and the Chicano Law Review. We also have the Centro Legal de Santa Monica.<sup>24</sup> If nothing else, we have left you with a legacy that may be hard to live up to. The CLSA has come to be known as a fighter, and any cutbacks on admissions or other programs are expected to be vigorously resisted by members of the organization.

While I do not wish to sound like a prophet of doom, I believe all of these things are in constant jeopardy of being lost. The *placas*<sup>25</sup> are on the wall. You have been left a diversity program with virtually no student input. It is now solely up to the faculty to decide which Spanish Surnamed students are "special" and to be given extra consideration.

Finally, I would like to leave you with a sobering thought. We have been concerned with the prospect that there would be a significant drop in the number of Chicanos and other disadvan-

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23. See note 9 *supra*.

24. Legal center for low income individuals. The center is primarily operated by CLSA members.

25. Signs.

taged people at this Law School. This year, the Los Angeles Unified School District announced that fifty-five percent of the entering kindergarten class is Latino.<sup>26</sup> As you argue with the faculty in the future over admissions, keep in mind the legacy you will leave for the little *carnales* that remain in our respective barrios.

Good luck in school and thank you.

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26. The Los Angeles City Board of Education's figures show that 55% of the entering kindergarten class in 1978 was Hispanic. This figure rose to approximately 58% in 1979.