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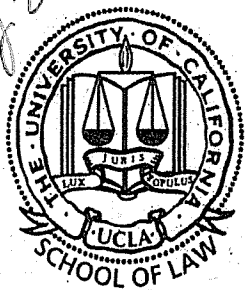
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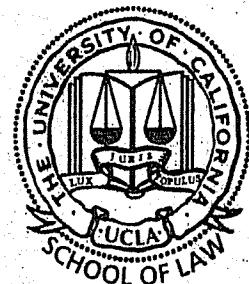
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# The Docket

UCLA SCHOOL OF LAW



VOLUME 49, NUMBER 5

405 HILGARD AVENUE, LOS ANGELES, CA 90095

MARCH 2001

## Record Turnout at UCLA Law Review Symposium | Students Protest SP-1

By Michael E. Lopez  
Editor-In-Chief

Two weeks ago, the UCLA Law Review held its annual Symposium. This year's topic, chosen by Symposium Editors Christopher Norton, 3L, and James Fitzgerald, 3L, was "Law and Popular Culture." It was one of the most widely attended Symposia in the Law Review's history, with over two hundred registrants.

The Symposium, held on the 23<sup>rd</sup> of February, actually started the evening before in Santa Monica. Beginning with a screening of the film *Anti-Trust* at the MGM studio in Santa Monica, the pre-Symposium activities ended with a dinner at Santa Monica's *Chez Mimi*.

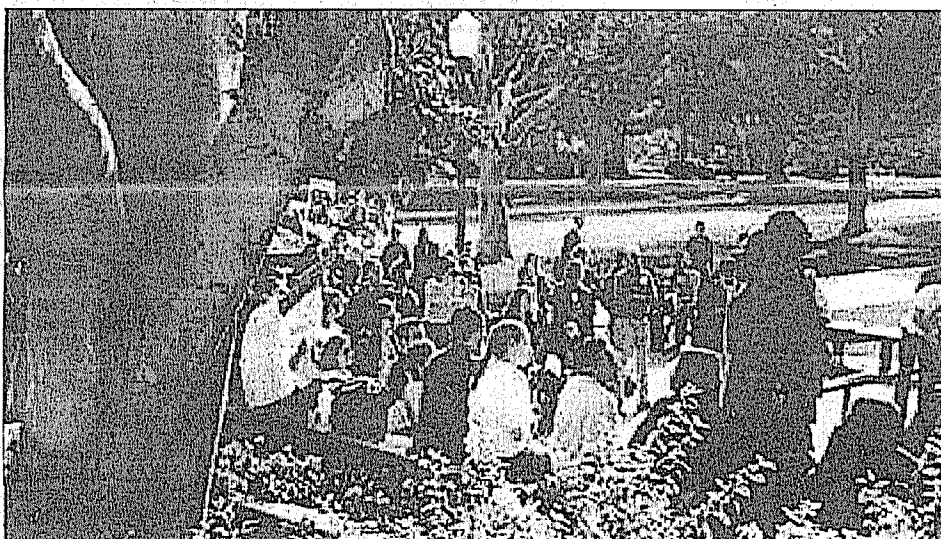
Attendees were treated to a wide variety of topics, including the portrayal of legal ethics in popular culture, the 1986 film *The Penalty Phase* and its relationship to the judiciary, "The Alien Encounter of Law and Postmodernism in the *X-Files*," as well as (of course!) John Grisham. One of the most commented on panels was "Inside Television Legal Dramas," which featured writers and developers for *L.A. Law*, *The Practice*, *Judging Amy*, and *Law & Order*. Much of the praise, Fitzgerald says, is due to the moderation of Chuck Rosenberg, who kept things flowing smoothly between the panel members themselves and between the panel and the audience.

This year's Symposium also set records for fundraising, with over \$17,000 being raised from private parties, including Warner Bros., Kirkland & Ellis, Proskauer Rose, MGM, Ziffren Brittenham Branca & Fisher, and LEXIS-NEXIS.

"Our goal in coming to the job as Symposium Editors," says Fitzgerald, "was to put together the premiere academic event that would take place at the law school this year. A corollary to that goal was that it would be a highly visible event - one that would give a better idea to other students



Judge Alex Kozinski speaks with Professor Bergman and others at the Symposium.



Students gather and cheer on speakers at the rally last Thursday.

what the Law Review does, and how it contributes to the reputation and prestige of the Law School as a whole."

The Symposium also featured a screening of the original *Cape Fear*, though by that stage many of the participants had fil-

See SYMPOSIUM, page 5

The Coalition to Prevent Resegregation held a rally last Thursday to support the repeal of SP-1 and SP-2. SP-1 is the Standing Policy of the University that prevents the use of race as a factor in admissions decisions.

