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The Docket

UCLA SCHOOL OF LAW

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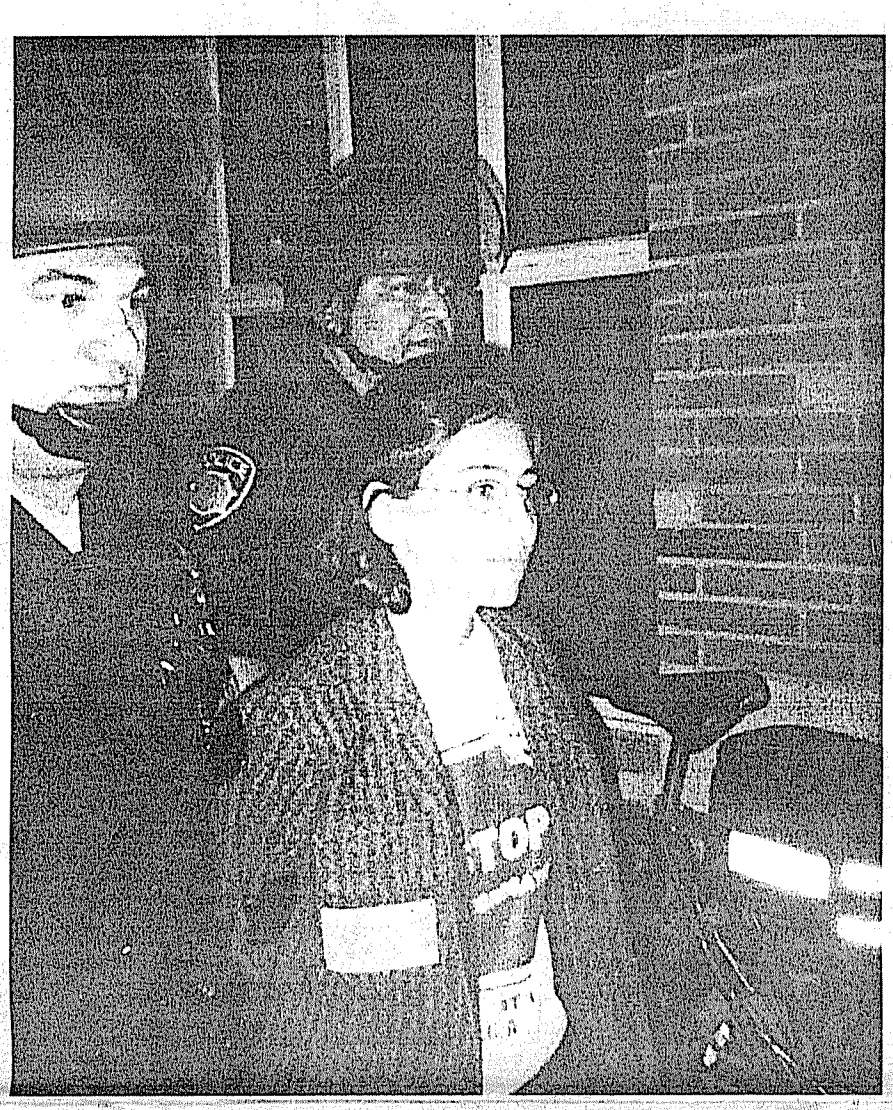
UCLAW Students Arrested After Demanding Diversity



Alison Yeager, 2L, is arrested for "refusing to leave the Records Office after a lawful order, PC 602(n)."

Written by Sydney Roberts, 1L and Brady M. Bustany, 2L

Facts and background compiled by Brady M. Bustany, 2L and Anne E. Jollay, 2L
Editors-in-Chief

Sixteen students protesting the lack of diversity at UCLAW were arrested on Thursday, February 24, 2000 after refusing to vacate the Student Records Office.

A coalition of UCLAW students, faculty, and alumni, known as the UCLAW Coalition to Prevent Resegregation (CPR), held a rally Thursday afternoon on the front steps of the Law School building. The rally, with a keynote address delivered by California Assembly Speaker Antonio R. Villaraigosa, included various faculty and students speaking out against the re-segregation of UCLAW in the wake of Proposition 209. During the rally, CPR presented Dean Varat with a list of five demands aimed at modifying parts of the admissions process in an effort to increase diversity at UCLAW. The demands, which both the Dean and event organizers agree are legal under 209, SP-1, and SP-2, have evolved over the two years of efforts by CPR to reverse the effects of these measures at UCLAW.

Over the last two years, CPR has sponsored various community forums on the issue of diversity at UCLAW, initiated numerous meetings with Dean Varat and other administrators and faculty members, and held rallies similar to the February 24th afternoon rally in an effort to effect meaningful change in admissions policies which would increase the diversity of UCLAW. But, despite the administration's expressions of concern over the issue of diversity at UCLAW, the members of CPR remained frustrated by what they see as the lack of any substantive changes in policies affecting diversity, and felt that the time had come for more serious action.

"We decided to engage in civil disobedience as the culmination of fruitlessly working with the law school administration for 2 years to increase the numbers of students of color," said third year student Shiu-Ming Cheer. "After watching the situation go from bad to worse, with only lip service about a commitment to diversity from the Dean, we decided to escalate our tactics." Therefore, approximately two months ago, members of CPR began planning the February 24th "sit-in" in the law school Records Office.

Beginning at about 12:50 PM, students planning to occupy the Records Office began slipping away from the rally

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Candid Conversation with Dean Varat on Protest, Diversity

By Brady M. Bustany, 2L, and Anne E. Jollay, 2L, *Editors-in-Chief*

On Tuesday, February 29, Dean Varat sat down with us to discuss the demands made by the students arrested for civil disobedience (CD) several days earlier. What follows is a transcript of our conversation. The conversation with the Dean focused on the civil disobedience and demands made by the students on February 24, 2000. It may be helpful to read the annotated student demands, as well as some of the student accounts of the event that day before proceeding. To be sure, there are both sides to every story, and we have done our best to present the Dean's position on a number of the student's concerns in this interview.

Docket: Thank you for meeting with us today Dean Varat.

Dean: Thank you for coming. These are important issues.

Docket: What was your reaction when you learned that the Records Office had been occupied?

Dean: I was actually in here meeting with Speaker Villaraigosa when they took over the Records Office. I didn't know that happened until I was interrupted in my conversation with him, and then when I went into the hall later, one of the students handed me a letter – a nicely printed letter – that listed their demands without all the stuff that was on the flyer I got at the rally. They had prepared it in case I didn't go to the rally, which I did, but I didn't get a chance to read the annotated version because I was listening to the speakers. They handed it to me in the hall before I went downstairs. When I went inside the office, there was the sign these demands.

Dean Varat introducing Professor Kimberly Crenshaw at the Law Review Symposium. Professor Crenshaw referred to her task of welcoming the attendees "unenviable" in light of the arrests one day earlier.

Docket: Once it was clear that the students were not going to leave and the police were notified, what transpired?

Dean: The police were very professional in all of this, and I think the students are in agreement about that. They were the campus police, and nobody wanted anybody hurt. The students didn't try to hurt anybody or destroy any property, or break into files, but I do want to say that this was intimidating to the staff. Even though the students didn't want to do that, I went down there, primarily to make sure that the staff was OK. And to see obviously if I could resolve the situation. But you know the staff are innocent bystanders, sitting there day after day after day trying to do the best they can for the students. And they feel betrayed somewhat, to be honest. They do have feelings, and whether or not the students were doing this for a higher cause – and even though I know the students didn't intend to intimidate or make the staff feel uncomfortable, and I know this, I'm not suggesting otherwise – its very uncomfortable to have your office invaded, and it's important to say that.

Docket: Did you have an opportunity to see the demands prior to the rally?

Dean: No, they wouldn't show them to me.

Docket: And you asked to see them?

Dean: Yes. I asked to see them two days before the rally. And they said that the demands they were planning to present on Thursday, although there were eleven of them here in this office, were off limits because not everyone in the group was available. Therefore they wouldn't share them. And I might say that context is important. The demands were never communicated to me in advance. I was never asked about any of

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the things about which they were concerned.

Docket: The students maintain that their demands are all legal under Proposition 209, SP-1 and SP-2, do you agree?

Varat: The claim by the students is that these demands are all legal under Prop 209, SP-1 and SP-2. I actually agree with that.

Docket: Let's talk about the first demand which calls on you to stop using an "LSAT floor."

Dean: People may misunderstand the LSAT floor to be more than a presumptive floor. It is not. It is not a rigid floor. There are two different parts – the formula part and the discretionary part, and there are actually several different kinds of discretionary parts. The discretionary part relates to the student's second demand, so let's talk first about the LSAT floor specifically.

Docket: Our understanding is that the co-chairs of the Admissions Committee set an LSAT floor of 155, beneath which applicants are presumptively rejected.

Dean: A student would only be presumptively rejected if they didn't fit into one of the discretionary categories. The LSAT floor is a presumptive floor, and let me say why that matters. Let's say you drop the floor altogether. I'm not saying that we should, because at some point you have to take note of the fact that below a certain level, people just aren't going to be able to pass the bar. We do have evidence of that, and I don't want us to be a law school that admits just anyone, essentially taking their money in a fraudulent way. So, its really a question of where the floor should be. If you drop the floor, the only thing it does is make more people eligible in the combined admission index, and yield rates [the number of students who accept offers of admission] are high. If we let that happen, there are two possibilities. First, you fill up the class too fast, and then you have nothing left for discretionary admission because there is no more room left in the class. Or, second, you ignore the LSAT floor and then depart from the faculty policy of trying to preserve the 60% of the class that is primarily admitted by GPA and LSAT. It's got to be one or the other. For the latter to happen, of course, it's has to be a faculty decision to change the existing policy. It is not a unilateral decision that I have the power to make.

Let me say one other thing — when there is a presumptive floor, those who are below it, students are put into any of the discretionary categories that may exist. They are not automatically rejected. I don't think everybody understands that. In fact, in an ironic way, the higher you set the LSAT floor, the more room there is for discretionary judgment in admissions. Moreover, most schools who are in the top tier, and we are a top tier law school, weight the LSAT 60% and GPA 40%. We de-emphasize the LSAT by weighing the two 50/50. Some people have suggested that we go to 60/40, but the faculty has rejected that.

Docket: Professor Blasi argues that when only 63 African Americans out of over 7000 African American LSAT test -takers score about the UCLA median of 164, there is a distressing problem with the LSAT that should be considered in the admissions process. Even if UCLA has a 50/50 policy, how do you take into account these numbers?

Dean: Sadly, those numbers are true, and it's a serious problem. First of all, on the LSAT floor, the one was used two years ago, it was 153. Now, it's 155. Evidentially, the decision was made by the co-chairs. I didn't know about it, I didn't approve it, and, frankly, it's not supposed to come to me for approval. I learned about it in the last few months, and am reviewing it. It was set initially because we have evidence that in the aggregate there is strong evidence that bar failure rates rise dramatically between 153 and 155. As a presumptive matter, not as an absolute matter – I want to be very clear about this – there are circumstances that people who have lower LSAT are still good students, just not good test takers or whatever. And as a starting point, it isn't generally good to admit people below a certain level. It was moved to 155 for several reasons, but it isn't even clear exactly who's suggestion it was. But I think it was related to the bar factors. It turns out that the admission rate of African American's in the last three years has risen, not dropped. The yield rate has dropped dramatically, so the enrolled numbers are a serious problem. This is, by everyone's accounting, a complete tragedy.

The question is, why [are the enrolled numbers down]? It possibly is connected to the higher LSAT floor, because the higher LSAT African American students are also being accepted to "better" schools.

But each time you drop the LSAT floor, although you may make eligible a few more, I'm sorry to say a relatively few more, African Americans, and a few more Latino and Latinas, you also make eligible a whole lot more Asian Americans and a whole lot more Whites. Native American students stay about the same. This means that if you go down in the combined admissions index (CI) and in fact admit people from that group, you are going to get a couple more from the underrepresented groups and a whole lot more from the other groups. And the problem is that the yield rates are going to be way high, so our ability to select people from the discretionary groups is going to go down. It doesn't matter what race you are at that level, when UCLA is the best school you are getting in to — and this is a good school, with great faculty and a reasonable price — people are going to accept offers of admission. In other words, we get very high yield rates which fills the class leaving very little room for discretion. Although you may pick up a couple more underrepresented students, you are forced also to knock out the people of any race who have above the median CI that the faculty want to maintain.

Let me add that I am not particularly wedded to an LSAT floor myself. I don't get to make a unilateral decision about this because we have an admissions policy advisory committee. And I think we have to talk about this, but its important to appreciate the implications, which is all I'm trying to do. I have never raised the floor, I didn't know about it, and the notion that I was trying to do this for US News & World Report rankings is completely wrong. I couldn't do it.

Docket: Let's talk a bit about the second demand that the students made, which was to use the 20% discretionary category to specifically promote diversity.

Dean: First, we start with a separate admissions process for the public interest program. There are 25 students who are enrolled in that program, and those students come off the top of all applicants. They are evaluated for admission by the Public Interest (PILP) faculty. That is the group that, more than any other group, has the ability to evaluate students the most holistically for admission. To put it another way, PILP is one discretionary admissions category. The discretion is based on a criterion of commitment to public interest work. The PILP admissions committee proposes admission, and it runs through a deferential review by co-chairs of the general admissions committee just to make sure that they haven't gone too far with respect to academic credentials. That's 25 students right off the top.

By the way, and the students never mentioned this, there has not been a single African American admitted into that program over the last two years. So for those who want to say that individualized discretion will inevitably produce more African American students, our evidence is not conclusive. It is not conclusive to the contrary, either – I do not want to suggest that. It only suggests that it's not an obvious panacea that discretionary, individualized evaluation of applicant files will produce more

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Students Taking LSAT and Scores At or Above UCLA Median 164 (1997)

	Number Taking LSAT	Number > 164	Percent of test-takers scoring at least the UCLAW median
White	43496	5040	11.6%
Asian/Pacific Islander	4338	534	12.3%
Hispanic/Chicano	3554	133	3.7%
African American	7092	63	0.9%

"It is ridiculous to suppose that in the entire United States there are not more than 63 African-American students with true intellectual capacities equal to the median UCLA law student. Yet this is precisely the implication, when LSAT scores are treated as a perfect measure of intellectual capacity and professional promise. The LSAT tests analytic skills and reading comprehension. But becoming a 'good lawyer' requires skills beyond those tested on the LSAT. Such skills include intellect, interpersonal skills, charisma, a drive to succeed, and a commitment to the practice of law. The LSAT measures none of these attributes."

