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UCLA LAW SCHOOL NEWS

UCLAW VOLUNTEERS PROVIDE WELFARE ADVOCACY

Homelessness is a hot issue in America these days. Aspiring presidential candidates point to it; the media showcase it; most citydwellers see it. In Los Angeles, an estimated 30,000 people are homeless. UCLAW students, through the UCLA Homeless Legal Project, are trying to do something about it.

Approximately forty students, for an afternoon every couple of weeks or months, are volunteers. They begin by finding students with to carry five to ten people to one of the Los Angeles County Welfare Offices dotting the cityscape. There the volunteers storm the waiting room, waving hand-outs and brochures that spell out the services that the county is supposed to provide to all seekers.

But some of the seekers can't read. Others are disabled or in deep distress from the poverty that burdens them. The Project volunteers find "clients" and advocate on their behalf with the county's officials. Frequently, the county bureaucrats don't, or won't, extend the services they're supposed to offer. Sometimes at closing time, homeless people who have waited for hours are sent back out to the streets without a hotel voucher or a meal ticket. When the UCLAW volunteers are there, however, everyone in the welfare office gets the help and attention they need.

"Things really come alive when we show up at a welfare office. Many people only get something because we're there," Project organizer Joe Kennedy, UCLAW 3L, said. "It's not as though we bring the answers to their problems. What we do is challenge the welfare bureaucrats to provide all services to all people in their office that day."

Kennedy describes the volunteers as a kind of quality-inspection force. "I think the county officials have actually come to respect us. We'll persevere until everyone waiting in the office gets processed." Although county welfare offices fill up daily with homeless people and others in need of assistance, Los Angeles Legal Aid Society attorneys indicate that the Project's brief forays carry over to an overall

See HOMELESS, Page 4



(L-R) Lisa Torres, Gus Vargas, Prof. Jose Bracamonte, Raquel Pelayo, Nina Frias.

BRACAMONTE HONORED

By De Ann Castillo

Students Honor Law Professor

Thursday, February 6, marked the day that the La Raza Law Student Organization (LRLSA) held a dinner banquet in honor of Professor Jose Bracamonte. The well attended banquet was in recognition of his significant contributions to the organization and the law school community in general. Being the son of working class parents, as well as having grown up in an Arizona community laden with blatant racial and economic division, Bracamonte knew all too well the value of knowing one's rights. Yet it was in his 7th grade U.S. History class that Jose Bracamonte found his inspiration to study law. Struck by how much power politicians wield, and realizing that most politicians are lawyers, he decided that he too would become a lawyer.

After receiving his J.D. from Notre Dame, and completing his L.L.M. studies at the University of Michigan, Professor Bracamonte taught for three years at the Houston Law Center, and for two years now here at UCLAW. Although he teaches torts and criminal procedure, his area of specialty is Immigration Law. When asked about his reputation for being a hard-nose in the style of Professor Kingsfield of the television show, *Paper Chase*, Professor Bracamonte responded that sometimes students, especially first years, unconsciously put him in situations where he is more authoritarian than he would like to be. He feels that both because of his race, and relatively young age, that it's often more necessary for him to impose a firm structure for his class than would otherwise be the case. This explains why he runs such a tight ship with respect to punctuality and classroom attentiveness. However, Professor Bracamonte prefers an informal style of teaching, and apparently this message comes through, since despite his reputation he has developed a good rapport with students both in and out of the classroom.

Nevertheless, Professor Bracamonte has found that teaching can be isolating. That is why he relishes his participation with LRLSA and other student organizations, since it enables him to develop a sense of community with the students. While some professors may put research ahead of interaction with students, or even the quality of teaching, he feels that these three elements of academia are all equally important. Indeed his support of student groups has been tremendous, as demonstrated by his overseeing of a faculty mentor program for first year students. The program, sponsored by LRLSA, offers tips on exam preparation and technique. In particular, Professor Bracamonte administers practice exams and even goes so far as to personally review the exams with the students.