The rally was attended by over 100 people. Several students spoke, giving their opinions and telling personal stories.

Erica Woods, a 1L, discussed how it feels to be an African American student at UCLA since the passage of SP-1 and SP-2. Beyond her experiences, she discussed the impact on her classmates. "Your education is cheapened when you're forced to study *Plessy v. Ferguson* and *Brown v. Board of Education* with no African-American in the room." She complained of walking into a classroom and seeing a "montage of students who are supposed to represent the population, none of whom look like [her]." Only 5 out of 310 students in the first year UCLAW are classified as black.

Markey Keaton, another first year, charged that UCLA has "failed in the mandate of a public school" and "failed in its mission of social justice." Anthony Solana, a self-proclaimed "homeboy from East L.A.," described his being admitted to Berkeley with a high school GPA of 4.0 but with an SAT composite score only in the 800's. He graduated from Berkeley with honors. This educational background allowed him to come to UCLAW, where, he says, last semester "I did just

See PROTEST, page 8

## Roscoe Pound Competition Draws Near

By Crystal Howard  
Senior Editor

On Thursday, March 15, at 3:00 p.m., UCLAW students will have the chance to see their own distinguished colleagues squirm under the questioning of three federal judges in the Moot Court Roscoe Pound tournament. Dean D. Pregerson, District Court Judge in the 9th Circuit, Rhesa H. Barksdale, 5th Circuit Justice, and Rosemary Barkett, 11th Circuit Justice, will hear oral argument from the top four competitors from the Spring Honors Competition. Celeste Drake, Tim Martin, Henry Self, and Sylvia Rivera each will have twenty minutes to present his or her issue. The questions are: 1) whether an allegation that an employer's facially neutral policy had a disparate impact on an individual in a statutorily protected class is a cognizable claim under the Age Discrimination in Employment Act (ADEA), and 2) whether a district court can use its equitable powers to issue a preliminary injunction restraining a defendant's assets to preserve a potential judgment of monetary damages, when the plaintiff alleges that the defendant is about to be insolvent. Each advocate will represent either the appellant or respondent and argue one of the

issues.

The Roscoe Pound competition is not a Moot Court participant's only chance for glory. The top four oral competitors and two writers throughout the fall and spring rounds compete in the Nationals. Celeste Drake, Henry Self, Karen Nash, and Adam Cook will be representing UCLA in the oral rounds this year, their brief writers being Kirin Kaur and Bonita Moore.

The next two top oral advocates, Beth Collins and Sylvia Rivera, and brief writer John Targowski will compete in the State competitions, which actually occur the following spring. Both competitions require yet another issue to be analyzed. 3Ls Anne Jolley and Rasha Gerges are headed to Golden Gate University next month to compete in the State Competition from Spring 2000. They worked with Chanda Weber to author the brief. Their issue: governmental immunity when two cars collide at an intersection and kill a pedestrian. Does the government have design immunity for an unsafe intersection, was there a failure to warn of an unsafe intersection, and was the intersection even unsafe to begin with? The questions for the national and state compe-

See MOOT COURT, page 10

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# EDITORIAL

## Lord Of The Flies Is No Surprise

Do the recent school shootings seem like something out of *Lord of the Flies*? Well, that should come as no surprise. After all, many kids these days live out their lives without adult supervision, surrounded only by their own peers.

The Columbine High School shooting two years ago has heightened awareness in the U.S. about school violence. Adults talk about the "good ol' days" when schoolchildren trotted down the street to the bus stop, hopped on, went to school, joined the Glee Club, and came home and told Mom and Dad about their day. And therein lies the problem: schoolchildren no longer tell Mom and Dad about their day because too often Mom and Dad do not insist on hearing about it and there is no one else around to listen. Oftentimes even Mom and Dad aren't around to listen. The more adult role models in a child's life, the more likely the child is to learn how to be a responsible adult. Completely bereft of adult influence, children naturally will emulate and reinforce the behavior with which they are born: the behavior of savages.

People blame the media, Hollywood, the music kids listen to. We at the *Docket* are not willing to persecute scapegoats in this manner. Music does not cause violence. Music, movies, and art of any kind really, all serve to heighten and strengthen emotion. The underlying emotion, however, is already there. In this case, the emotions are anger, disaffection, and a feeling of disconnection from the world around. But it need not be thus.

This disconnection is due in large part to a lack of adult involvement in the lives of adolescents. They have no role models, no one to help guide them

through life, no one to show them how to become a productive member of society. Sure, there are adults around, but are they really involved? For some reason, whatever it may be, the young perpetrators of violence think that they do not really matter; they think no one cares because no one has shown that they do. This has to change. If we want to stop the violence in our society, we need to take care of it at the root. Stop it before it starts. Adults need to take responsibility for the youth of our society and make sure that they know someone really does care about them.