— UCLAW Professor Gary Blasi

The Docket

BRADY M. BUSTANY
Editor-in-Chief

ANNE E. JOLLAY
Editor-in-Chief

JILL KASTNER
Managing Editor

CARA HOROWITZ AND HUNG PHAM
Production Managers

Editorial Board

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RUTHIE ABLE, MARC ANGELUCCI, DAPHNE BISHOP, TOBY BORDELON, MEREDITH A. COLE, LEE CRAWFORD, JASON CROWELL, ANDREW ELMORE, BIJAN ESFANDIARI, MICHAEL GELFOND, ISMALIA GUTIERREZ, DAVID HOLTZMAN, CARA HOROWITZ, ADAM LANG, MEGHAN LANG, TERRENCE MANN, MARIA MARTINEZ, ALPHONSIE NELSON, SYDNEY ROBERTS, RYAN RUTLEDGE, PAUL RYAN, JANE SPADE, MICHAEL STRANSKY, LAUREN TEUKOLSKY, STACY TOLCHIN, MICHAEL VENTIMIGLIA, STEPHANIE WARGO

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Summer 1999 Bar Exam Pass Rate (First-Time Takers)

UCLA Pass Rate: (234 of 279 Passed) **84%**

UCLA Students Supplementing With PMBR: (179 of 188 Passed) **95%**

UCLA Students NOT Taking PMBR: (55 of 91 Passed) **60%**

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enrolled African American students.

Docket: Were there African American's admitted who didn't enroll?

Dean: First, let me be clear. I don't want anybody to make too much of this – I don't want to suggest we should be making any negative inferences, or suggest that anyone in the PILP program is doing anything that they shouldn't be doing. I bring this up only because it illustrates that this demand of using the 20% discretionary category may not be the solution some students think it is.

In 1998, 19 Black students applied and none were admitted. In 1999, 23 Blacks applied, one was admitted, but none enrolled. It's a little hard on the evidence to say that discretionary admission holds great promise of producing higher African American enrollment. And this is not a group of faculty who are insensitive to these issues. One of the reasons I raise this is because in the PILP process and in the non-socioeconomic discretionary process, which is one of the areas where people are really saying that we need to exercise discretion, the data thus far, although it's meager, is unclear.

So when the elected advisory committee talked to me in the fall, and asked whether we should go back to the faculty and suggests a particular admissions remedy, the problem was there wasn't any strong evidence, one way or the other. There was no particular evidence about which way to go. I know the students believe they think they know which way to go, and they want to make things better, but the conclusion of the elected members of the advisory committee was not to do that. Now, that did upset some faculty members who wanted to talk further, and so I did. We put information together and we talked about it right before the rally — which, by the way, had nothing to do with the rally, it had to do with information requested by the faculty, which we compiled.

So, I started with PILP because that is 25 off the top. Let me also explain that we have a history that is a little odd. Proposition 209 went into effect in 1996, and for the next year, we adopted a new system that says we can no longer do race conscious Affirmative Action. Instead, we do socio-economic selection (SES). We try a formula that applies to 90% of the incoming class, but we have no statistical experience on how many people are going to accept our offers of admission, because we are using a completely new system which admits completely new people. As it turns out, the yield rates are very high, much higher than we expected. In retrospect, this wasn't surprising, because to a great degree we became the best school that people got into. The yield rates went up very high and produced a class of 381, which is historically much higher than we've ever had. We were aiming for a class of 320. That consequently produced a need for two much smaller classes then next two years so our resources could handle the students, which has an effect on absolute numbers – not percentages, I understand that – but on absolute numbers. Then the faculty decided that they ought to authorize more discretionary admits. Instead of up to 10%, we authorize up to 20%. But I have to emphasize something — when you haven't seen the admissions process first-hand, it's hard to understand. When you are looking at discretionary admits, and you say that the criterion is work experience or advanced degree or second career or SES criteria, the numbers of people who have very similar profiles are huge. To pick from among these students gets difficult, unless an applicant is truly extraordinary. But one of the things that might happen when you pick out the truly extraordinary ones, is that everyone else to whom they applied also picks them out, because they are truly extraordinary. There are lots of people who are tremendous. But that's the problem with picking from among 4600 and turning away 3600. I know I hate turning away those people. 80%, if you didn't have all the others, you would take, but you have to make some selection. It's hard to turn down good people, but if you're trying to pick out ones who are in some respects distinguishable from the others, the numbers of those are relatively small no matter what criteria you use. So we say up to 20% incase you stand out, and the complaint among some faculty and these students is that the 20% is not being fully utilized. There are two problems here. First, it is very hard not to be arbitrary. Remember, when dealing with 20%, there are a couple of thousand people with academic profiles better than these applicants. That's not a reason to not admit someone if they stand out, but its hard with integrity to select people who don't stand out. That's what the experience of the admissions co-chairs has been. I do not do this, the ad-

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Professors Gary Blasi and Cheryl Harris address the rally in front of UCLAW.

Re-Imaging Community

Closing remarks for Law Review Symposium on Race and the Law at the Turn of the Century

By Professor Cheryl Harris

Sometime ago when Devon (Professor Carbado) first broached the idea of doing this symposium with the law review, I responded with what he may have perceived as less than raging enthusiasm. It was not that I didn't believe that it was a good idea to bring together a host of scholars doing important and thought provoking work about race. After all many of those scholars are people who I count as friends, and colleagues— in some ways, my extended academic family and community. The opportunity to see them on my home turf without for once traveling through three time zones was welcome. My unease came from one conscious thought and what I now recognize was an unconscious fear.

At the conscious level as my somewhat sharp — and in retrospect nearly testy — e-mails insistently asked, was what would the focus of such a conference be? After all, to say that one is going to discuss race and the law leaves nearly everything open and nothing foreclosed. And I was unsure that shaping an intervention around such a broad paradigm would in any way perform the work that I viewed to be sorely needed to invigorate and provoke dialogue around the current crisis produced by the re-segregation of the Law School. I worried that without a more precise formulation, without a clearer guiding theme that spoke specifically to the moment– to the critical nature of this moment– that we would fail to meet the challenge of the time. What would make this discussion of race and the law timely? What would make it on time?

I know now that Devon was right to press on, right leave the conceptual doors wide open, right to ignore my doubts, right in ways that perhaps he felt more than he might even have been able to articulate, articulate though he is. Though he may not know it, he taught me that sometimes it is better to be steadfast rather than to be sure; better to follow the intellectual spark that comes from the intuition than to nail down one conceptual framework; better to let many flowers bloom. Because what has emerged, while varied in both starting point, conception, and performance has demonstrated the material significance and centrality of race at the very moment that colorblindness has taken ascendancy.

One of the deep and bitter ironies touched upon by Devon's and Mitu's paper and intimated as well in others is that the norm of colorblindness actually intensifies the burden of race. The salience of race— its importance, indeed its very visibility— is heightened within a terrain that is normatively colorblind. Since this norm has now been operationalized at this Law school in the wake of Proposition 209, we have empirical evidence mounting daily of those precise costs.

Yesterday, as I contemplated speaking before the crowd gathered on the steps of the law school, I tried to talk about what it means to teach *Brown v. Board of Education* as I do in Constitutional Law class of 75 students that includes not one single Black student. I asked the crowd to imagine what is presently a reality— that I am the only Black face in the class. There are really no words to describe this aching absence, however— an absence so profound that it has caused several students– white students— to come to me with their bewilderment. Beyond this travesty, and as Kim (Professor Crenshaw) pointed out this

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to congregate on the second floor, where they met with their lawyer, an attorney from the Working People's Law Center who remained with the 16 protesters until they were arrested over five hours later after refusing to leave the office. Throughout the afternoon, over one hundred supporters remained outside in the hallway outside the office, cheering and chanting in support of the 16 protestors inside.

Initially, the students planned to enter the Records Office through the Information entrance and usher staff out through the Financial Aid office, locking the doors behind them. But when they tried to enter, staff member Lynn Herman, who works behind the information desk, stopped them. First year student Kim Savo said to Herman, "Excuse me, we are now taking over the Records Office. Please collect your belongings and go this way."

But Herman, concerned about safety in the event of an emergency, would not be moved. She jumped up from her desk and physically put herself between the students and their route into the records office. "Oh no!" she said, "Just wait a minute!"

"We had no choice but to high-tail it out of there," Kim said. The students eventually managed to enter through the Financial Aid office.

The students began filing in through the other end of the office, asking Edna Sasis, Sean Pine, Sean's son, Dean Cheadle, a student who was conducting school business in Edna's office, John Abbott, and a work-study undergraduate to leave. Despite the fact that the students had prepared brief written statements that they handed to the staff indicating that they had no intention of destroying any property or accessing any student records, some of the staff refused to leave out of fear that the privacy of student records might be compromised.

"We honestly — and quite foolishly — believed that we would not meet resistance from the staff because we all have good working relationships with them and we thought that we would be able to make it clear that this was not personal to them," Kim said.

But for the displaced staff, the take over of their work space felt very personal. "This is kind of a home to us...and there definitely is a feeling that our home was violated without any respect for the people who live there," Sean Pine said. "We feel very close to the students and we felt very used and very hurt. We knew it was not us personally they were attacking, but still, there was no regard for how this would make us feel.

"The reason we stayed was that everything we touch is confidential in nature. The desks are covered and the printer is overflowing with confidential information. We knew that they wouldn't intentionally look at files but you couldn't turn your head without accidentally seeing confidential files. I asked them to please stay in Edna's area for a couple of minutes so we could clear off the confidential information," Sean said, "but they refused to wait."

The students locked the Financial Aid office door, and the door from Edna's office area to the hallway. However, one student, who was not part of the protest, remained near Edna's desk. He was asked to leave and told the doors would be locked, but refused to go, reportedly insistent that he had a right to finish the business he had come to conduct. However, after the doors were secured, and just about the time the police arrived, he asked to leave. The protesters, who did not want to keep him

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Letters

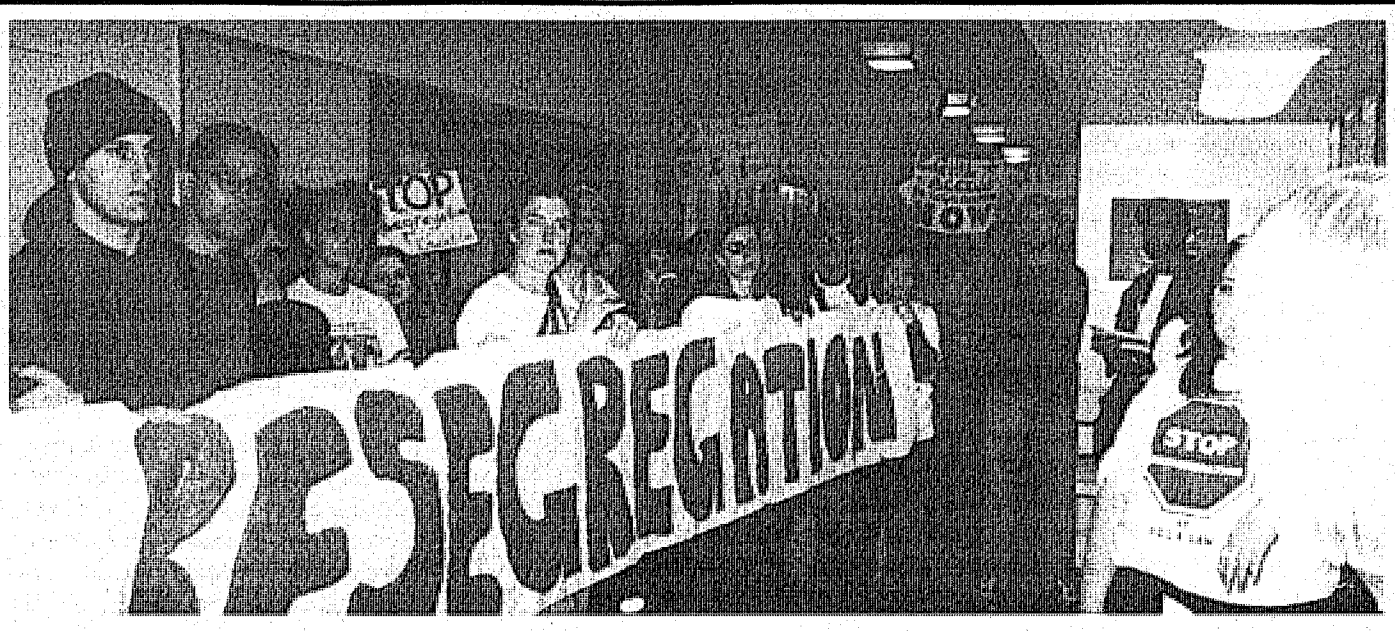
Official Statement From the SBA

Dear Editors:

The SBA Executive Committee feels compelled to comment on recent events that have occurred here at the UCLA School of Law. First, the displaying of pornography in the classroom setting is totally inappropriate and we encourage the administration to quickly devise an official law school policy to that effect. Second, the aftermath has proven just as disturbing as these displays themselves, culminating in the posting of inflammatory flyers throughout the law school last Thursday. These flyers made vicious personal attacks on specific law students, identifying them by name and by facebook photograph. This behavior is entirely unacceptable and cannot be tolerated. Without exception, every single person involved in this conflict must take responsibility for his or her behavior and for the behavior of those who claim to speak on his or her behalf. This situation, which began as a problem between a few students, has deteriorated to the point where no one group or "side" may legitimately claim the moral high-ground. We must all commit ourselves to putting away our anger, calmly sitting down with those with whom we have been at odds, and reasonably and patiently working through our problems.

The SBA Executive Committee is committed to aiding in the healing process. However, we want to avoid interfering with the Administration's efforts at reconciliation or in any way undermining efforts by the law students involved to solve this problem on their own. Thus, although we will not arbitrarily insert ourselves into this conflict, we are at your disposal. If you would like to express an opinion that you feel has been neglected or ignored, or perhaps set up a meeting with other individuals in a controlled, "safe" setting, or have a message (perhaps anonymously) conveyed to the administration, please feel free to contact any one of us. We are here to help.

Sincerely,
Terrence Mann, President
Willie Nguyen, Vice President
Judy Iriye, Secretary
Anna Song, Treasurer



Law students and undergraduates show their support for the sixteen students occupying the Records office.