Just as Professor Bracamonte has been a source of inspiration and role model for LRLSA, so will he soon be to the general legal community. Although he is up for tenure here at UCLAW, Professor Bracamonte has plans to return to Arizona for the next academic year, where he will either teach at Arizona State University, or engage in immigration and tort litigation for a young and promising law firm. He is however leaning toward joining the law firm, since he feels that opportunity would enhance his teaching and gives an opportunity to work with a unique progressive law firm. That firm operates on the premise that the solution to serious problems (local and nationwide) lies in politics not law.

Traditionally, legal service organizations and public interest groups have had to rely on corporate or governmental funding to perform their work. The problem says Professor Bracamonte, is that these groups waste too much energy on fund raising efforts, and not enough is spent on achieving the actual goals of the organization. He also believes that while impact litigation (such as *Brown v. Board of Education*) is important, it provides only marginal success. Bracamonte's goal, and that of the firm, is to maintain a high powered, multi-faceted law practice that enjoys enough financial success to enable it to fund an ongoing community organization that

SECTION 5: A SIGN OF THE TIMES

By Sandra Otaka

Not all who applied for §5 got in. The openings were limited. SO, who should fill them?

Section 5 is the alternative legal research and writing course for first year law students that begins in the second semester. It represents part of this school's considered attempt to help students who, for one reason or another, are having difficulty adjusting to the academic peculiarities of law school. One would think, therefore, that those with the greatest problems-low grades-would be let in first. Not so.

Some people were rejected from the program because their grades were too low. After just one semester they were deemed beyond help. They were told, however, that eventually they might get a faculty tutor. That was chancy proposition at best. Few faculty have the time, motivation, or skill for the task. Basically, these people were left to fend for themselves.

They represent the casualties of an unannounced shift in this administration's policies toward its less-than-stellar students. Apparently the administration has decided to marshal its strained resources and focus them on students with the greatest promise of improvement. That sounds appealing if you are an administration hedging its bet against future bar passage rates or protecting its reputation. It does not sound the same if you are an administration concerned with the success of all its students. It is especially unappealing if you are the student who was not good enough for help.

There is something reprehensible about not helping students because they did too poorly in their first semester, particularly students who wanted help. But it will be even worse if the administration then watches them fail and says, "I told you so." §



Ann Lappi

APLSA Honors Sandra Otaka for her work in minority recruiting. Pictured (L-R) Walter Kim, Sandra Otaka, Tammy Chung, Reid Honjiyo.

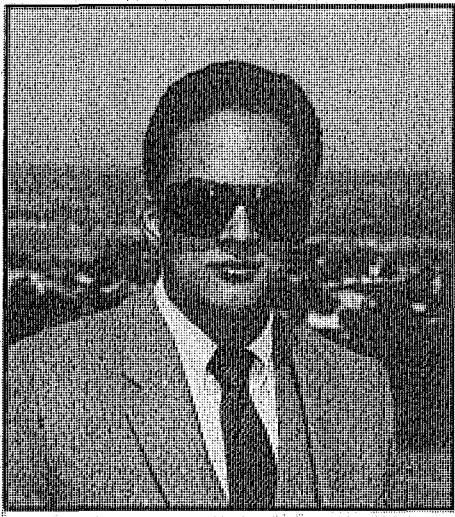
will combine litigation and politics. The organization will concentrate on effective political lobbying and active community education in addition to impact litigation in promoting the needs and interest of the Latino and general community.

Professor Bracamonte firmly believes it is the responsibility of the legal profession to find a solution to pressing socio-political problems, yet feels that we can never have justice without politics. Indeed he insists that "the law by itself cannot guarantee justice." Clearly Professor Bracamonte is a

rejuvenating force in the legal community. His unique combination of intellect, energy, and progressiveness is most assuredly an attribute to UCLAW.