Adults, parents especially but not exclusively, need to ask the children and teens in their lives about their days. They need to read with them, eat dinner with them, go to the beach with them. They need to be a part of their universe. Children need to see the adults around them being responsible. They need to see them doing constructive activities such as picking up trash, discussing their ideas, handling anger in an effective and non-violent manner—and they need to participate in it.

This argument carries over into education as well. Many schools more resemble holding pens than centers of education. Students are put into a social milieu filled with their peers and a woefully inadequate number of teachers. Those teachers often are afraid to involve themselves in the personal lives of their students. This, too, is a mistake.

We are not longing for some lost, cheery, Pleasantville-esque utopia. But what we would like to see is children not being left to their own devices. Children are born not knowing how to behave. People talk about the desperate need for role models. These are not sports stars and politicians, but parents, teachers, and other adults who brush past children every day, pursuing their adult goals but forsaking their adult responsibilities. Like children.

## Letters

Dear Editors,

We write to clarify matters discussed in *The Docket's* recent article about visiting students ("Student Denied Visiting Permit," February 2001). With respect to the specific student's situation, we limit ourselves to commenting on the statements *The Docket* ascribes to the student. We therefore write to explain how decisions are made when a UCLA law student requests permission to attend another law school for "hardship" reasons. We appreciate the opportunity to respond and explain.

As we all understand well, the decision to attend law school here in Los Angeles can create hardships for many students. For example, the decision to attend UCLA Law School, rather than a law school in another

See **LETTERS**, page 10

Dear Sam,

We wanted you to know that we are truly sorry about the way we mangled your last column. You are one of the best and most consistent members of *The Docket*, and the trust you placed in us was unwarranted. Please forgive us.

The Editors

## Letters Wanted

Show us some love,  
write us.

Send letters to  
docket@orgs.law.ucla.edu

## The Roscoe Pound Tournament

March 15, 2001  
3:00 pm  
Moot Courtroom

Sponsored by:  
Kirkland and Ellis,  
White O'Connor, and  
The Graduate Student  
Association

## The Docket

UCLA School of Law

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## SBA Establishes New Senate

By Toby Bordelon  
Senior Editor

In recent weeks, the Interorganization Senate, a new body established by the SBA, has held a series of meetings. What is the Interorg Senate, you may ask? It is a body composed of representatives from the various student organizations in the law school. By bringing together the student orgs in one place, the Senate hopes to facilitate interaction between them, serve as a convenient intermediary between the orgs and the administration, and allow the orgs to speak with a unified voice on important matters.

Current plans call for the SBA constitution to be revised by the end of the year, to incorporate the Senate as an official part of

the student government of the law school. Many details still remain to be worked out as the Senate moves through its formative stage, such as how exactly it will be structured, but by the time new academic year begins it should be up and running.

The SBA has been criticized in the past for not doing enough to serve the students it represents. The formation of the Senate is a step in the right direction towards a more responsive and accessible SBA. This innovation shows that the SBA is trying, and doing, whatever it can to improve things here at the law school.

Any student organizations interested in becoming a part of the Senate should contact Anna Song (Song@2001.law.ucla.edu).

## What is CPR?

by Daphne Bishop  
3L

**Segregation:** The act or process of separation. The unconstitutional policy and practice of separating people on the basis of color, nationality, religion, etc. in housing and schooling.

Black's Law Dictionary

The Coalition to Prevent Re-segregation (CPR) was formed in the fall of 1999 in response to a UCLAW community that looked increasingly less like the population of California. The adoptions of SP1 and SP2 in 1995 and PROP 209 in 1996 (measures ending the use of affirmative action in admis-

sions, hiring, and contracting in public education) have led to a student body at UCLAW which is, in many ways, like the student body of the Class of 1960. When I entered UCLAW in the Fall of 1998, I was one of eight Black students, a dramatic decrease from the 45 Black students enrolled in UCLAW less than one decade earlier. Latino enrollment has seen a similar decline. Despite the alarming drop in minority students at UCLAW, pundits continued to focus their attention on Boalt, where the entering class of 1997 was comprised of only one Black student. *At least UCLAW is not as bad as Boalt*, seemed to be the general

See CPR, page 6

## Branching Out

Willow Mc Jilton

Legal education outside the classroom

I was reading a non-legal book in an attempt to procrastinate from my mountain of Constitutional Law reading when I came upon a passage that said all people are heroes, but few ever get a chance to show it. After considering this notion over cheesecake, I came to the conclusion that the passage was wrong. We have chances to be heroes all the time, but seldom do we see them as such. We are so busy that often we hustle by without giving notice to all the possibilities around us. Today, I would like to give you a chance to be a hero.