An Open Letter to UCLAW Community:

"I hope you know that *it's not personal.*"

I can't tell you how many times I have heard this statement in the past week. Each time I hear these words I think to myself, it may not have been personal to you, but it definitely was VERY personal to me. Many of us have worked in the Records and Dean of Students Offices for over a decade, and most of us will still be here long after you leave this university. We have pictures of our children on our desks and in many ways, this is our home. More often than not, we spend more hours per week here at UCLAW than anywhere else. Just think how you would feel if someone entered your home and demanded that you leave, yet remember, "*It's not personal.*"

You talk about wanting to make UCLAW a place where people feel welcome, where caring and respect for each other is expected, even demanded. Yet, we in the Records Office apparently are not worthy of that same level of respect. Otherwise, someone, anyone would have bothered to say "I'm sorry," but I guess why should you? After all, *it's not personal.*

If you really want to know how we feel about what happened during the office take-over, I can tell you...it WAS personal!

Sean Pine

Dear Editors:

I've run the gamut of emotions these past several days since last Thursday's demonstration in the Records Office — from shock to fear, disbelief, to guilt, distress, hurt, anger, bitterness and sadness. I've tried very hard to shake it, to move on, to take the advice "not to take it personally."

I've tried hard to do so primarily because it makes it difficult for me to be at my job serving students everyday and have to deal with these emotions. Unfortunately, I have been largely unsuccessful in my attempts not to let it bother me and to pretend everything is OK. I hope that writing this letter will help me figure out why I feel so hurt, and allow me to move on.

I think that the anger and hurt comes from a presumption on my part of a rapport, even a friendship, with most students I come in contact with or somehow been able to help out. I also presume that the courtesy and respect I extend students are reciprocated. I also presume that even as a staff-person, I am a valued member of this community. But on Thursday when our offices were forcefully occupied, I could not help but feel inconsequential and sacrificed.

I understand there may have been careful consideration of the risk in alienating those of us who service students on a daily basis. Yet in the end a decision was made — we were the "acceptable loss." And, perhaps in the whole scheme of things, offending or hurting the feelings of "just the staff" does not matter. Certainly there are more important issues at hand.

But how could I not take it personally?

I work here everyday, all year long, and for better or worse I spend more time with my coworkers and law students than with my own family, I hope you can see how this place has become more than just a place of work, this is a home for most of us working here. To have been so summarily dismissed from our offices and for a whole group of people to take over and occupy our space — no matter how organized, peaceful and righteous the cause — was to me a violation, a disrespect, and a blow to my value as a member of this community.

Ultimately, I understand that the students did not wish for it to be personal and that I am responsible for my own feelings. Although my words may fall on deaf and unsympathetic ears, I feel that I must still say them if only so I can move forward without pretending everything is OK.

Edna Sasis

For the Record

Dear Editors:

Thirteen years ago, a group of students decided to take over the Records Office protesting the lack of diversity in the Law School admissions policy. Thirteen years ago, I sat eight feet away from where I sit today. The end result was the same - creating tension where there was none before, feelings of helplessness and violation, anger, resentment...

Unfortunately in both cases, our feelings were sacrificed. What I don't understand is, aren't we people too? The takeover only reinforced the growing thought that students don't really care about the administration, just themselves, their own ideas, and their own comfort. The funny thing is, I don't think of myself as "administration."

For the most part, I enjoy working at the law school. The people I work with are the best in the world. Most students are wonderful, and I've developed lasting friendships with many. I've been enriched by the diversity of the law school. Diversity is good. No doubt about that. I would be one of the first to agree. The disruption for a day may have been viewed by some as a free day off, but I have 8 weeks of vacation time accumulated so one day is not much. The issue is that we weren't considered, our feelings didn't matter, and that we were expendable. There were no apologies and no explanations. They even brought in their own lawyer to ensure their rights weren't violated as they violated and invaded our space. (always something new at the law school) I could go on to say that if the students don't care, then why should I? Why should I care about giving a scholarship to a deserving student, whether they have enough units to graduate, whether they are certified in time for the Bar. Why should I care? It's just a job...

But it's not just a job. I can't think that way. I care about the people I work with and I care about the students, but the lack of concern over the "symbolic center" of the law school has left a bad taste in my mouth. People do matter, no matter how insignificant they may be in the big picture. Perhaps one day my resentment will lessen and it will just be another takeover in the life of the law school. For now, I am still struggling with those feelings and trying to deal with a situation that had no reasonable explanation. At least, none that was given.

Lorinda Fong
Records Office

Future Lawyers Should Know Better

Lawyers are subject to rather scathing reputations. Some are deemed self-righteous. Some, spineless ego-maniacs. Still others are thought of as two-faced, backstabbing, ambulance-chasing weasels incessantly engaged in blame-shifting, double-talking and the disparaging-of-others-in-order-to-mute-their-inadequacies in an attempt to assert their superiority.

For the most part, I believe this reputation is inaccurate and undeserved. It is usually the actions of a few that make it bad for the rest, and it saddens me to note the behavior a few potential lawyers — future leaders of our community — who demonstrate just the type of characteristics deserving of these scathing reputations. Is this what happens when we dump affirmative action and forego students admissions based on character content in exchange for admissions based solely on GPA and LSAT?

I have a 3 1/2 year old son whom I may have spoken about...once or twice. As a parent, I feel it is not only my solemn obligation but my profound honor to teach him how to be a descent human being, an upstanding citizen, a conscientious leader, and a righteous man. He may enjoy a form of entertainment that I might not agree with but I won't teach him that the entertainment itself is bad. I will teach him that it has it's place, but perhaps a law school classroom is not the appropriate one. I will teach him that even if he doesn't feel that his actions are offensive, if his actions nevertheless offend others, he should respect those opinions as well as the space of others. I will teach him not to disparage those offended with immature name-calling like "stupid head" or "hyper-sensitive feminist." I will teach him that the correct response would be to stop the offensive behavior, apologize for any offense — intentional or otherwise — and find an appropriate place to enjoy his entertainment. I will teach him that the appropriate response is to take responsibility for his actions and not hide behind clever euphemisms, third-person rhetoric or outright deceit. I will teach him that *big boys* behave honorably, and a man who would do anything less is not a righteous man in my eyes. Otherwise, he would not be a conscientious leader, an upstanding citizen or a descent human being, and I would not be proud to call such a man my son, or such a woman my daughter. What parent would?

And unfortunately, no LSAT score will ever indicate whether a potential student has learned these lessons, that is, whether he or she will be a descent, upstanding, conscientious, righteous attorney.

Star-shemah Bobatoon, 2L

Letters Continued

SBA Letter of Clarification

Dear Editors:

The SBA Executive Committee would like to clarify any misunderstandings regarding the so-called "SBA Open Letter to the UCLAW Student Body" that appeared in the last issue of the Docket. The letter was not issued by the SBA as a whole but by the four 1L Section Representatives who signed the letter and who felt compelled to personally comment on specific circumstances surrounding the "porn-in-the-classroom" incidents. For those of you who understandably interpreted this letter to mean that the SBA was issuing an official statement and "taking sides," we sincerely apologize. We regret that we were not more diligent about this very sensitive situation and should have reiterated to our members the need to clearly distinguish their personal statements from those made in their official capacity as SBA members. We have since done so.

Terrence Mann, President
Willie Nguyen, Vice President
Judy Iriye, Secretary
Anna Song, Treasurer

Section One and Two Students Speak Out

Dear Editor:

We, the undersigned members of the section depicted in the recent Docket article about inappropriate e-activity, believe that now is an appropriate time to: 1) comment on the controversy, 2) express our dissatisfaction with the recent Docket article dealing with the issue, and 3) express our support for our SBA section representative.

We believe that Dean Varat's response to the controversy was judicious and appropriate. Appointing a commission to work out a fair policy, where no policy existed, certainly is the correct action to guarantee that no student's rights are casually disregarded. All agree that it is wrong for one student to intentionally expose a non-consenting student to inappropriate materials of any kind. We are confident that any misconduct will not be repeated. We think that the situation has been appropriately dealt with and is over.

In the Docket's recent article reporting this situation, we were disappointed that only one viewpoint—the negative viewpoint—was represented in the article. We feel that dwelling on past misconduct which does not represent the current state of affairs in the classroom causes more harm than it does good. Most disturbing was the Docket's misrepresentation of some classmates' words to further their sensational spin on the issue. Contrary to what the Docket reported, we feel that the overwhelming majority of our classmates have worked together in a cohesive, supportive manner to address the concerns of offended students. Focusing on the way our section came together to solve this problem would have been a much more productive exercise in journalism.

We also feel that it was wrong for the Docket to focus energy on one individual, our section representative. Although the Docket tried to maintain anonymity, it is clear to all that by only quoting students from one section, a section whose representative is easily identifiable, they failed miserably. Just as this whole issue has been condemned for creating a hostile learning environment, the Docket's decision to single out our section representative has created an equally hostile learning environment for him specifically, and our section generally. As a result of the Docket article, misinformed strangers have sought out and attacked our section representative both verbally and physically. This type of behavior is disturbing in a professional school where students are expected to conduct themselves in an appropriate manner. If the Docket's coverage had been more balanced and objective, our section's learning environment would likely have rebounded, but instead the article has invigorated the hostilities of otherwise unrelated parties who have no first-hand knowledge of the situation. Such inflammatory articles should not be found in unbiased journalism.

Prior to this controversy, all of our classmates would likely agree that our section representative exerted a tremendous amount of energy in representing our section and creating a friendly, open learning environment. Specifically, he reduced the stress of finals by organizing a costume party during our criminal law final, rallied support around a professor faced with a personal tragedy, encouraged all of us to participate in law school activities and social events, and generally went out of his way to build a community of students in our section. As such, we thought now would be a good time to recognize him for his service and thank him for devoting a substantial time apart from his studies to his job as our SBA section representative. Most importantly, we reject any effort seeking his recall or resignation and offer our continued support both personally and in his role as section representative.

Armineh Agakhanyan, Chris Almand, James Bognet, Marian Brandt, Steve Byers, Lisa Detig, Kelly Dixon, Annie Gillin, Tim Grubb, Elizabeth Hanauer, Michael Kawaguchi, Joe Laska, Emmanuelle Liggens, Jennifer Oshima, Laura Probst, Stephen Renard, Alycia Shapiro, Ansley Shaw, Lara Strauss, Phillip Tate, Matthew Wrysinski, Caroline Wu, and Michael Yu

Editor's Note: The Docket *stands firmly behind both the accuracy and objectivity of the "'Inappropriate' e-Activity" article, published in our February issue. The tensions and frustrations emanating from all sides of this conflict are unfortunate, but we firmly believe that the seriousness of these issues warrant a dialogue among the entire student body, as well as among faculty and staff. Furthermore, our editorial suggested that there be a formal vote of confidence among the students represented by the section representative who sought to publicly address these issues, and who by some accounts failed to do so adequately.* The Docket *deeply respects the above students who choose to stand behind their elected representative. However, we stand by our suggestion that the question of adequate representation cannot be satisfactorily addressed in this case without a formal vote by secret ballot. The unfortunate incidents of fear and intimidation – on both sides – seem to demand no less.*

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Find out more about managing your personal finances from a MEMBERS' Financial Services Representative at (310) 477-6628, ext. 2310. As a UCLA student, you are eligible to use the services of University Credit Union. Find out more about University Credit Union at <http://www.ucu.org/>www.ucu.org or by calling (310) 477-6628.

Forum

Equal Access is Equal Justice

By Andrew Elmore, 1L

On February 24, at 5:57 PM, I and 13 other UCLAW students and members of the community were arrested for 'failure to disperse,' after five hours of fruitless negotiations with Dean Varat over UCLAW's admissions policy. The arrest itself was scary for banal reasons: the full body pat-down, the metal handcuffs, the fear of being arrested, of prosecution by the administration, of getting home at 1 AM. But these temporary fears were far outweighed by the principle of equal justice, and the opportunity to send UCLAW the overdue message that where there is injustice, students will rise up to resist re-segregation.

I remember reading Cooper v. Aaron in my Constitutional Law class. The case ordered the school board of Little Rock, Arkansas to allow African-American students into its previously segregated schools, thus reaffirming the commitment made by the Supreme Court in Brown to strike down "separate but equal." In oral arguments Thurgood Marshall said that he did not worry about the future of black children of Little Rock; in his words "they've been struggling with democracy long enough." Marshall worried about the white children who were told that despite the words of the Constitution, despite the law that Brown laid out, that racism would prevail. The Supreme Court, in unanimously finding against the school board, wrote that "our constitutional ideal of equal justice under law is thus made a living truth."

If the Supreme Court in affirming the promise of Brown could create a living truth of equal justice, then the administration and faculty in the past two years have made equal justice a living lie.

Let me tell my own story. I came here to help low-income working people assert labor rights, with or without a union. Last semester one advocate who runs a day laborers project came to UCLAW to recruit Spanish-speaking legal volunteers. The dismal attendance provoked him to ask me where the latino students were, and it pained me to tell him that there are only 14 latino students in my class. I have not heard from him since. I understand why he abandoned UCLAW, because the institution of UCLAW has abandoned its commitment to bring in students who can serve the black and latino communities of Los Angeles.

Unfortunately, the story does not end there. I also came to UCLAW to be a part of a diverse student body, and to learn from that diversity. But the National Black Law Journal is gone, exterminated by re-segregation, and the Chicano-Latino Law Review faces an uncertain future. People of color and women face increasing hostility from an increasingly white and male culture. How can I relish taking Critical Race Theory without a fellow black student, or Community and the Law when the community of Los Angeles and my community in UCLAW are of a polar opposite color scheme? Nor can I seek relief in "color-blind" classes. Looking at the law and how it applies to a discrete, privileged minority fosters a racial myopia that I was hoping to challenge in law school. I came to law school to study justice, and find that I am not only confronted with injustice, but like the white school children in Cooper v. Aaron, I am force-fed the notion that re-segregation is justice. So here I am, suddenly distanced from why I came to law

See **Equal Access**, page 13

Reality of UCLAW Admissions Demanded We Take Action

By Stephanie Wargo, 2L

I never was an activist. When I came to UCLAW in the wake of 209, I realized that I had taken for granted the diversity I was immersed in growing up. My high school was extremely racially diverse - it was public and had about 4,000 students. There was no majority. I had all of the benefits of diverse education. Like many important things in our lives, I did not realize the importance of that diversity until it was gone. The fact that only 63 African Americans in the *country* met the median LSAT score for UCLAW in 1997 repulses and angers me. It is time that people understand that "merit" is not color-blind, and that the LSAT is biased. People need to understand that a 2-point difference in the LSAT floor would have excluded 25% of the Latinos in our current third year class and 1/3 of the African Americans. UCLAW is in a very unique position as the only public law school in Southern California. How can we serve a community that we do not represent?