Without hesitation it can be said that his presence in the UCLAW community will be sorely missed. Moreover, there should be no doubt that we will feel his presence in the future, although I suspect it will be on a national level. He is wished good luck and much success in all his future endeavors and with tenure. §

LETTERS TO THE EDITOR



Being Frank

By Frank Benton

The AIDS controversy has been turned into a forum for gay rights and those expressing legitimate health concerns have been labeled "homophobic". As a result, the liberal legal community has bent over backwards to find excuses to permit those with AIDS or the AIDS antibody to spread this disease with impunity. For example, recent attempts to protect the privacy of AIDS carriers completely disregards the health of society as a whole. Not only are identified AIDS carriers not quarantined, but they are permitted to go on infecting others.

Recent studies, such as the McKusick Study of homosexual males in San Francisco reported that of the lowest quarter of those engaged in the least promiscuity, 1/3 admitted to oral/anal contact, just under 1/2 admitted to allowing semen into the rectum and more than 1/2 admitted to swallowing semen, all within the last 30 days. Of course, my liberal friends tell me, education will solve this problem. Now, try and tell me with a straight face that this group in San Francisco are not aware of AIDS. So, where does that bring us? It's absolutely insane to suggest that the AIDS epidemic will be stopped by educating people in the exotics of homosexual behavior. That's like saying drug problems will be stopped by telling people the "safe" methods of using drugs. I am not against homosexual rights, I could care less what people do behind closed doors. That's not the issue. The issue is, "how do we stop the spread of AIDS?" By protecting an AIDS carrier's "privacy" against disclosure, that person is allowed to pass the disease onto others, the only constraint being a moral appeal to practice abstinence. Obviously, that approach is not working. AIDS carriers are still donating blood, still engaging in unsafe sex practices, and still spreading AIDS.

This lunacy is evident in the current controversy surrounding the condom commercials. Even the Surgeon General, generally a conservative man, has recommended the use of condoms if one is to engage in unsafe sex. Condom manufacturers themselves don't even guarantee they will prevent pregnancies, let alone stop the interaction of bodily fluids in a much harsher environment. Medical studies report that condoms break in about 1/2 of all anal intercourses. I guess it's O.K. to put a gun up to one's head if only half the chambers are loaded. Of course, heterosexual couples face less chance of breakage, but the principle is still the same.

So, what is the solution? Should AIDS carriers be quarantined? No, that's been rejected soundly and is not realistic. However, requiring AIDS carriers to be identified can go a long way towards solving the problem.

Putting an AIDS carrier's potential sex partners on notice is a step in the right direction. How's this to be done? I don't know, but turning this into an issue of homosexual rights certainly isn't going to allow sensible solutions. It's ironic that those who cry loudest that this is not a homosexual disease are those who use homosexual's rights as a sword to slice away at sensible laws.

What if AIDS has started within the heterosexual population? Concededly, more research may have been directed at the problem, but by the same token, much more stringent laws would have been enacted to protect society and to stop the spread of AIDS. What has happened is in the liberal zeal to avoid being labeled homophobic, sensible laws are not being discussed.

Of course, simple solutions to this complex problem are not possible. However, a step in the right direction would be the realization that this is not a homosexual disease, and laws aimed at AIDS carriers and those designed to stop its spread are not aimed at homosexuals. §

VIEWPOINT

By Reginald W. Chun

Once again condescending attitudes surface in the name of journalistic objectivity. The last Docket editorial (February 1987 issue) spoke of minority organizations being "discriminatory" toward its conservative members. As a member of the Asian Pacific Law Students Association (APLSA), I find the statements in that editorial a distortion of the issues affecting the minority and working class community. The racist attitude that minority programs are an example of reverse discrimination remains a tenet of anti-minority groups; there is an assumption that only minority students are getting "additional" assistance (assistance which is available to everyone). Another distorted belief perpetuated by the article, that community self-determination is an abuse of power, centers on the stereotype that a strong minority community will always lead to unfair representation.

