

BALSA RESOLUTION ON THE APPOINTMENT OF BLACK
LAWYERS TO THE LAW SCHOOL FACULTY

WHEREAS, the Law School Council, which is the elected representative body of the law students, in the fall of 1970 passed a resolution endorsing the urgent need for, and the benefits of the appointment of Black lawyers to the faculty of the law school, and

WHEREAS, the faculty Committee on appointments and tenure endorsed and accepted that resolution in the fall of 1970, and

WHEREAS, a majority of the faculty polled in March, 1972 expressed their concern for the need of Black professors at the law school as a high priority item, and

WHEREAS, the faculty Committee on appointments and tenure has not and cannot substantiate the claim that competent Black lawyers interested in teaching at the law school cannot be found, and

WHEREAS, some lawyers, named in a list of potential candidates submitted in 1971 by BALSA to the faculty Committee on appointments and tenure, were never contacted or formally approached by the law school, and

WHEREAS, the Law School is obligated to comply with HEW Desegregation guidelines in reference to teachers as well as to students, and

WHEREAS, the Law School has never formally employed Black lawyers as professors at the law school but, as a stop gap, has employed only two Black attorneys as seminar instructors for one semester.

THEREFORE, BE IT RESOLVED THAT the law school has negligently failed to implement the mandate of justice, of its students and of its faculty by not appointing Black lawyers to the faculty.

FURTHER, BE IT RESOLVED THAT the law school remedy its negligence by

1. Appointing competent Black lawyers to the faculty for next academic school year,
2. Allowing the active participation of BALSA in the selection of Black professors,
3. Allowing BALSA representation on the Committee on appointments and tenure,
4. Reporting to the students regularly on its efforts in the area of employment of Black professors,
5. Refusing to make any further appointments to the faculty until competent Black lawyers are appointed to the faculty.

STATEMENT OF THE BLACK AMERICAN LAW STUDENTS ASSOCIATION OF THE UNIVERSITY OF VIRGINIA REGARDING THE EMPLOYMENT OF BLACK FACULTY MEMBERS AT THE UNIVERSITY OF VIRGINIA SCHOOL OF LAW

Only a short three years ago did the Law School decide to admit a noticeable number of black students. In 1950, under court order, the Law School admitted a black student for the first time. From 1950 until 1969, the highest number of black students entering the first year class of the law school at any one time was three. In 1969, thirteen black students entered in the first year class. Since 1969, the number of black students entering in the first year class has declined to eight in 1971. Apparently, the motivation for admitting Black students comes more from an impending threat of intervention by HEW authorities than from a recognition of the dire injustice being perpetrated by the University against black citizens of the State of Virginia as well as the rest of the United States. This failure to recognize the University's responsibility to black citizens still pervades the Law School to a controlling extent and is now most clearly reflected in its failure to hire black lawyers to its faculty.

The points being presented here should not surprise the Law School. Since the fall of 1969 black students in the Law School have periodically confronted Law School academic and administrative personnel to express their concern and anxiety over the absence of black professors at the University. As a result, a one-man sub-committee was formed by the faculty Appointments and Tenure Committee to recruit "a" black faculty member. No doubt this one-man sub-committee would like to fulfill its function and has made small efforts toward this end. However, the one-man sub-committee is bounded and controlled by the Appointments and Tenure Committee and by the entire faculty, which we feel, are not sufficiently committed to the hiring of black professors.

In March of 1972, the black law students and officials of the Law School student government conducted a poll of almost every faculty member in the Law School to determine whether or not the faculty was committed to hiring black professors, and the extent of such commitment, if present. Most of the faculty members polled said they favored recruiting black professors. Some professors, however, felt that blacks should not be "recruited" at all. The latter group saw no particular value in having blacks on the faculty. Such views apparently are given great weight in considering the degree of priority to attach to the recruitment effort.

Prior to polling the faculty, black students over the past three years have voiced criticisms, sought answers, offered suggestions, and have had some direct input into the lax black faculty recruitment effort. We have gone so far as to submit a list of names of black lawyers whom we felt were qualified to teach law in various subjects at the Law School. Many of those lawyers named were never contacted or formally approached by the Law School.

We have been informed by the sub-committee on black faculty recruitment and by various other faculty members that several names of potential black faculty members have been suggested to the Law School by various sources. Some of those suggested have been contacted, some have expressed a lack of an interest to teach, at least one has expressed a lack of an interest to teach at Virginia, at least one has been interviewed for a position, but rejected by a faculty interviewing panel, while most have been summarily dismissed from consideration.

Most faculty members in the Law School tend to think that one necessarily begs the question of "double standards" when talking about recruiting blacks. Each year, several recent law school graduates are appointed to the faculty with little more credentials than their law school grades and in some cases a year or two of work experience. In effect, the Law School takes a chance that the appointee will develop as a faculty member. Why can't the law school appoint recent black law graduates and practicing attorneys on the same theory, rather than confine its recruitment effort to attempts to attract the super candidate that every other law school in the country is trying to attract?

It is submitted that there are black law graduates whose records and/or experience place them in the same category as recent white graduates who are appointed. Moreover, it is submitted that there are several black professors already teaching at other law schools who may be dissatisfied with their present positions, or who for some other reason could be attracted to the University of Virginia.

We do not endeavor to seek out potential candidates. We place this responsibility on the Law School. The difficulty of the task should not be used to excuse the lack of results, but should be used to determine the degree of commitment and dedication needed to produce results.

Because we feel that the Law School has not made the necessary commitment; and consequently, has not made the necessary effort to employ black professors, we are calling for a full scale investigation into the policies which guide the efforts being made by the Law School in recruiting black professors and an investigation of the efforts being made under those policies. We ask immediate attention in this matter toward the end of seeing competent black professors as faculty members of the Law School by the 1972-73 session.