I did the CD because for two years we have been meeting with and pleading with the administration to do something about the woeful lack of minority representation in the law school. Dean Varat has responded with meaningless phrases such as "the difference between us is symbolic". He should understand that we are law students, who are taught to revel in ambiguity, and therefore are extremely good at picking up on it. The CD was our way of letting Varat and others know that we truly are in a state of emergency. This is not about sitting around and feeling sad that there is no diversity at UCLAW. This is about students putting as much pressure as possible on the Dean and the administration to get up off of their asses and DO something about it. We are tired of them paying lip service to their commitment to diversity. The last meeting with the admissions committee really did it for me. My commitment to doing the CD was only strengthened by Al Moore's response to my questions and everyone else's: "That is a very good question and you are certainly entitled to an answer". But could they give us one? No.

The one thing I really want the law school community to know is that what we proposed to the dean is not radical. All of the demands were simple, reasonable, and perfectly legal under 209, SP-1, and SP-2. Law students should care because they are missing out on some very important aspects of a legal education that cannot be obtained merely by reading a casebook.

We are truly in a state of emergency. Those of us who are here and fighting to increase minority enrollment at UCLA will all be gone in three years or less. I fear that the halls will be silent, and the students will be homogenous. If the minorities disappear from UCLAW, I fear that it will be irreversible. I believe Professor Harris made the point so clear when at last semester's rally she pointed out that Brown v. Board of Education was decided in 1954. In the 1960's it had not yet been complied with. In the 1970's we still had segregated schools. Same for the 1980's and so on. *It is the year 2000.* UCLAW is facing re-segregation at an alarming rate, and it scares and saddens me.

Labeling UCLAW Student Body "Segregated" Disingenuous; Disrespectful

By Alphonsie Nelson, 2L

As a black person faced with the continuing affirmative action debate, I feel a need to address the diversity concerns that are being discussed in the law school community. I am offended by the "poor little Negroes" attitude adopted by the affirmative action bullies that have been active on campus in recent weeks. The labeling of the current UCLAW student body as segregated is both disingenuous and disrespectful. The first year class is simply not segregated and labeling it as such denigrates the accomplishments of our predecessors who put their lives on the line and even died for integration and equal educational opportunity in the United States.

Segregation is the separation of the races which resulted in an effective denial to black Americans of the opportunity to be educated. The integration of Old Miss. University is an example of desegregation in America. James Meredith who hid his racial identity was admitted to the University of Mississippi. But he was not allowed to register when the school's administration discovered that he was black. The governor of the state physically prevented Meredith's registration even after the Supreme Court ordered it. It took the national guard, riots, and the death of eight people to accomplish the registration of the first black student at Old Miss. Those that are presently bemoaning the "segregation" of UCLAW obviously do not understand the history of segregation. Their use of the term is disrespectful to — and undervalues the enormity of — the accomplishments of those who fought to end segregation in America.

Let us assume that diversity in the classroom is a good thing. The fact that diversity is good does not directly address whether or not affirmative action policies should be continued. The purpose of affirmative action was not to achieve diversity. The purpose of affirmative action at colleges and universities was to counteract overt policies aimed at limiting student enrollment to members of the white majority. Affirmative action was aimed at ensuring that *qualified* black students were not intentionally excluded from institutions of higher learning. Absent the existence of overt racial discrimination in admission policies, the justification for policies of affirmative action no longer exist. This, of course, begs the question: are those students presently attacking the admission policies of UCLAW accusing the school of intentional discrimination against racial minorities?

If affirmative action supporters are not making a charge of intentional discrimination against minorities, but rather are basing their arguments solely upon the need for diversity, then they should be aware of the "just because I am black" philosophy. Where should we stop? Admissions because your black? Grades because your black?

See **Student Body**, page 14

Aftermath of Civil Disobedience

By Jane Spade, 2L, and Ismalia Gutierrez, 2L

One of our greatest concerns coming out of the records office take-over of Feb. 24th is the effects it has had on our relationships with staff members who work in that office. Even while we planned the civil disobedience action (CD), we were deeply concerned about how it would be received by staff. The staff of UCLAW are an amazing, diverse group of people who have continually supported all of us individually and have shown support for the struggle for increased minority enrollment at UCLAW. One of the primary reasons that we worked for months to carefully plan out all the events and contingencies of the CD was that we wanted to ensure the records staff members were treated with respect. We hoped to convey that our purpose in their office was to raise the level of conversation and action around minority enrollment to a point at which the administration would finally respond, not to disrespect them in any way. Toward this end, we prepared small flyers to hand to each staff person as we entered the office which described what was happening, and asked them to gather any belongings such as medications, keys, identification they would need before leaving.

The responses of staff members and participants in the action call to mind similar situations where non-violent civil disobedience aimed at achieving political goals create multiple confrontations, some unintended. For example, when African-American bus riders refused to give up seats in the segregated South, it was not their intention to put the bus drivers in a difficult position, or make their jobs harder by compelling them to enforce the Jim Crow laws. However, this was a necessary part of the process of creating a crisis situation which would yield change to an unfair system. Similarly, in present day Los Angeles, when Bus Riders' Union members engage in fare strikes to protest the racially disparate impact of transportation policy, they seek not to offend the drivers, but rather to create change. In these instances, we can imagine that some bus drivers are very sympathetic to the goals of protesters, irrespective of the position of enforcement that they occupy and the fact that they must experience the initial confrontation with the protestors.

Similarly, with regard to the Feb. 24th CD, the persons who were first aware of the students' actions, and who were personally disrupted in their workspace were staff members, not the policymakers at whom the action was aimed. Perhaps this is a recurring theme in civil disobedience and social change, that while decision-makers act behind closed doors, the most diverse, and often sympathetic, group of employees are put in the position of guarding those doors. We hope that the staff members affected by our actions on Feb. 24th understand our true respect for their work. We understand and are sympathetic to their position, and we know from our experiences with them that they are a wonderful group of people and an asset to the UCLAW community. We hope any wounds created in the struggle for equal access to legal education can be healed with proper attention and care.

Features

Domestic Violence Not an Exclusive Problem

By Marc Angelucci, 3L

Last year, at UCLA's domestic violence shirt hanging, I hung up a shirt for my friend Hank.

Hank's girlfriend had broken his teeth with an ashtray in one of her drunk fits. To his credit, Hank didn't strike back. But he also didn't seek help, even though he lived in fear of her. And the only clinic providing shelter to heterosexual men was the Valley Oasis Clinic in Lancaster, a two hour drive.

In a glimpse, I saw my shirt hanging like an imposter, it's voice discredited by the female victims surrounding it. I almost took it down so it wouldn't be teased. But then, I knew it wasn't really alone.

Random survey data overwhelmingly shows that heterosexual men and women initiate partner violence at equal rates, but that men are nine times less likely than women to report the abuse to police and five times less likely to report it to friends and family. (Much of my data can be found in Philip Cook's new book AAbused Men; The Hidden Side of Domestic Violence, now at the UCLAW Library!)

Decades ago, few women reported domestic violence. Dr. David Fontes, a psychologist and abuse counselor for the Department of Social Services who served as Oprah Winfrey's main adviser for her show on battered men, points out that AIt was because of active outreach programs designed for females by shelters that women began to come forward for assistance. Why do they now believe that men will come forward without first establishing outreach programs designed to educate and assist the male victim?

Perhaps one reason men report less abuse is that they are less often harmed. But data goes both ways on this. Researchers who examined violence in 8,145 families found Asome tendency for women to experience more negative effect than men, but that Athe differences between women and men victims in terms of the rate of needing to see a doctor, taking time off from work, and being bedridden are not particularly strong or large. (Stes, J. and Straus, M. A., 1990, AGender Differences in Reporting Marital Violence and Its Medical and Psychological Consequences, New Brunswick, N.J.: Transaction Publishers.) In fact, men are less likely to report the abuse even when their bones are broken. (McLeod, Justice Quarterly, 1984, V.1, pp. 171-93.) And emergency rooms that directed the same questions to both sexes found slightly more male victims of domestic violence than females. (See, e.g., Journal of the American Medical Association, 1997; 278;620.) Dr. Velimir Svoren of Chatsworth, Georgia agrees: "as an emergency-room physician, I treated more men than women for such injuries . . . I have seen men cut with an ax, scalded with hot water, smashed with a fireplace poker, and knocked out by a brick, not to mention suffering the common gunshot wound . . . ." (Time, "Letters," 1/11/88.)

Are there other reasons why men report less abuse? Plenty. Try embarrassment, concern for the children, concern for their partner, fear of arrest, machismo, lack of outreach to men, or because men aren't taught to think of their abuse as domestic violence. And men who seek help often find "virtually no programs, shelters or support groups aimed at helping them." ("No Place To Run For Male Victims of Domestic Violence," The Detroit News, 4/20/97, at http://detnews.com/1997/metro/9704/20/04200070.htm.)

Pat Overberg, executive director of the Valley Oasis Shelter, is troubled with how her state funding can only be used to help women and children, which forces her to find other funding for male victims who need shelter. This discrimination is both caused by and perpetuates the myth that men are rarely abused.

The sources used to support this myth are usually archival, i.e. records rather than random surveys. An oft-cited exception is the DOJ's National Crime Victimization Survey (NCVS), which estimates that about 150,000 men and one million women are severe victims yearly. Although it's a random survey, the NCVS focuses on abuse reported as crime. Thus, as Dr. Fontes points out, the NCVS, like archival data, understates the frequency of domestic violence altogether and overstates the male-female disparity in particular. In fact, the NCVS is the lowest official estimate available for either sex.

The highest official estimate is based on the National Family Violence Survey (NFVS), a random survey of married couples funded by the National Institute of Mental Health. It projects that 1.8 million wives and two million husbands are victims of severe domestic violence yearly, and projects six million for both sexes when combining all severity levels. Upshot: the same source that says a women is severely abused every 18 seconds also says a man is severely abused every 15 seconds (i.e. kicked, bitten, hit with a fist or object, beaten up, had a knife gun or other deadly weapon used or threatened to be used against them).

The NFVS was conducted in 1975, 1985 and 1992 with sample sizes of about 2,000, 6,000 and 2,000, respectively. It distinguished "severe" from "minor" violence in terms of the type of violence committed (not the harm) and asked specific questions about self defense. Among other things, it found that: 1) at every level of severity, wives initiated violence at least as often as husbands, even based solely on wives' responses; 2) wives were more likely than husbands to use weapons (to equalize strength differences); 3) violence by husbands had decreased slightly (probably due to public attention) while violence by wives remained constant; and 4) wives were 7-10 times more likely to say they needed to see

See **Battered Men**, page 13

The Confederate flag is a Southern Controversy

By Toby Bordelon, 1L

In the past few weeks lots of people across the country have weighed in on the issue of the Confederate flag flying above the capitol building of South Carolina. Many of these people would have done well to keep their mouths shut. Perhaps they could have commented on something else about which they had actual knowledge. Like maybe the weather.

The fact of the matter is that in general only Southerners, or those who have spent a significant amount of time in the South, have a true understanding of the culture and social fabric of the region. Only these people are qualified to make statements regarding the symbolic nature of the flag and what it means. Everyone else should mind their own business. It's like having a Christian speak authoritatively about the core message of the Koran. He'd probably get it wrong, and if he spoke about it negatively, many Muslims would likely — and justifiably — take offense.

Being a Southerner (born in Louisiana, raised in Pensacola, Florida) I figure I'm qualified to speak on this subject with at least some authority.

I'm actually not particularly fond of the Confederate flag. For one thing, it's pretty tacky. Beyond it's lack of aesthetic appeal, though, lies a deeper issue. Whatever else it may be, it is the flag of a defeated government. It's a part of history, and rightly belongs in such places as museums, people's houses, maybe even the roofs of their cars, but it does not belong on the top of a state capitol. Such prominent placement on an official governmental building of the victorious nation gives it a political legitimacy it should not have.

Now that I've expressed my opinion on the matter, I must say that as a Southerner, I take offense when people who have no business doing so disparage the flag as a symbol of hatred, slavery, and racism. It is not. It is part of a rich cultural heritage that Southerners share, a symbol of our past. Yes, slavery is an unfortunate part of that past, and should be acknowledged. Every society has its dark parts. But I don't go around pointing out all these flaws to those who take pride in their cultural heritage. I celebrate with them, enjoying the chance to appreciate the good parts. Southerners should be allowed to take pride on their culture, just like everyone else. And, like everyone else, they should acknowledge the bad and try to learn from it, so as to avoid making the same mistakes again.

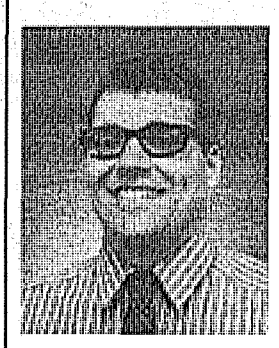
Slavery is a very dark part of Southern history, a part many of us wish could just be ignored. But it can't be, it has to be accepted as a part of that history, so that we may deal with it and move on. Maybe if we were more willing to acknowledge the evils of our past, it would be easier to deal with the evils of today, like racism. It's difficult to move beyond current problems when we try to ignore the past, difficult as it may be to accept. It's also hard to deal with today's problems when we refuse to move beyond the horrors of the past and insist on criticizing a particular group of people because of something that happened years before they were born.