The societal "welcome" mat has been laid out, but the doors remain closed for the disadvantaged. Brown v. Topeka Board of Education has chipped the walls of oppression, but walls still remain. Too often, the insensitive dismiss the fact that all minority students meet the qualifications for regular admission. The diversity student, minority or working class, is like an olympic athlete, a survivor who was fortunate enough to have weathered the barriers thousands did not. Many of the people wince at racial injustice; they only seek to impede social change, designed to tear down existing barriers to racial equality by denying minority representation.

As long as people continue to harbor the power to oppress minorities and the working class, other groups such as minority organizations, trade unions, and legal aid societies will continue to use the strength they have to fight for the rights of people who lack the avenues to economic and political power.

Internal self-criticism is fine, but the article unwittingly provides true racists with the ideological inconsistency to attack minority rights - while espousing ideals of equality, all within the same breath. All the centuries of overt racism and the recent decades of latent racism (which systematically excluded and continues to exclude minorities from quality education, jobs and housing) is supposed to magically disappear; now everyone is supposed to be "equal," although the people in power continue to control the society's educational, employment and political levers.

It's too easy to ignore the racism of the past and to spout ideals of equality, while doing nothing to address the critical issues affecting minority and working class people. Those against programs which address past racism can be traced to many civil rights movements as collaborators, people who "sold out" rather than face the hypocrisy of society. And the same people who criticize minority self-determination and minority strength see nothing wrong when people unite against school integration, open admissions, and divestment. The people at the forefront against affirmative action are probably the very ones who fought for segregation, intervention into Vietnam, and the McCarthy inquisition.

The editorial criticism stems from the misguided belief that community solidarity automatically means racism. The editorial displays a mistrust toward community unity, and celebrates the often selfish goals of individuals - at the expense of the goals of the community. Communities need lawyers who have a sense of social responsibility to the community and can advocate their concerns. They certainly don't need lawyers whose only contact with their community consists of being "role models" who drive by in BMWs - oblivious to their harsh reality.

Something's seriously wrong with society, when Kareem Abdul Jabbar is idolized by people. YET the very SAME people would move out of the neighborhood - then live next door to his brother. Since many have not faced the often mortal injuries of educational, housing and employment discrimination, they feel that latent racism doesn't exist. The article chooses to blame the victims of racism, rather than the instigators. Instead of focusing on the problem of racism and the root causes, the writer focuses on minority organizations, who are working to address the problem. Consequently, he distracts many people from seeing the real problems and divides the knowledgeable by creating mistrust. People who use similar reasoning usually blame a rape victim for dressing "suggestively," or visit hospitals to criticize alcoholics for knowingly ruining their lives.

See VIEWPOINT Page 3

Graduation Speaker Selection: Too Much Control for One Person?

by Christian L. Castle

I think that the time has come to restructure the responsibilities of the third year class president with respect to selection of UCLAW's graduation speaker. Having no small amount of experience in arranging speaking engagements, I think it's appropriate for me to comment. Further, not only do I not have designs on Mrs. Kimbell's job, I do not plan on attending my law school graduation ceremony in any event, the beaches of Bali being better pre-bar R & R than some academic benediction bestowed in a pathetic tennis court, or whatever hideous disinterested party, then, I think I am able to consider graduation speaker selection objectively.

Selection of a graduation speaker ought not to be the choice of a single person, elected or not. Graduation ceremonies are occasions for a great influx of people from the real world who are noncombatants in the fight for our nation's law schools. Families and friends of the graduating class come together to celebrate a milestone in a student's career that marks the onset of a nonnegative balance in his or her equity accounts. These persons have not been brought together for a political rally, but rather for a day of private celebration.

