



Photo by Steve Dykes  
Sam Deloria directs the University of New Mexico American Indian Law Center, which might be partly responsible for an increase in Native American lawyers. He spoke at Saturday's affirmative action conference at the law school.

## Indian activist: After backlash 'normal' means white, Anglo-Saxon

By KELI OSBORN  
Of the Emerald

The old rhetoric of civil rights activist is meaning less because society is "turning around," Native American activist Sam Deloria told listeners at an affirmative action conference Saturday.

"Many of us came to maturity in an era where ... things were going our way," Deloria, director of the American Indian Law Center at the University of New Mexico told his more than 80 listeners. "That is over."

American society is returning to a belief that "normal" is white, Anglo-Saxon, Deloria said. "The attitudes, the will, seems to be changing."

Those who did not agree with the trends of the last 20 years — those who "kept silent" — are no longer quiet, he said. The current backlash, or neo-conservatism, means affirmative action proponents must drop the old rhetoric if they are to "turn these people around."

Deloria called the distinction between rights and law an important one. "Those of us who've had the opportunity to attend law schools or other professional schools know how these systems operate," the Yale University law school graduate said.

"We have the responsibility to illuminate for the communities we came from, and for society as a whole, the complexity of right and reality."

That difference between right and reality is not carefully enough explained to prospective minority lawyers, Deloria said.

"If we dump everything on their shoulders immediately, if we allow a structure to impose too many pressures, we may destroy them."

Non-minority lawyers have apprenticeship situations and often are eased into the law practice, he said. Their social and moral responsibility is not as great as that of minority lawyers who usually are ex-

pected to "go home" and work in their communities.

Minority persons have a "right" to be themselves, to be different. "Analytically we have that right." But, practically speaking, it's exactly the opposite, he said.

"Practically speaking, we do not have the right to expect any deviation from normality as expressed by Jimmy Carter and law admissions committees."

The courts have recognized the special status of Indians for political rather than racial reasons, according to Deloria. But, although it is constitutionally permissible to deal with Indians separately, they are grouped with other minorities when it comes to affirmative action, he added.

"In practical terms, the legal distinctions that are important to Indians aren't going to do us much good," he said. The backlash against affirmative action programs hurt Indians, too.

In his talk, Deloria asked to what extent school admissions committees should be social engineers in deciding what sorts of people should be lawyers.

"Some things that we think are instinctively clear to us are not that simple," he said. Law school admissions committees have a difficult task and are deciding who should be lawyers on grounds that are not adequately discussed.

Deloria's American Indian Law Center provides summer sessions for prospective Native American law students and awards scholarships funded through the U.S. Bureau of Indian Affairs.

The program is at least partially responsible for the increase in Native American lawyers in this country, according to Prof. Charles Wilkinson of the University law school.

Ten years ago, according to various counts, only two to 12 American Indian lawyers practiced in the United States. Now, the figure is as high as 170, Wilkinson said.

# Bakke aftermath: No quotas

By MARY FORAN  
Of the Emerald

Since the Supreme Court handed down its controversial Bakke "reverse discrimination" decision, minority admissions programs across the nation have been eliminated, Prof. Denise Carty-Bennia of Boston's Northeastern University Law School said in the keynote address of Saturday's conference on Affirmative Action.

The "trickle-down effect" of that decision can already be seen in fall term professional school enrollments, said Carty-Bennia, who is currently chair of the National Conference of Black Lawyers' Task Force on Legal Education and Bar Admissions.

"There are already 100 less minority students in medical schools nationwide, and I don't expect a favorable increase but rather a lowering of minority enrollments," she said.

"We have returned to mid-1960 undergraduate minority enrollments," she charged, adding that there has been an "obvious increase in racial antagonism" at many of the Universities she has visited.

This "dark and dreary picture" is underscored by the 5 percent loss of minority students in four-year degree programs, said Carty-Bennia, and the fact that the majority of black students are enrolled in "historically black colleges."

Figures for 1978 show these 105 colleges produce more than 50 percent of the nation's black graduates, while the other 50 percent receive their degrees from 3,000 other institutions, she said.

These figures "reveal other dimensions of the minority enrollment problem," she said. "We've really missed the boat on attrition and retention." The problem is one we can no longer ignore.

In response to these enrollment trends and the Bakke decision, the National Conference of Black Lawyers, the Center for Constitutional Rights and the National Lawyers Guild formed the Affirmative Action Coordinating Center (AACC) to monitor, collect,

index and analyze information on the status of pending affirmative action litigation, legislation and administrative programs, Carty-Bennia said.

The AACC has also established a toll-free national "hotline" 800-223-0655, for information on the status of affirmative action nationwide, she said.

The AACC recently developed a brief on the Weber vs. Kaiser-Aluminum case, a reverse discrimination suit charging unfair promotion of minorities in a special training program without regard to traditional seniority privileges, Carty-Bennia said.

She said the case is being "rushed" through litigation even more than the Bakke case, and she expects a decision to be reached soon, ironically close to the June 28 anniversary of the Bakke decision. She said she is not optimistic about the outcome.

The implications of the Weber case could be more far-reaching than the Bakke decision, she said, since it involves voluntary affirmative action training programs in skilled industries where women and minorities have historically been excluded.

"Affirmative action in employment could be quite dead, and unable to resurrect itself," depending on the Supreme Court's decision, she added.

In a later workshop session Carty-Bennia and Maxine Thomas, assistant dean of the University law school, discussed the legal basis for affirmative action.

Thomas said there is no actual legal basis for affirmative action. Title VII does, however, prohibit discrimination against protected classes.

Federal contractors are required, she said, to develop affirmative action programs, and although state law doesn't require affirmative hiring, state contractors are also required to implement affirmative action programs.

Thomas stressed that commitment on the part of employers is the most important part of affirmative action. "The final implementation of affirmative action," she said, "comes down to this."

## Attrition lessens minority gains in law admissions, lawyer says

Stephen Magcosta, a San Francisco attorney who is co-director of Law Students Civil Rights Research Council, says implementing affirmative action in higher education requires specialized admissions programs — but that's only a start.

Magcosta, speaking in a workshop of the Affirmative Action Conference at the University law school Saturday, said retention is the area where most schools fall down.

"We need programs to increase the number of minority lawyers," he said. "Just increasing the number of law school students isn't enough."

To illustrate his point, Magcosta offered workshop participants a sample program for increased minority participation and success

in law schools.

The first step in placing more minorities and women into law schools is increased recruitment, he said.

"The burden of proof should be with the school, but student minority groups want an adequate voice in recruitment matters."

Magcosta also suggested more flexible admission criteria. He said students should receive credit for community involvement, military service and other prior experience toward admission to law schools.

More grants for studying specific areas of the law and more financial assistance aside from loans are also needed, said Magcosta.

Improved academic assistance is another piece of Magcosta's program example. He said more

faculty participation and even a tutorial program with community lawyers would improve academic performance of minority students.

Changes in curriculum would help keep minority involvement in schools, said Magcosta. The changes he suggested should make curriculum more relevant to the minority experience.

Also in need of improvement are support services, Magcosta said. Those services include placement and information concerning job availability.

Finally, Magcosta said more minority faculty would help minority students through school, adding that existing faculty should make themselves more accessible to students.

Magcosta said more positive role models are needed in communities.

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