I think it's important for people to understand that the flag is symbol of the bright parts of Southern culture as well as the dark. The Christian cross is a holy symbol for many people across the globe. In times past massacres were carried out under the banner of that cross. Yet today people still see it as a holy symbol, acknowledging the good while refusing to allow the past evil carried out by perverted men to taint it. And what about the American flag? Slavery existed for many more years under it than under the Confederate flag, yet we do not allow that sorrowful fact to overshadow the good that it stands for. Why can't we take the same approach with the Confederate flag? Why do some people

See **Confederate**, page 11

Coming Together in the Name of Diversity™

By Samuel B. Fortenbaugh, 2L
Editor



I have just learned that the Fox Television network has decided against replacing "Who Wants to Marry a Millionaire?" with a special airing of the UCLA anti-resegregation rally. I can't think of a bigger programming blunder. If there was ever a show that could fill these shoes as well as those of such thought provoking programs like "Alien Autopsy: Fact or Fiction", "Close Call: Cheating Death" and "World's Worst Drivers" it is "UCLAW: The Rally"

Dean Varat should be happy because it is these kinds of shows that established Fox as a national network. Who knows what it can do for his law school's ratings? Yale's prestige and Harvard's tradition will pale in comparison to UCLA's "in your face" programming style. Dean Varat could be considered one of the great programming geniuses of modern law schools. He has it in him to be that bold. He has already proven his metal when he brought us "Porn: The Internet Sex Scandal." What's next? Viewers would love to see two students marrying in a community property class or "Believe it or not: Dean Cheadle Smiles." Now there's a ratings coup.

But Dean Varat will have to try hard because it will be difficult to out-do "The Rally." "The Rally" had it all. Characters you love to hate and those trying to uphold a higher moral standard. For the former, the rallier's aptly cast Dean Varat. He came across as part professional wrestler Stone Cold Steve Austin without actually saying, "Those students, those squirming little maggots. I'll take them apart and leave them in a pile of dismembered limbs. Hey, if they want to get in the ring with me, they'll have to pay the price." Varat's performance also recalled that of Dean Wermer from *Animal House*. Like Dean Wermer, one could only get the feeling that Dean Varat had put the rallier's under "special double secret probation." His reason would be the same as Wermer's, someone has to put his foot down and "that foot is me."

The ralliers are fighting the good fight. UCLA Law School would be a better place if the admissions process could take into account the complexities of each individual candidate. In a perfect world, UCLA would hold tryouts. Like in Professional football, candidates could come to a special admissions mini-camp to see if they have the right stuff. Each person's unique qualities would come out as they were clocked on how fast they could Shepardize and the intensity they tackled both legal and social issues. No longer would anyone be victim to the artificial process that the LSAT performs. Candidates will be evaluated by a committee of law professors whose legal training gives them the necessary depth into the human psyche.

The people who rallied really brought home this point. They were so high spir-

See **Theme Park**, page 12

Varat

From page 4

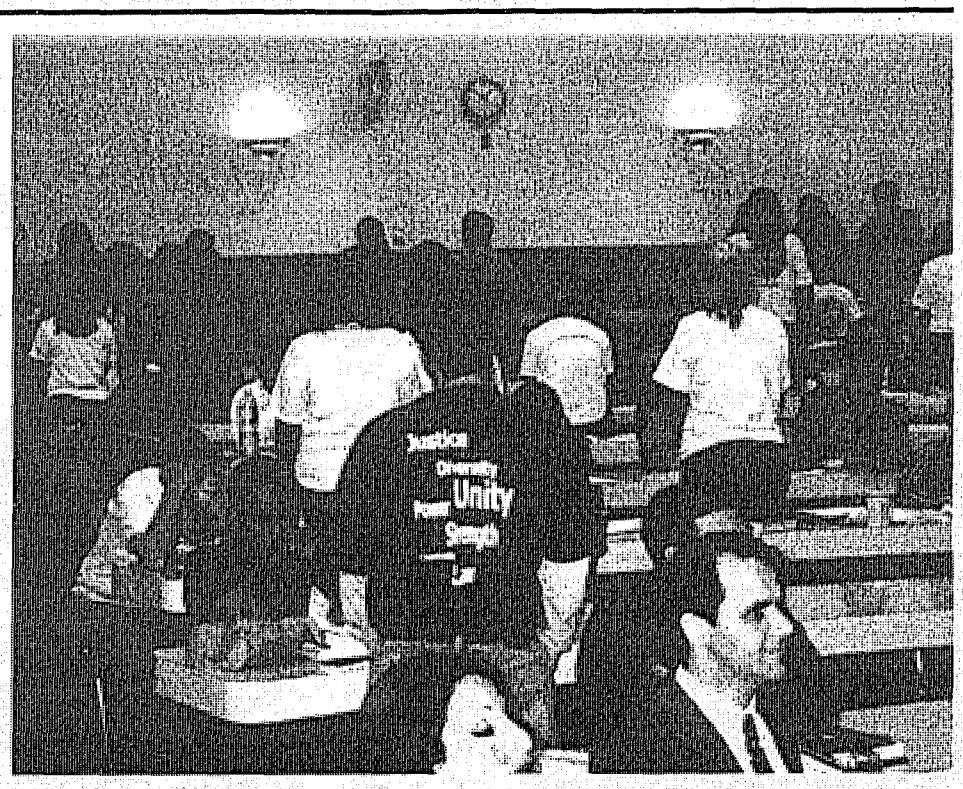
missions co-chairs do it, and they have uniformly had this experience over thirty years. Unless you are really distinctive, there are too many people like you. That doesn't mean you aren't great, it just means there are too many great people. Do you know how many student body presidents apply to this law school? These people are all wonderful. People with tremendous leadership capacities apply to law school in large numbers. But if you're going to distinguish between the one that ran this organization and the one that ran that organization at two different undergraduate institutions, I defy anyone to distinguish between the two of them on an objective basis. That's hard to explain to people who haven't had the experience [of selecting students for admission], but the admissions co-chairs have that experience.

Docket: Demand number three referred to devoting substantial resources to study how UCLAW admissions policies can be reformed, including examining why other UC schools appear to be doing a better job than UCLAW. Some students have suggested you're dragging your heels in many respects. How do you respond?

Dean: I don't understand that, for the following reasons. Some of these students asked me to make a big deal about repealing SP-1 last year. That was one of the first things. I said to them that I was in fact supportive of repealing it, and that I would go to the Chancellor and see what he though about it, which I did. And I reported back to them that the word had come from the regents that although some people wanted to do that, others thought it was a divisive issue and didn't want to take it up. They didn't necessarily have the votes, and it wasn't necessarily going to accomplish anything because 209 was in place and they wanted to focus on more constructive matters. Since they were in agreement on appropriating money on outreach, rather than fighting an old battle, they thought it was better to work on raising money for outreach. The Chancellor didn't want to make a big deal about this and push the Regents because the Regents were giving him the same feedback. I told the students that symbolically it might send a welcoming message – who knows. But substantively, I didn't think it would be helpful given 209. Somehow they think 209 is less restrictive that SP-1, but I have a hard time seeing this myself.

A somewhat changing group of students, when I met with them in the fall, asked questions about what I was doing about outreach and recruitment. I think they also came in pretty skeptical because they had been lead to believe that we have been taking a "very conservative interpretation of 209" and if we only took a more aggressive interpretation, results would be better. But I don't understand what that means in terms of how we've been conservative with respect to 209. I pushed recruitment, went to the office of the President, asked for permission to do targeted outreach, and everyone said that was OK even though you can't do [raced-based] scholarships and admissions. And I made the decision to do everything I could. I don't see that as a conservative approach.

Additionally, I suggested that the students make contacts with various alumni, because I was out there trying to raise scholarship money — I think that's a serious problem: as a public institution we can't grant certain scholarships, but private institutions can. So, I worked with the LA County Bar Association to get them to raise money, and 16 of their 18 scholarships went to UCLA. I'm also on the American Bar Association's Colloquium on Diversity to try and get them to work with local bars on these kinds of issues.



Some students turn their backs on Dean Varat as he welcomed people to the Law Review Symposium.

If you recall, I also asked the task force on the university environment to do some things earlier this year than they were supposed to in order to work on areas where students weren't getting along, and where students of color felt they were being marginalized. That forum wasn't supposed to be focused on admissions, but admissions seemed to matter most. There were some questions raised later, and there was the open forum two weeks ago where professor Moore tried to address questions about the admissions system, but students were very skeptical. They didn't seem to want to take in the things that were being said, and instead they just seemed highly skeptical. I guess it turns out that the students have been planning this [CD] for two months, and I don't think they went to this forum with an open mind. They certainly weren't discussing this with me, so when you ask am I dragging my heels, about what? About talking to the advisory committee in the fall? Whether we should do something? We looked at the evidence and it doesn't indicate what we should do. The advisory committee made the recommendation, with which I actually agree, that we don't have enough information to make intelligent decisions about modifications to the admissions system. That didn't sit well with some members of the faculty. Some of whom wanted to study it a lot more. Devoting resources to study the problem more was already in the works before the rally. We certainly can do more, but I think it's important to ask at the end of the day of the people who make any recommendations, what affect will it have?

Docket: Demand number four calls for regular reports on how many students of color, broken down by ethnic groups within racial categories, have applied and been admitted during the current admissions process. The students say you never addressed this demand during your negotiations. What is your feeling about this demand?

Dean: If the notion is every two weeks you get a report and if the numbers aren't up you go and bang on the door of the admissions committee and say go admit some more people then I think the question of whether you can, in fact, say you are operating a system that doesn't give racial preference is difficult.

Docket: Which of the demands were discussed at that meeting?

Dean: The first four. They had all been raised by faulty before the students did. The faculty have raised these questions, and I was trying to be responsive to the fact that they did raise these questions, I guess Professor Blasi in particular raised these, among others, and we discussed them.

Docket: Some students feel you've personalized their CD. What is your perception and reaction to that?

Dean: Those are two very different things, so let me address both. It is unfortunate that it was personalized, but I do think it was personalized. My reaction is not to take it personally. I'm the dean, so whether or not I have control over these things, I am the focus of them. I don't think it's me John Varat, I think it's me the Dean. I will say that a lot of my colleagues and a lot of alumni have been pretty upset as they've perceived — I'm not making it up to be, but they have perceived it to be personalized. When you put on a sign that says "Dean Varat put your admissions policy where your mouth is," I mean, that doesn't sound very nice. I go and introduce Kim Crenshaw at the Law Review Symposium which is about related and other issues, and the students stand up and turn their backs to me. That's personalized, but I don't take it so personally. I'll tell you — I've been here a long time — I know who I am. I'm not the person who's being caricatured. I know who I am. Do I think it was rude? Yea, I think it was rude. But, a lot of the students think they were justified because they were acting for a higher cause. Now, I would have felt better about that if they had given me the courtesy of a dialogue before hand so they could have found out what I was and wasn't doing, rather than saying we're not going to tell you our demands until the rally. That's not the personalized part, however. All I can say is that some of my colleagues were more offended for me that perhaps I was. But it isn't easy. It's not fun. Honestly.

Docket: Thank you very much for taking the time to talk with us Dean Varat.

Dean: It was my pleasure. Thank you.

Arrests

From page 4

against his will, opened the door to allow the student to leave, creating an opportunity for a police officer, accompanied by Dean Cheadle, to enter the records office.

The students then rushed to the center of the Records Office and sat down on the floor. According to Sean Pine, the records office staff "had to climb over the [seated] students" to clean off the desks and remove confidential information," but the students did not otherwise stand in their way. The staff members proceeded to shut down their computers, collect and move files and papers, and remove the telephones, a process which protestors estimate took from seven to ten minutes.

The students then used cell phones to contact point people on the outside, and asked them to make an announcement to the rally that they had taken over the records office and to notify the Dean Varat that they wanted to speak with him. Third year law student York Chang served as a student negotiator, and moved between the seated students and Dean Cheadle's office, where much of the negotiation between York and Dean Varat took place.

Eventually, the UC Chief of Police Clarence Chapman came to speak with the students. The students were told they would not be removed during business hours, but that after 5:00 PM, the office would be officially closed and any students who remained faced arrest. Chief Chapman, according to several of the protesters, indicated that the students would be treated respectfully, and that he even supported the broader goals of the students. Officers were posted at either end of the Records Office, and students engaged in friendly albeit nervous banter among themselves and with the police. "We engaged the Officer's Sanchez and Luther in conversation throughout our time in the office," 2L Susanne Blossom said, "and officer Sanchez took 'Fight for Affirmative Action' stickers with him to wear off duty."

The students demanded that the Dean agree to the first four of the student's five demands as a condition of their surrender of the Records Office. The fifth demand, which calls for an experiment to consider 25% of all applications holistically and for keeping statistics on the results, was tabled by the students for future consideration.

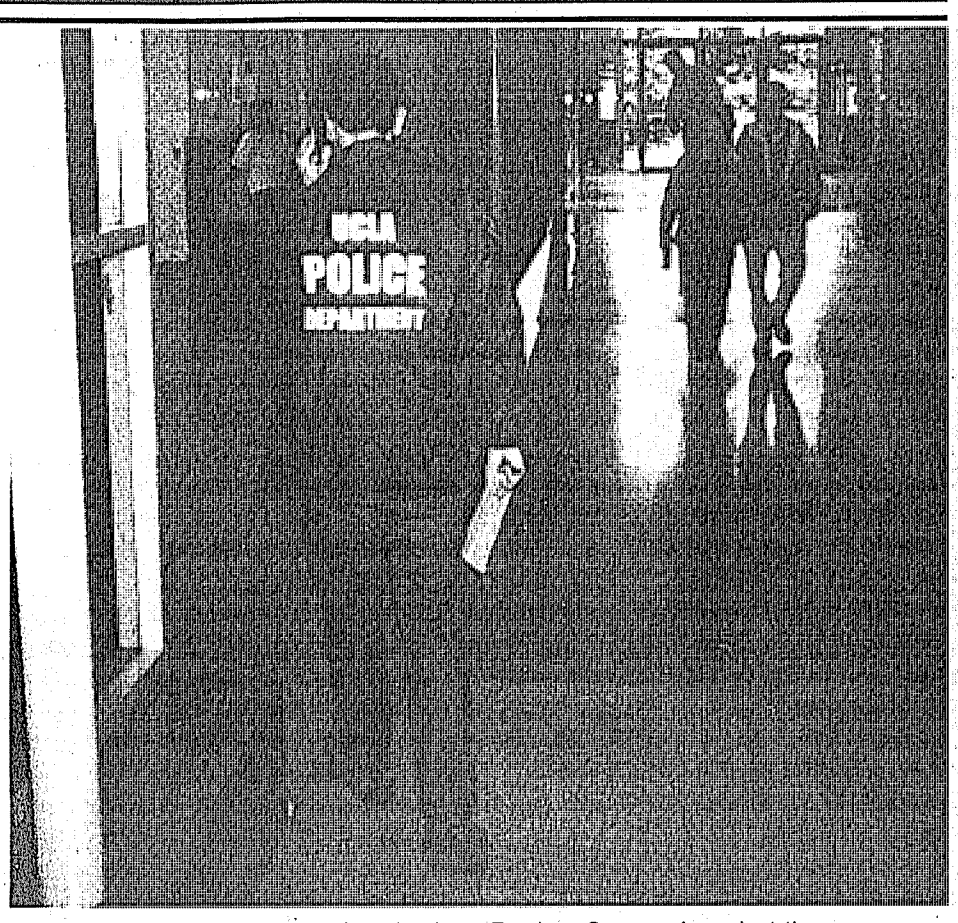
According to York, the Dean began by addressing comments that were made at the rally, expressing displeasure with some of the student remarks, rather than directly addressing the four written demands. Eventually, the Dean was asked to put his best offer in writing, which he did.