In the heightened political atmosphere of the post-1970s American law school, it is unlikely that a single person--not even that third year president--acting behind closed doors and effectively accountable to no one, will be able to choose a speaker who will address a unifying theme appropriate for the occasion.

Last year's graduation speaker was Chief Justice Rose Bird, the former chief justice of the California Supreme Court. I know that the families of some students were offended at having to endure her particular message, especially because what should have been a private event was--strangely enough--covered so well by the news media. Her notoriety extended far beyond California's borders. Yet I cannot really fault the group of students who picked the

See GRADUATE Page 3

VIEWPOINT

Continued from Page 2.

A popular myth which deserves burial is the success of Asian Pacific Americans; although some Asian Pacific Americans have succeeded financially, the vast majority of Asian Pacific Americans remain in a cycle of poverty. As a Philipino American, the writer forgets his ethnic group's present 100 year struggle for equality. Asian Pacific Americans have been in the United States for over 130 years; they have contributed to the building of this nation, and have served their country well.

Even today, Anti-Asian violence persists nationwide, and employment discrimination for even the college educated remains the norm. Our heritage continues to be distorted by World War Two stereotypes in popular and academic culture, which portray Asian Pacific Americans as untrustworthy, exotic, and unAmerican. As a second generation Chinese American veteran serving in the U.S. Army, everyone's first question to me was, "where did you come from?, or you speak English well!" (as if being American is a requirement of skin color).

Racists of All ethnic groups have always attacked minority organizations formed to combat the racism directed towards minorities. Any sense of ethnic unity and self-determination is pictured as self-segregation,

although people who exclude others from their neighborhoods, schools and jobs are considered civic-minded citizens. With almost no political representation by the powerful elite, minority and working class communities have asserted their rights of citizenship because their issues have been long neglected. This showing of community unity by minorities almost invariably provokes the ruling class to create charges of self-segregation and racism. While a minority or working class community leader remains more sensitive to the issues of her community, charges of undue bias are more issues of human frailty, rather than race exclusive. Community groups are formed to provide an avenue where the community can have their concerns addressed and to provide a forum to increase awareness among our members and the UCLA community of the rich heritage of Asian Pacific Americans.

Often the argument against minority programs rests on economic grounds. The World War Two tragedy of the "Voyage of the Damned, sending 900 Jewish people to certain death, was possible only because people in the U.S. allowed racism disguised in economic arguments to govern what society should value.

People talk about a color-blind society, yet any politically savvy person

knows that the competing priorities of the ruling class rarely side on the disadvantaged; centuries of oppression and "equal opportunity without enforcement" have brought Native Americans, African Americans, Asian Pacific Americans, Chicanos, Latinos, and working class whites nothing but second class citizenship. The battle for equal rights extends beyond racial lines, since AIDS discrimination, Women's rights, South African divestment, and Immigration policy have been the civil rights movements of the 80's, the same battles for justice, only in different forums.

The assumption that minority people can be judged on the basis of what they like is racism. Our communities will continue to fight for the same dreams our grandfathers and grandmothers hoped for—true equality. After presenting his demands for true equality (not the Bureau of Indian Affairs version of "equality") before the congressional hearing following Wounded Knee, Native American leader Russell Means said, "I have not said anything new...like a mockingbird, I am simply repeating what my ancestors demanded.

THESE PERSONAL VIEWS DO NOT REFLECT OR EXPRESS THE VIEWS OF THE ASIAN PACIFIC LAW STUDENTS ASSOCIATION OR ITS COLLECTIVE MEMBERS.

GRADUATE

Continued from Page 2

former chief justice. She at least is a California lawyer and was at the time the State's top judge.

Now the third year class president coquettishly offers up Governor Mario Cuomo of New York as a candidate, presenting Governor Cuomo's invitation as a fait accompli. Notwithstanding his ample talents as an orator (in the best traditions of Tammany Hall, Richard Daley, Huey Long and P.T. Barnum), Governor Cuomo has no connection with this state. As another writer pointed out in a letter to the Docket, such a speaker is entirely inappropriate for that reason alone.

I would go farther, however. Beyond his lack of contacts with California, Governor Cuomo is partisan politician. The fact the Governor Cuomo is not currently running for the presidency (ostensibly) in 1988 is of no importance—he'll run eventually, and eventually will need a national organization. Because of California's high number of delegates to the Democratic Party convention, and because of the influence of the far left wing of the Democratic Party in California, a speech at UCLA might dovetail nicely with Governor Cuomo's eventual plans. A friend not unconnected with the Governor told me as much.

However, family members of some law students have strongly held views about his political party; many oppose him. Even some within his own party oppose him. Why should these families, on a day devoted to private celebration, have this public man thrust upon them? Not to mention the inevitable intrusion of the news media? It is difficult to understand why the third year class president believes anyone would profit from her invitation to the governor of New York.

Consider a third year class president with different political connections and backers than Mrs. Kimbell. (Although the election of such a person is unlikely, humor me.) Such a person might invite Senator Dole, or Reverend Robertson, or Representative Kemp, or Ambassador Kirkpatrick, or even Mr. Adolpho Calero, any one of whom is a stirring speaker in his or her own right. How would the families of students feel about any of these? It's the same problem, isn't it? None of these speakers would be appropriate for our graduation ceremony, being political candidates, or those too closely aligned with a highly controversial viewpoint. This juxtaposition points out the crucial point—the fact that one is able to persuade great leaders on a particular occasion does not mean that it is proper for one to exert that persuasive force.

Indeed, it may even demonstrate poor judgment and a childish desire to shock, to startle, or to titillate. No, selecting a proper speaker is more difficult than choosing one's favorite ice cream treat.

I found it easier to understand Mrs. Kimbell's desire to attract Governor Cuomo when I was informed that her husband is a former Jerry Brown staffer whose lingering relationships within the Democratic Party allowed her to put her proposition to the Governor privately at a recent Westside soiree. While Mrs. Kimbell may be willing to proffer her own services to the Governor in his eventual pursuit of the presidency, there is no reason for her to auction UCLA's graduation ceremony as part of her bargain. I am certain that her talents are ample enough that she need not flirt with the appearance of impropriety created by her attempt to lure a politician with this overt display.

Even though Governor Cuomo has declined Mrs. Kimbell's invitation, the problem with a single person choosing our graduation speaker is well illustrated by the personal gain Mrs. Kimbell is likely to reap through her invitation. The exchange is a net gain for Mrs. Kimbell, but a net loss for the third year class in terms of delay in negotiating with an inappropriate speaker. This dalliance wasted time that could have been spent finding someone who was appropriate to the occasion. Now it's March, with graduation less than three months away, and still no speaker has been confirmed. (Other schools had this issue resolved in October of last year, I might add.) We can only hope that Dean Prager will save the day by using her personal influence with Justice O'Connor at this late date.

I think that the time has come for a restructuring of the whole process of selecting a graduation speaker. If the third year class president is so tasteless as to risk offending a sizeable portion of the families of graduating students, then perhaps a bipartisan committee would be a better selection system. That way it would be difficult for private motives to consume public choice. §



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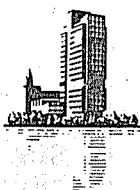
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HOMELESS

Continued from Page 1
improvement in the county's everyday services to the poor.

Project volunteers say their efforts are worthwhile simply because they're helping others. "You give a little time and in return you know you really helped people who can't always help themselves," Steve Katz, UCLAW 1L, said. Kennedy quotes the Homeless Legal Project's founder, Elena Pop, UCLAW '85: "We empower the powerless."

Help ranges from assisting an inarticulate, panicked long-term welfare recipient with an address change to obtaining housing, medical aid, clothing and food for a newly

homeless family overcame by the red tape. The results are frequently quantitative - vouchers, checks, stays on eviction - but more importantly, psychological. The impersonality of the welfare system can discourage the people who depend on it; they can come to believe no one cares about them as individuals.