At about 4:15 PM, the students received a written answer from the Dean regarding their demands. The two paragraph statement was unacceptable to the students, because, they said, it was in many ways non-responsive to the student demands. The students went through the Dean' statement, made specific comments and suggested revisions, and returned it to the Dean. The Dean did not accept the changes made by the students, and it became clear that no resolution would be reached by the 5:00 PM deadline.

Between 5:30 and 5:45, each student was approached by Officer Luther, asked his or her name, and asked to stand between two officers who took the protestors by the arms and lead them to the Financial Aid office where they were handcuffed. They were then lead outside to waiting University vans and transported to the UC Police Station, where they were booked and charged with misdemeanor "refusal to leave after a lawful order," in violation of Penal Code section 602(n). The students were held for approximately two hours, then released. Before leaving the Police Station, the students shook hands with the officers, many of whom were reportedly seen leaving the station the end of their shifts wearing "Fight for Affirmative Action" stickers.

Outside the Station, the protestors were met by several hundred cheering students, a crush of media photographers, cameramen, and two news helicopters circling overhead. Supporters waived banners, shouted their support, and many chanted supportive slogans such as "Hey hey! Ho ho! Resegregation has got to go!" The arrested students appeared delighted and overwhelmed by the student support outside of the law school building.

"The night of the arrest...I felt proud for the first time to be in law school," said Shiu-Ming Cheer. "I felt proud to be at an institution where 13 other people are willing to risk arrest for their principles, proud to be at a place where more than five professors cheered our arrests, proud to be at a school where over 100 people chanted for five hours to show their support of the action."



Police were called in to monitor the Law Review Symposium, but there were no disruptions.

Confederate

From page 9

insist on seeing it as nothing more than an image of the dark parts of Southern history?

I must say that I was a bit offended when I saw a sign at the recently rally which I felt implied I was a racist simply for being from the South. That's supposed to win my support? I'm a supporter of increased diversity at the law school, I think we need it (and more than just racial diversity, too). Honestly, though, signs like that make me wonder if people are really interested in solving the problem or if they're more concerned with advancing their own political agenda and antagonizing anyone who doesn't share their views 100%. I have a very hard time supporting someone, whatever their cause, who rejects a culture out of hand without taking the time to learn about it.

What really irritates me is when people criticize a culture for their own personal gain. Like the LA city council for instance. This body of enlightened individuals recently voted to condemn South Carolina for flying the flag over its capitol. They have no business whatsoever passing "resolutions" of that sort. A wise man once said that you should take the plank out of your own eye before you try to remove the speck from your brother's. There are plenty of problems in this city that should be commanding the council's attention before they embark upon the daunting task of correcting all the problems of states on the other coast. The council of a city on the west coast has very little understanding of the cultural issues confronting people living in the South.

This ignorance is evident in a statement made by one of the illustrious council members, who is apparently seeking to score political points with her constituency and doesn't mind insulting other cultures to do it. (I bet some of you out there actually thought LA was full of tolerant people.) Councilwoman Rita Walters said "The Confederate flag means oppression, it means murder." Well, Rita, it doesn't. I'm tempted to call Rita an idiot, but I am from the South, and my mother raised me to mind my manners and be polite. So I'll just call her misinformed. Statements such as hers simply illustrate how easy it is for misinformed people to make themselves look foolish when the speak without actually understanding the situation. Councilwoman Walters and the rest of the LA city council should mind their own damn business (which, judging from the paper every morning, is quite pressing).

And really, it's just bad manners to stick your nose into other people's affairs. To quote Hank Hill, "You don't mess with another man's lawn." (And yes, that show is a fairly accurate depiction of Southern life.) You might tell your neighbor he's doing something wrong with his lawn, but if he doesn't take your advice, you don't force the issue. You let him learn the hard way while you and your buddies have fun watching. And once he does learn and realize you were right, you don't gloat because the day will come when you are wrong and will have to learn the hard way yourself, while all your neighbors have fun watching you. Such is life. The true Southern merchant in North Carolina won't continuously badger his neighbors to the South about the flag. He'll probably express his opinion once, and if they insist on continuing in their pigheadedness, he will hire a few local kids to help out in his shop in anticipation of the flood of business he's likely to get as a result of the boycotts of South Carolina. His neighbors will have to learn the error of their ways the hard way, as so many people unfortunately insist on doing.

Ironically, such actions like those of the LA city council are likely to have the opposite of the desired effect. We don't like intrusion into our personal affairs, and when it happens, we tend to resist, a tendency which helped plunge this nation into one of the bloodiest and darkest chapters of its history.

The Confederate flag means many things to many people in the South, and I'm not going to get into all that here. Suffice it to say people in the South are very passionate about their culture and history, as are many people in many cultures, and rightly so. If other people don't like something, that's fine, but in the interest of plain human decency, they should at least be willing to try to learn about the culture before they criticize it. In a society that proclaims tolerance as a virtue, is that really too much to ask for? It really is irritating when someone opens their mouth and speaks from ignorance. If you're too lazy to investigate an issue thoroughly, do the rest of us a favor and just stay silent.

Harris Speech

From page 4

morning, the erasure of Black and Brown students from this law school—this the only public law school in the southern part of the state– means that this profound absence in the classroom projects into the future– the lawyers that will not be there— unless something is done now. Time again.

As it turns out time came knocking on the door, or maybe more accurately came through the door in the form of a committed group of sixteen students and their supporters who dared yesterday to break the silence, to break open the myth that all was normal, to break open the abstraction of time by insisting that the time for excuses was gone. In a real sense, this is not a fight about Proposition 209. This is a fight about the choices that this community makes about who constitutes the community. After all, Proposition 209 does not dictate what criteria should be deemed to constitute merit. That is not a choice made by the voters; it is a choice made here, by this community.

Kim says she feels that because of the present circumstances, this symposium feels like inviting people into your home when it is in disarray. But as it turns out I believe it is also a question about who is at home, who is in the family, who is in the imagined and real community. For when these students acted yesterday against the silent and explicit messages that they had been given of resignation, defeatism, and apathy, they risked a great deal in terms of their own well-being, and put at risk the notion that things were well "All in the family." The students actions explicitly demanded that we think about the terms that are being deployed to define who is in the family, who is in the community and to whom does this institution belong. And of course, to stand here and talk about this rupture some more, risks being characterized as an uncivil act— an act that breaches and disrespects the home. But if there is anything that can be said today that can bridge the cavernous distance between the narrative of commitment to equality and the reality of the segregated present, perhaps I too will look to that orator that Kim alluded to earlier– the one whose predictive index would have undoubtedly led him to be excluded by this law school– Martin Luther King.

These are words from a different time and different circumstance. Recognizing the cycle of time and history– that time and history are not linear— as Professor Franke reminds us, I want to try to draw on the past to say something that might help illuminate and guide us in the conundrum of the present. This is from Martin Luther King's Letter from a Birmingham Jail:

My dear fellow clergyman,

While confined here in the Birmingham City Jail, I came across a recent statement calling our present activities "unwise and untimely." Seldom if ever do I pause to answer criticism of my work and ideas. But since you are men of genuine good will I would like to answer your statement in what I hope will be patient and reasonable terms.....

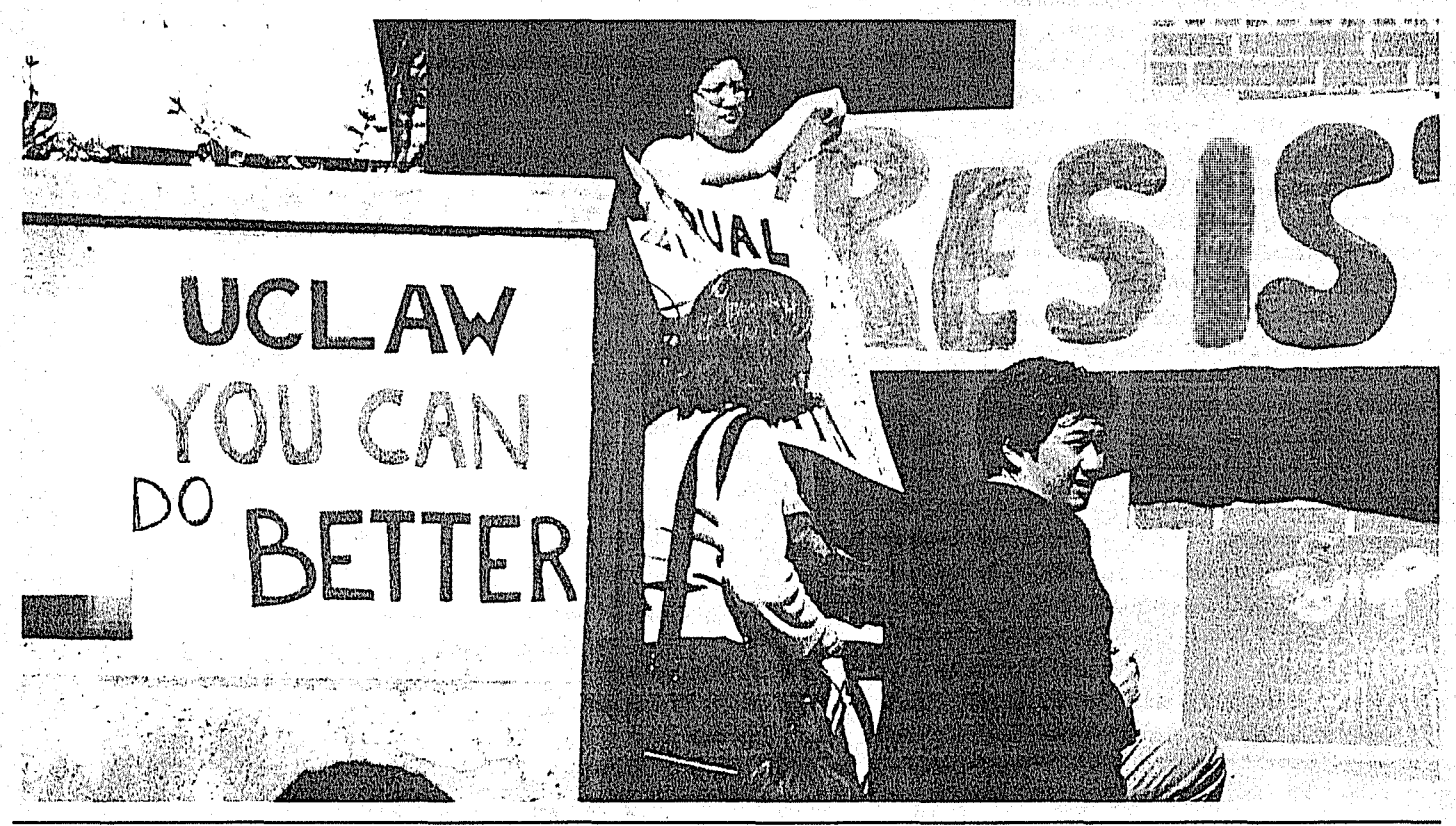
You may well ask Why direct action? Why sit ins? Why marches? Isn't negotiation a better path? You are exactly right in your call for negotiation. Indeed this is the purpose of direct action. Non violent direct action seeks to create such a crisis and establish such creative tension that a community that has refused to negotiate is forced to confront the issue.

My friends, I must say to you that we have no made a single gain in civil rights without determined legal and non violent pressure. History is the long and tragic story of the fact that privileged groups seldom give up their privileges voluntarily. Individuals may see the moral light and give up their unjust posture but as great philosophers have reminded us, groups are more immoral that individuals.

Frankly, I have never engaged in a direct action that was well-timed. For years now I have heard the word, 'Wait.' This wait has almost always meant never....

I must make two honest confessions. I must confess that over the last few years I have been gravely disappointed with the moderate – the moderate who is more devoted to order than to justice; who prefers a negative peace which is an absence of tension to a positive peace which is the presence of justice; who constantly says I agree with you in the goal you seek, but I cannot agree with your methods of direct action. Shallow understanding from people of good will is more frustrating than absolute misunderstanding from people of ill will. Lukewarm acceptance is much more bewildering than outright rejection.

So today I want to thank all of you who came, those who presented, those who listened and thought, thanks to all the members of the community who supported this effort by their presence and their work before the event, for participating and intervening in this difficult moment, for helping us re-imagine community and concretize a narrative that will reconnect our aspirations to a different and better reality.



PornoGate at UCLAW

By John Targowski, 1L, *Editor*

I'll admit it: I don't know what really happened. I'm in section 8, the farthest numerically from sections 1 and 2. But there is porno-talk going on this week on campus and I am surprised, disappointed, and eventually ambivalent towards the whole thing. Rumor has it that a few students displayed some explicit material in view of others immediately prior to a lecture. A few names have been dropped. Some familiar, the others I had to look up in the face book. More rumors of a cover-up and an ironically hypocritical public letter quite Clintonesque in nature. Then there were more rumors about Protest, and a Response from our humble Administration. Much ado about nothing? The end of civility at UCLAW? The return of Donna Reed feminine subservience? The demise of Western Civilization? Obviously not. A few bad apples, a bit of middle school immaturity, and amazing overexposure? You bet.

Please don't confuse me with PornoGate Apologists. I'm no Larry Flynt when it comes to porn (although respect must be given to the gold plated wheelchair with purple velour), however I'm no Gloria Steineim, either. At best, porn is something one uses to make one feel better about oneself in an moment of self indulgence — usually the night after your significant other kicks you to the curb. We've all been there. At worst, porn ruins peoples' lives. It is probably linked to increased sexual violence, usually against women, and its social value ranks right up there with professional wrestling.