"The problem for many people we help is that they're intimidated by the system. They'll take no for an answer - even if the county is legally obligated to say yes," explained Leslie Braverman, 3L.

She related an experience where county workers at the Imperial/South Central L.A. office found a loophole in the regulations stating that they were allowed four days

to issue food vouchers. "I had to stand up on a chair and tell everyone waiting that, contrary to my earlier promise, they wouldn't be issued vouchers that day. A man came up to me and said, 'I'll bet you're going to eat tonight!'"

Thus challenged, the volunteers subsequently contacted Legal Aid, which worked on getting the county to change its policy to same-day issuance.

The Deserving Poor?

"I'm reluctant to play the numbers game about homelessness," Kennedy said, pointing out that homelessness has a variety of definitions. Some limit it to sleeping on sidewalks, while others, including Kennedy, believe anyone compelled to seek the county's assistance for

lodging and food can be classified as homeless.

"Basically the problem is that there's not enough affordable, low-income housing in the country," he said.

Kennedy commented on the biblical adage many conservatives have great fondness for, 'The poor ye shall always have with ye.' "The poor may be always with us, but it's a good, humane thing to keep their numbers down. That requires an active fight by society," he explained.

Kennedy of course acknowledges that many homeless people who are mentally ill or choose the life on the streets won't accept the benefit of any good intentions. But he feels that efforts must be made to help those who want to escape

the streets. "The ideological glue of our society derives its strength from perpetuating that sense of possibility for everyone. There is something deeply troubling about a society that forces people to live on the streets simply as a matter of economic necessity."

Kennedy gives two reasons why society should try to bring the poor into the mainstream: "First, economic utility. It's dangerous to have a permanent underclass. Re-volutions occur when the needs of many people aren't being answered by the status quo. Second, there's a moral imperative. People should help those in need. The idea of the welfare state has been institutionalized to the point that we've stripped simple giving of its emotive force."

Kennedy attributes his insights on the plight of the underclass to his year as a Rotary Scholar at the University of Capetown, where he wrote a thesis on the effects of the Reagan Administration's South African policy. "You dismiss notions of the 'deserving poor' when you've had face-to-face encounters with the denial of human dignity," he said.

Want to Volunteer?

The Homeless Legal Project is perfect for UCLAW students, Kennedy says, because: 1) it takes no preparation; 2) there's no follow-up; 3) there is no minimum participation time required; 4) it's effective; 5) it's satisfying; 6) it looks good on a resume.

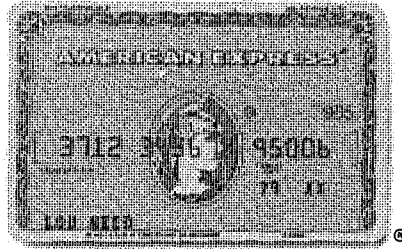
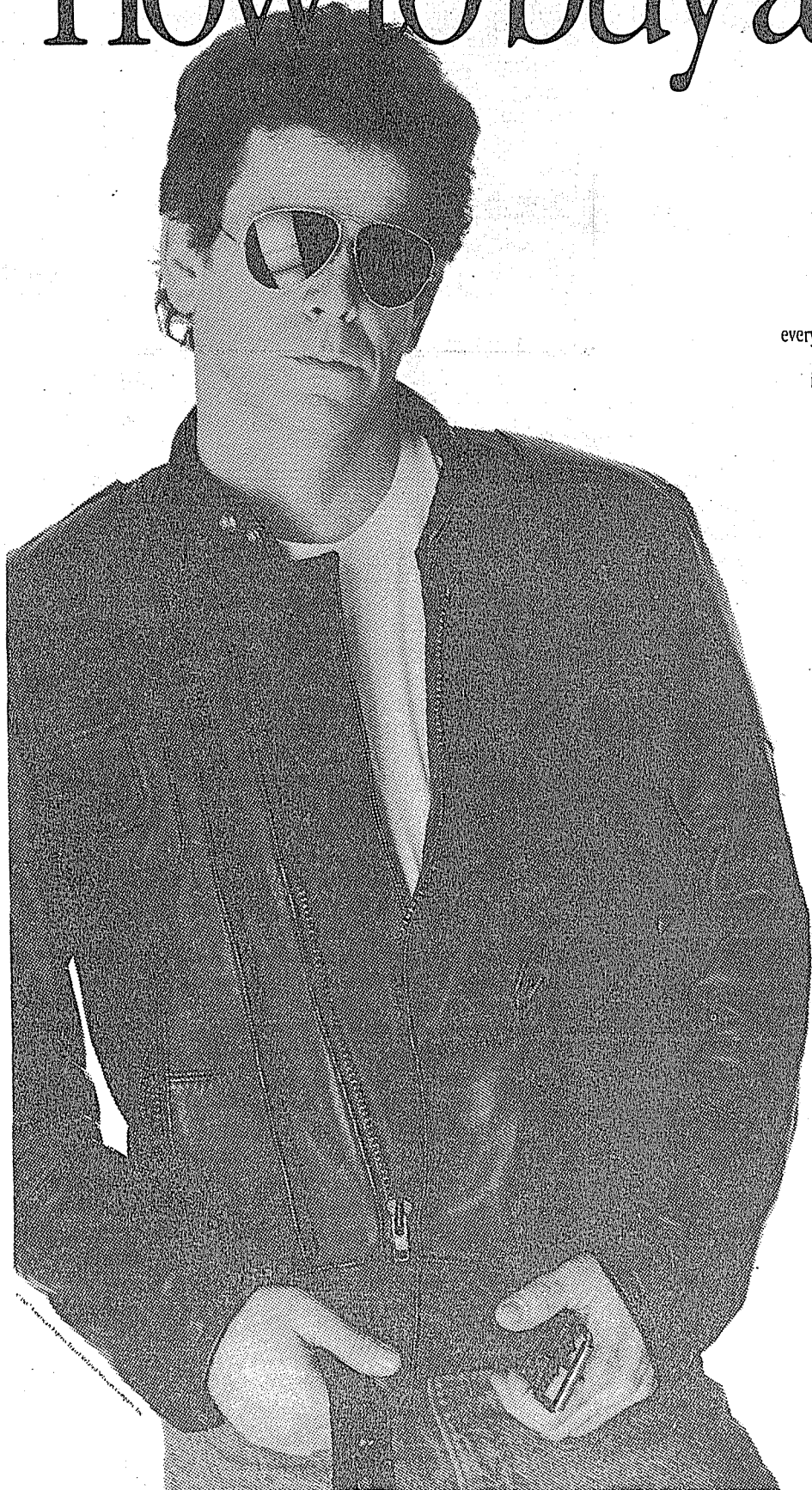
Meetings are held occasionally to trade advocacy stories and discuss further adventures. Watch for announcements, or add your name to the sign-up sheets posted each week on the bulletin board near the lobby. §

Federalists Endorse No Candidates.

By Frank Benton

The Federalist Society at UCLA wishes to announce that it will endorse no candidate in the upcoming student elections. As an affiliated organization, it is against University of California systemwide regulations for the Society to engage in political activities. While the definition of "political activities" may be debated (especially by those who wish to take UC monies while bending, if not breaking, the rules), it is the Society's position that participating in an election of any kind is surely a political activity. Therefore, to avoid the confusion that resulted last year when a current SBA representative accused his opponent in the SBA election of being a member of and being endorsed by the Society, we wish to make it absolutely clear that we are not a political organization, and wish to respect UC guidelines. §

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