So, what happened last week? Probably something in between. Something leaning toward overexposure instead of Crimes Against Humanity. What to be done? I think the public attention given to the incident and those allegedly involved has given us several ideas, chiefly among them is the one where people don't view porno on their laptops when others are around. Or don't view porn anywhere else but the comfort of your own cramped Westwood Apartment when your roommate isn't around.

Apologies seem to be in order by those few individuals, both to the people who were unwittingly exposed to this stuff, and to the rest of us guys who don't like the dirty, distrustful looks of people wondering who was involved, and assuming all men are this dumb. Additionally, we might have to re-examine technology in the classroom. Do we *really* need all of those network ports? Getting rid of them would reduce such pricelessly foolish behavior — and drastically reduce the knee-scaring epidemic, too.

Theme Parks

From page 9

ited and gave off such a warm feeling that there are rumors that Disneyland is thinking of creating a ride called "The Rally." It would part of the Martin Luther King Pavilion that would also include the John Brown bungey-jump, the Rosa Park Bus Ride and the Chez Guevarra restaurant.

The Rally ride would start with each rider selecting pictures of their own perceived social injustices. They plan to have a wide selection ranging from civil rights violations to drinking Pabst Blue Ribbon. Out of a can. Then, as each rider's protest tram makes its way through the civil disobedience course, they will be able to hurl invectives at a Southern white supremacist or the convenience store owners that sell the beer in question. Finally, the ride will end when a S.W.A.T. team charges the riders and forces them out of their tram. They will spend a few minutes in a makeshift jail so they can get the proper martyr complex. The jail ending will be perfect. Each rider will be fingerprinted and have a mug shot taken of them that they can purchase for a nominal fee at the "The Rally" kiosk. Also available for purchase will be authentic rally gear including tie-died t-shirts and peace signs.

Disney will take care of all the details. We don't want any visitors to the Southland to be caught off guard. Left to their own devices, these tourists will not take all the precautions that the UCLA ralliers did when they locked themselves in the Records Office. These ralliers had the foresight to have their credit cards with them so they could post bail. The perfect ending to the perfect day of social insurrection. It's just like one of those commercials. Three t-shirts: $18. One banner: $57. Bail: $500. The chance to be a social activist: priceless. For everything else, there's MasterCard.

To Dean Varat and the ralliers, I ask, why fight? Together, you can exploit this cash cow. The merchandising rights alone are worth a dozens of endowed scholarships. Even George Lucas would be green with envy.

We're looking for

A Few Good...

Stories
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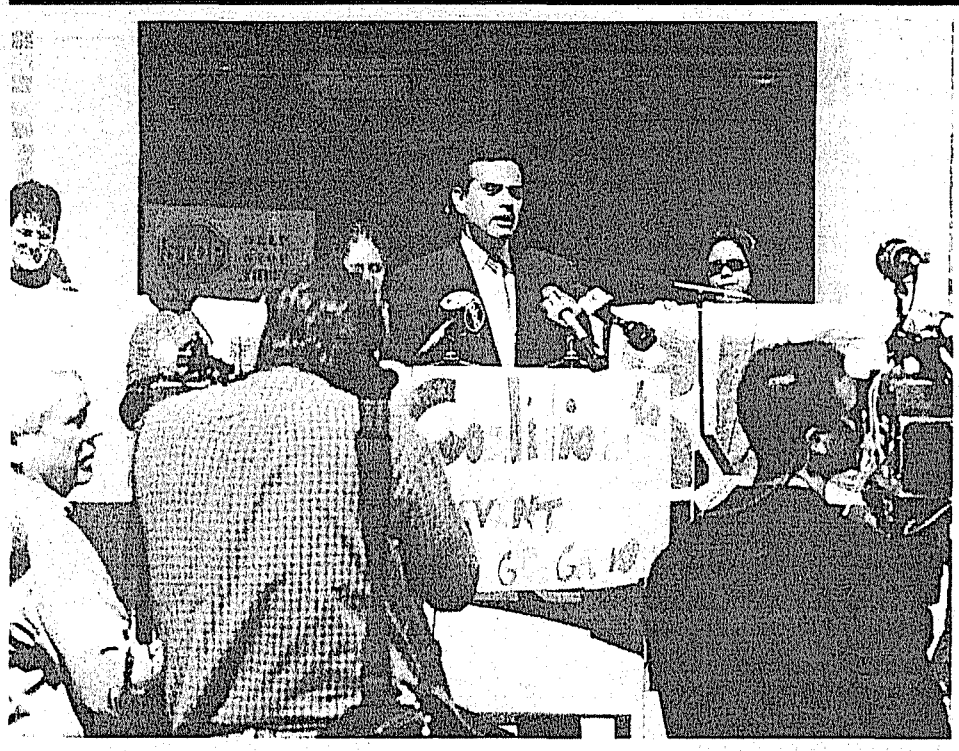

The California Assembly Speaker, Antonio Villaraigosa (D), delivers the rally's keynote address.

Equal Access

From page 7

school in the first place.

February 24 started a dialogue that should have happened years ago, and I hope will continue for years to come. I do not worry about myself, or the other people who are struggling for equal justice, because we are learning about the principles which will guide our legal careers throughout our lifetimes. I worry about the white students who learn that racism is compatible with justice. I worry that their education will remain incomplete, to the detriment of the legal profession to come. I also worry about communities of color who are barred access to UCLAW, because they, unlike the black school children in Little Rock, are not even given enough access to form a part of the dialogue. We are not struggling in a post-Brown world, indeed we are moving back to Plessy v. Ferguson. The empty rhetoric of "color-blind" admissions strikes the same hollow chord as the morally bankrupt "separate but equal." We are so turned around that we do not even know what equality is.

The message of February 24 is that words bereft of action are an empty gesture. We need to focus on results. The words "I support diversity" oft repeated by students, faculty, and administration do not change the fact that there are two African-Americans and 14 Latinos in my class. Those numbers will haunt my class-members and me until the end of time. As all indications show, there will be even less people of color in next year's class. Unfortunately, as a student I cannot change admissions policy. But the reforms that we identified and presented at the rally are Proposition 209-compliant and will make an important start in desegregating UCLAW. We must drop the LSAT floor; we must conduct an outside study as to what UCLAW can do to increase racial diversity; we must begin get full disclosure from administration on ethnic and racial admit numbers; we must use discretionary admissions to admit more students of color; and we must begin experimenting with non-LSAT based admissions. My only hope is that our actions may give the faculty and administration the courage to do the right thing, and take immediate, affirmative steps to diversify the law school to the full extent of Prop. 209. But the challenge will not end there.

Toussant, a Tennessee law student who witnessed the rally on Thursday told me that his dream is to return to equatorial New Guinnea, and spread information to the world of the state of his country around the world. However, his dream is deferred. Equatorial New Guinnea is under a repressive dictatorship that jails and executes educated minority residents who do not serve the government. If he were to return, he would face a dangerous and probably truncated future. Toussant, by his very existence as an educated minority, threatens the tyranny that his family endures.

Can we say that our racism is any less potent? Is there no relationship between UCLAW's racist admissions policy and the acquittal of Amadou Diallou's killers in New York, the false arrests and torture by police officers in the Rampart Division in Los Angeles, or the racism and hatred of the current Propositions on California's ballot putting our young people in prison and encouraging hatred of the gay community? Indeed, UCLAW's admissions policy is part of the rising tide of intolerance and racial hatred that is engulfing our nation. If we do not act quickly, we too will be subsumed within its wake, whether we realize it or not. I hope that February 24 will for a long time to come serve as a reminder for UCLAW of what its mission is, and as a roadmap for fulfilling its mission. For even if all of the short-term demands are met from that day, the struggle will be much longer, much more difficult than reforming admissions, or repealing the Regents' resolutions and Proposition 209. The struggle, and the mission of UCLAW, is building a community that can recognize and address inequities that threaten the foundations of justice and democracy in our lives and our surrounding communities. Let us never forget that.

I would like to prophesize the coming flood: that that day will be a rallying cry for students. I would like to predict a beginning of student activism that will change the character of social struggles for decades to come. But a 'safer' prediction would be a slow fire that burns through the hopes of students of color throughout Southern California, and indeed as we can see by the current political movement, the entire nation. This surer prediction is built on the trajectory of Proposition 209, and perpetuated by all of those who seek in complacent words and complicit actions to preserve the status quo. I hope that I, my colleagues, and faculty and administration will shun the 'safe' path. I pray that we may all have the strength and the courage to resist the re-segregation of UCLAW. Let us all begin the urgent project of rehabilitating our policies, and the law to embody equal justice, and equal access for all.

Battered Men

From page 9

a physician for their injuries (though the researchers later noted that men are less likely to seek medical help for any injury).

The NFVS didn't ask the motives behind the violence. But other surveys, including the largest ever conducted in England, show the prevailing motive for both sexes is the same: Ato get through to them. (Carrado, Aggressive Behavior, 1996, 22:401-415.)

Mounting evidence supports these findings. The Dept. of Psychology at California State Long Beach keeps a bibliography that so far summarizes 95 studies, with an aggregate sample size exceeding 60,000, showing that "women are as physically aggressive, or more aggressive, than men in their relationships with their spouses or male partners." (Available at http://www.acfc.org/study/DV-Fiebert.htm.)

Moreover, these findings perfectly match data showing an equal percentage of violence in lesbian, gay male and heterosexual relationships. (Brand & Kidd, Psychological Reports, Vol. 59, 1986, p. 1311.)

But we seldom hear this side of the story. As Philip Cook points out in AAbused Men, advocates often use the NFVS to show a high figure for female victims without mentioning male victims, then switch to the NCVS to show a false male-female disparity.

Lawmakers in the U.S. even exclude males from aid in major parts of the otherwise legitimate and important Violence Against Women Act. And the United Nations' CEDAW Convention contains similar bias, even though random surveys in Finland, Canada, Puerto Rico, Belize, and Israel found that "in each society [except Puerto Rico] the percentage of husbands who used violence was similar to the percentage of violent wives." (Dr. Suzanne Steinmetz, Journal of Sociology and Social Welfare, 1981, pp. 8, 404-414.)

Erin Pizzey, who in 1972 opened the first battered women's clinic and wrote the first book on the subject, "Scream Silently or the Neighbors Will Hear," recalls how domestic violence was at first ridiculed, and says the same is now happening to male victims: "There are as many violent women as men, but there's a lot of money (now) in hating men. The activists . . . [are] there to fund their budgets, their conferences, and their statements against men." (Cook, "Abused Men.")

Because Pizzey acknowledged that men need services too, her home was shot at and her publisher was threatened. Similarly, Dr. Suzanne Steinmetz, a scientist who conducted the NFVS and wrote "The Battered Husband Syndrome," (Victimology, Vol. 2, 1977-78), received threats toward her kids and a bomb scare when she spoke at the University of Delaware.

But at least here in Southern California, attitudes may be slowly improving. I recently phoned the L.A. Rape & Battering Hotline at 310-293-8381 and spoke with Sharin, a counselor, about my friend Hank. Sharin was sympathetic and said that four out of ten calls she gets are men. She also verified that many male victims are too ashamed or afraid to seek help and are raised not to hit women, so they sometimes become, like female victims, "prisoners in their own homes."

Another hopeful sign is that UCLA's Women's Resource Center plans to change its name to the "Gender Resource Center" and has hired a Men's Outreach Coordinator who will hold meetings for male victims. If you know a male victim or want to help, call Michael Chandler at 206-3135.

Domestic violence must be stopped regardless of the harm or the sex of the abuser or the abused. Whether it's a slap or an attack with a knife, it is violence even when the victim goes unharmed. And even if men were less often harmed, ignoring male victims is like ignoring female prisoners, war veterans or AIDS patients simply because males outnumber females in those categories.

Perhaps due to the "chivalry factor," male leaders are often less attentive to men's issues than female leaders are. Just as it took women in the U.S. to begin lobbying for more prostate cancer funding, it took Senator Anne Cools in Canada, a liberal African-Canadian Senator known for her social activism, to beg the Canadian Senate to help abused men. (http://sen.parl.gc.ca/acools/.) In 1998, Senator Cools accepted the Excellence In The Advancement of Men's Issues Award offered by the U.S.-based National Coalition of Free Men. (http://www.ncfm.org/.)

We in the U.S. could learn from Senator Cools. True, our more progressive groups such as Break-The-Cycle and the Family Violence Project at least provide legal services for men, and groups like SAFE (Stop Abuse For Everyone) strongly advocate for helping male victims. But most of our leaders still turn a blind eye. Hopefully, as the progressive groups proliferate, domestic violence advocacy will evolve from divisive gender politics to comprehensive research into a two-sexed problem. And as men become more outspoken, perhaps my shirt will feel less ostracized.

Until then, it'll just have to hang.

Agree? Disagree?

Want to change the subject?

Working deadline* for submissions to the last issue of *The Docket* this year is noon **Thursday, April 6, 2000**

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* tentative; subject to change

UC rolls out the unWelcome mat

UC: Take Down the 'Not Wanted' Signs: Repeal Two Policies that Discourage Diversity; Let Those Who Qualify Know They are Welcome.

By Cruz M. Bustamante

Five years ago, the University of California declared itself a "colorblind meritocracy" by eliminating all of its affirmative action programs. Educators, political leaders and anyone who cares about the future of California must now ask whether we are better off as a society than we were five years ago. I believe we are not. Indeed, the results of this five-year social experiment suggest serious, long-term repercussions for California's social fabric. Diversity, once a hallmark of the UC, is now an afterthought.

Consider the three pillars of society: law, medicine and education. The University of California is responsible for producing the vast majority of the state's next generation of lawyers, doctors and educators. Recently, UC announced that enrollment of underrepresented minorities at its medical schools dropped 12.5% between 1998 and 1999. This was despite a 30% increase in admission offers to underrepresented minorities. Since 1993, minority enrollment has dropped more than 40%.

While the UC might be admitting more minority medical students, it's not enrolling as many as it used to. Too many qualified students are unwilling to go to an institution where they perceive that they are not wanted. The same is true at UC law schools. This year, UCLA's law school enrolled just two African American students out of a class of nearly 300.

These trends are cause for even more concern when one considers teacher training. The UC will begin increasing its role as a trainer of teachers for the state's K-12 schools, where 60% of students are members of ethnic minority groups but less than 25% of their teachers are non-white.

In the long term, this lack of representation will adversely affect the state's economy.

Diversity in these and other professions is more than a question of educational equity, it is a matter of public health and vibrant communities. Physicians who can understand their patients' language, values and unique health concerns improve the quality of the state's health care. Lawyers committed to underserved communities devote time to public interest law and other matters of justice often neglected by larger firms. Educators who understand the background and environment of their students become strong role models. Likewise, studies have found that minority physicians, lawyers and teachers are more likely to serve communities of color, the poor and the uninsured. They are also more likely to work in minority neighborhoods and rural areas, where the need is greatest.

This is not to say that only minority professionals can serve minority communities; rather, it is to remember that the mission of UC from its inception has been to educate all Californians.

Here's what we can do to help remedy this crisis.

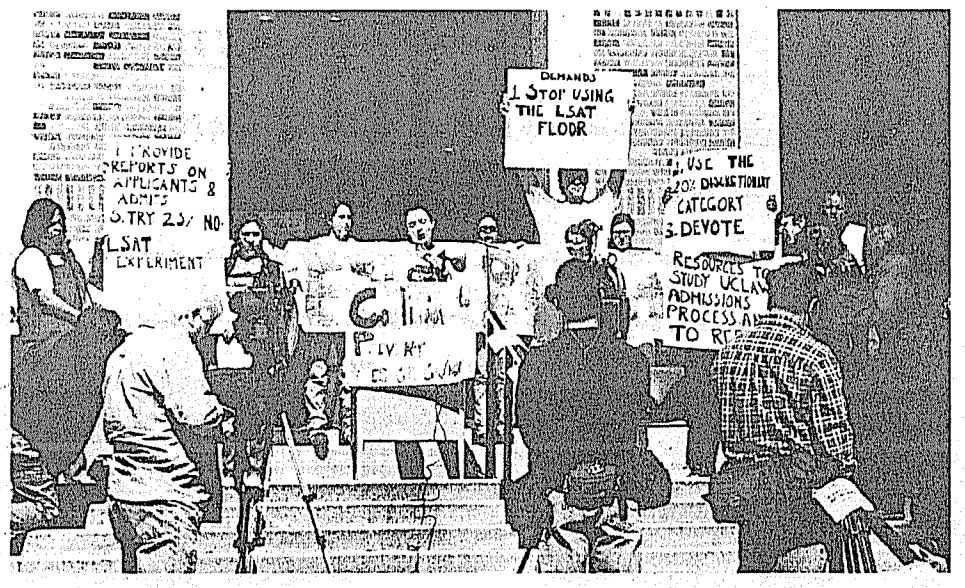
* Consider the repeal of UC anti-affirmative action policies, officially known as SP-1 and SP-2. Proposition 209 has been approved by the voters and makes the UC policies unnecessary. More important, by repealing SP-1 and SP-2, the regents would reassert that UC is committed to enrolling all students and would reassure minority students that they are welcome and wanted. This would be a major step toward reestablishing the university's commitment to providing equal access to higher education and would help get top minority students to enroll in the UC. These policies appear to be real barriers to getting top minority students to enroll.

* UC should aggressively recruit a diverse pool of applicants for administrative and faculty positions. The introduction of the newest campus, UC Merced, along with the growth on existing campuses, will necessitate the hiring of a projected 4,000 new faculty over the next 10 years. It is vital that these new faces reflect the faces of California.

* Support K-12 education so that all kids are ready for college. Outreach must be more than just a side issue. UC needs to share its resources with the state's K-12 schools to improve preparation and encourage young students to pursue a college education. We need to ensure that all children have equal access to quality teachers, advanced placement courses and technology.

No one, not even opponents of affirmative action, can be happy that we have lost ground in our effort to make the University of California more representative. Diversity is California's destiny. Taking these steps would ensure that the UC reflects our state's highest aspirations as well as its demographic realities.

Cruz M. Bustamante is Lieutenant Governor of California and a Member of the UC Board of Regents. This Op Ed first appeared in the LA Times, January 31, 2000.



The Coalition unveil their demands to Dean Varat at the rally.

Student Body

From page 7

O.C.I.P. slots based on race? Require law firms to hire a percentage of black students? Perhaps I should sit on my ass now and wait for all the benefits I deserve to start rolling in. After all, I am just a poor little Negro.

The attempt to analogize the current situation at UCLAW with the civil rights movement was evidenced by the student protest which culminated in a sit-in and the occupation of the administration offices. The aim of the civil rights movement was to establish equality of opportunity and the absence of considerations of race in basic quality of life decisions. The goal was the accomplishment of equal opportunity for all Americans. The heroes of the civil rights movement gave their lives so that freedom schools could be established in the south at a time when a black person took his life into his own hands when he attempted to register to vote or to educate his children. The dream of Martin Luther King was that one day his children would be judged not by the color of their skin, but by the content of their character. King did not dream of a day when his children would be given special treatment because they are black. Those that now argue for affirmative action have perverted the dream. Those that march for affirmative action and sling the word segregation around lightly need to understand the progression of history that brought us to the point that we have reached today. People gave their bodies and souls to establish a society that would allow for equal opportunity for all citizens. The affirmative action movement's demand for affirmative consideration of race in admissions policies is a slap in the face to all that those that preceded us fought and died for. The premise of the civil rights movement was that blacks needed the opportunity to work within the system, not that blacks needed special remedial assistance in order to compete on equal footing with white Americans.

Ultimately, blacks in America do not benefit from a policy which is premised upon their inability to compete on a level playing field. An attitude of entitlement and inability to compete is fatal in a society that is based upon the premise that hard work and dedication are the keys to success. There are poor, uneducated and disadvantaged whites in America just as there are poor and disadvantaged blacks. There is no reason that poor and uneducated black families should be treated any differently than poor and uneducated whites. The fact of the matter is that no one deserves to be treated special just because they are black. The sooner black Americans realize this and start holding themselves responsible for their own successes and failures, the sooner that they will be able to realize the American dream. The inevitable result of a continual barrage of the affirmative action message which portrays blacks as unable to compete under equal conditions is a state of learned helplessness.

Black Americans have made great strides in American society. Amongst those who achieved success in America without the help of affirmative action are: Frederick Douglas, Martin Luther King, Booker T. Washington, Malcolm X, George Washington Carver, Fanny Lou Hamer, Charles Drew, John M. Langston, John Lewis, Joe Jackson, Hank Aaron, Jackie Robinson, Joe Louis, W.E.B. DuBois, Marcus Garvey, Thurgood Marshall, Medgar Evers, Bobby Seal, Eugene Bullard, Sojourner Truth, to name but a few. If supporters of affirmative action do not know who these people are, perhaps they should spend more time learning what black Americans can and have done *without* affirmative action before continuing the quest to protect us poor Negroes.

A Challenge to the Critics of the Coalition's Actions

By Lauren Teukolsky, 3L

Many critics of our decision to take over the Records Office question the timeliness of our action, and the point. My guess is that a lot of critics have little idea why we demonstrated, or what our demands are. For example, a lot of people seem to think that we were protesting for the return of Affirmative Action, and that since the Dean has no control over this, our action was pointless. All of our literature – carefully prepared and researched in advance – explained that we were demonstrating because even within the constraints of Prop. 209, we think that the law school can be admitting more students of color.

I spent countless hours with other students doing research on UCLAW's admissions policy. We researched how the LSAT has a disparate impact on people of color, as well as reasons why students of color perform worse on the LSAT. We looked at numbers demonstrating that other UC law schools do a better job of admitting students of color. Admittedly, the numbers of students of color at other UC law schools are still low, but the fact remains that they are doing better. As we researched late into the night-as I put off yet again doing my reading for class the next day-I grew infuriated by the fact that we, the students, were the ones doing this research. Surely this was not our job. Surely the administration should have hired someone else to do the kind of high level investigation into the admissions policy that we were trying to do. This fury led to our third demand, that the administration commit substantial resources to studying how the admissions policy can be reformed to admit more students of color.

"Explain what the law school's admissions policy is."

My challenge to critics of our action is the following. First, name one policy implemented since the passage of Prop. 209 that has increased the number of minority admits to the law school. Note that recruitment and outreach policies are not the issue here – only admissions policies. Second, explain what the law school's admissions policy is. Be sure that you can explain which parts of the policy were adopted by the faculty (and which were not), and also how the current practices of the Admissions Committee are or are not dictated by faculty decisions. Third, explain the junctures in the policy where students of color are being weeded out. And fourth, explain why our demands would not improve minority admissions to the law school. If you can't do these things, then you can't criticize our action. No one would take a challenge like this seriously unless several people were arrested in order to make it.

List of Demands

These demands are fully legal under SP-1, SP-2, and Proposition 209

1. Stop using an LSAT floor.[1]

2. Use the faculty-approved 20% discretionary category to promote diversity by recognizing that race and ethnicity may be relevant to qualities that have already been identified by the Admissions Committee as important and desirable, such as leadership, commitment to serving underrepresented communities, and ability to overcome hardships.[2]

3. Commit to devoting substantial resources to study how UCLAW admissions policy can be reformed to admit more students of color. The study should include an examination of other UC law schools' admissions policies, all of which have done a better job of admitting students of color than UCLAW.

4. Provide regular reports on how many students of color—broken down by ethnic groups within racial categories—have applied and been admitted during the current admissions process.[3]

5. Reserve 25% of applications to be initially reviewed without consideration of LSAT scores (for experimental purposes).* These applications would be reviewed and assessed considering grades, personal statements, recommendations, leadership skills and hardships overcome.[4]

[1] The use of an LSAT floor has a clear adverse impact on students of color, who traditionally score lower on the LSAT than other students. *See "Just the Facts," infra.* Under the current admissions practice, about 95% of an entering class is admitted on the basis of a Combined Index (CI), which combines an applicant's LSAT, undergraduate GPA, and "where applicable," socioeconomic disadvantage. To be admitted via the CI, applicants must have a minimum LSAT score of 155. Applicants below this floor are presumptively unfit for admission, although they can still be considered under the discretionary category (see Demand #2, which explains that the discretionary category is grossly underutilized). For the current third-year class (the first class to be admitted without affirmative action), the LSAT floor was 153; the next year it was raised to 155. The effect of even this two point change is fairly drastic: If the 155 floor had been applied to the present third-year class instead of the 153 floor, *one-third* of admitted African-Americans and *one-quarter* of admitted Latinos would have been presumptively excluded from admission. The decision to raise the LSAT floor is a clear example of how the admissions program has not just failed to mitigate the effects of Prop. 209, but has actually contributed to UCLAW's resegregation.

The demand to drop the LSAT floor does not mean that the Admissions Committee cannot look at an applicant's LSAT; it simply allows an applicant to meet the CI requirement through any given combination of LSAT, GPA, and socioeconomic disadvantage. For example, a student with a 4.0 GPA and a 154 LSAT could still be considered for admission under the CI category. It is worth noting that the LSAT floor has not been approved by the faculty, the body ultimately responsible for setting admissions policy.

[2] Within the discretionary category, applicants whose numbers do not meet the cutoff point for presumptive admission may be admitted based on factors such as likelihood of the applicant representing underrepresented communities, work experience, community or public service, hardships overcome, and language ability. In this year's entering class, only 17 students who enrolled were admitted under the discretionary category; the year before there were 14. The Head of Admissions explained at a recent meeting, "We just didn't have 20% of the pool about whom we were excited." If followed, the faculty decision to admit 20% of students under the discretionary category would yield about 60 enrolled students. Not all of these students would be students of color, but there is good reason to believe that they would be more diverse than "numbers" admits, since using numbers clearly has a racially disparate impact.

[3] The Admissions Office's current policy when providing information on the racial breakdown of students is to lump students into 5 categories: Caucasian, African-American, Latino, Asian/Pacific Islander, and American Indian. This "lumping" distorts the extent to which certain ethnic groups within these categories are underrepresented. For example, there are discrete ethnic groups within the "Asian/Pacific Islander" category—such as Vietnamese, Filipino, and Cambodian—that are underrepresented at UCLAW.

[4] We suspect that the LSAT is currently being used by the Admissions Committee as a shorthand to determine whether or not an applicant is "qualified" to attend UCLAW. The purpose of this experiment would be to force the Admissions Committee to consider—at least initially—an applicant's *entire* file regardless of her LSAT score.

Annotated demands distributed at the rally. The list of demands given to Dean Varat during the sit-in were the same, although not annotated

Dean Varat's Response to the Demands

Statement to the Law School Community:

It is of vital concern to the UCLA School of Law, and to me personally, that the detrimental effects produced by Proposition 3209 and Regents' Resolution SP-1 on the presence of underrepresented minority students be minimized. Despite exten-

"UCLA School of Law is committed to persistent efforts at improvement"

sive faculty efforts to design and administer an admissions system that would achieve that result, we as yet have not been as effective as we would like to be, particularly with respect to African-Americans and Latinos. Our enduring commitment toward this end includes ongoing review of admissions policies and practices, sharing of information, and modification where appropriate. In particular, I will provide the personnel and funding needed to assure that possible alternatives, and the outcomes they can be expected to produce, are thoroughly examined. I also will encourage even more sensitive use of the discretionary portions of the admissions system.

However difficult the challenges we face—and no one should minimize how daunting the task is—the UCLA School of Law is committed to persistent efforts at improvement. Beyond the administration of the admissions process, we have been, and will continue to be, committed to aggressive outreach efforts to enlarge the numbers of applicants from these groups, and to aggressive recruitment efforts that will maximize our success in enrolling admitted students from these groups. It will take the efforts of all of us, working together, in many arenas to do the best that we possible can.

Jonathan D. Varat
Dean

This was the Dean's written response to the student's demands, which the students rejected. On a copy of the demands that was passed back to the Dean, the students crossed out the first three sentences calling them "lip service and not responsive to [their] demands." The students bracketed the last two sentences and asked the Dean to consider amending the statement as follows:

"I will commission a study of our admissions process, which compares our process to the processes of other UC Law Schools, and which compares the different admissions outcomes for the past 3 years at UCLAW itself (i.e. why the numbers have been dropping for the past 2 admissions cycles)," and

"I will also ensure that the Admissions Committee with utilize the 20% discretionary category to its full extent. I will therefore make it a priority to enroll about 60 students via the discretionary category for the class of 2003."

In response to the second paragraph of the Dean's statement, the students crossed it out and wrote: "Outreach is not one of our demands; it doesn't matter how much outreach you do if the school isn't admitting students of color in the first place."

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