Perhaps one of the most rewarding volunteer experiences available to UCLAW students is the chance to work for the HIV & AIDS Legal Services Alliance (HALSA). HALSA is seeking dedicated volunteers to assist in a multitude of legal areas. People living with HIV and AIDS not only face the prospects of a terminal, debilitating disease, but also must deal with the discrimination and social stigma that much of society places on them. The legal issues a medical patient must face are numerous: public benefits, time off from work, health insurance problems, taxes, confidentiality of medical records, etc. When the patient is terminally ill the legal issues grow exponentially: wills, trusts, power of attorney, child guardianship, advanced health care directives, and so on. The misunderstandings that some people have about HIV and AIDS lead to further legal issues of wrongful employment termination, confidentiality of HIV testing, housing eviction, etc.

In response to these immense needs of people with HIV and AIDS, HALSA was formed in 1997 through the collaboration of AIDS Project L.A., AIDS Service Cen-

ter, the L.A. Gay and Lesbian Center, the L.A. County Bar Association, and Public Counsel. These agencies collaborate to provide an outstanding array of legal services. HALSA has 10 major areas in which they offer legal assistance: public benefits, children's rights, discrimination, employment, financial issues, healthcare, housing, immigration, insurance, and testamentary law.

HALSA utilizes law student volunteers for the Legal Check-Up Program. Law students complete a comprehensive inquiry into various aspects of the client's situation to assess the client's various legal issues. 1L Jenny Carey, who has been volunteering with HALSA since last August, finds the legal check-ups to be a valuable learning experience. "I think it's impossible to be an effective advocate without thoroughly understanding the issues clients face in everyday life. By conducting the legal check up, you get a more complete picture of the client's situation while being able to hone in on the issues most relevant to the client."

The time commitment for HALSA volunteers is 4 hours, 4 times a semester. HALSA offers volunteers an extensive training program whereby attorneys within various specialties give substantive and procedural information as well as guidelines for dealing with clients. HALSA also gives volunteers a thorough, well organized training manual. More importantly, HALSA gives UCLAW students a chance to be heroes and represent those clients that have no where else to go. For more information about HALSA, contact Emily Lieberman at Lieberma@2001.law.ucla.edu.

## NELS Conference - March 12

By Dawn Mortazavi

2L

### Banished from the Constitution: Immigrants and the First Amendment

The upcoming program, Banished from the Constitution, will address the legal and political issues faced by immigrants living in the United States, and specifically whether they have First Amendment rights. The highlight of the program will be the ongoing case of the "LA 8," a group of seven Palestinians and one Kenyan who have been under threat of deportation by the INS for the past twelve years. The program will include excerpts from the documentary "Voices in Exile" and featured speakers, followed by a reception.

Speaker David Cole is a professor at Georgetown University Law Center, a volunteer staff attorney for the Center for Constitutional Rights, the legal affairs correspondent for *The Nation*, and a periodic commentator on National Public Radio's "All Things Considered." A graduate of Yale University and Yale Law School, he has litigated many First Amendment cases, including *Texas v. Johnson*, which extended First Amendment protection to flag burning. He also has represented many immigrants whom the Immigration and Naturalization Service has sought to deport for their political associations, including the "LA 8." He is the author of *No-Equal Justice: Race and Class*

in the American Criminal Justice System, and *Terrorism and the Constitution: Sacrificing Civil Liberties in the Name of National Security*, both published in 1999. *No Equal Justice* was named Best Non-Fiction Book of 1999 by the Boston Book Review, and best book on an issue of national policy in 1999 by the American Political Science Association.

Speaker Michel Shehadeh is a Palestinian-American and one of the L.A. 8. He holds a Bachelor of Arts degree in Journalism from California State University, Long Beach, and a masters degree in Public Policy and Administration from the same university. He has been involved in Palestinian and Arab-American political and organizational affairs since his arrival in the United States in the mid seventies. He has founded and headed many organizations such as USOMEN, The Arab American Press Guild, Students and Faculty to End Israeli Occupation, Palestinian Academic Freedom Network, General Union of Palestine Students and Arab Art Network, etc. He publishes in Arabic and English publications and speaks about Arab-American, Palestinian and Arab affairs in both languages.

## Law Review Prepares Spring

### Write-On Competition

Per Curiam

The new Comments Department wasn't but a few days old when they started in on the task of putting together the packet for the UCLA Law Review's Spring Write-On Competition. Each year scores of students take the imposing packets from their mailboxes, and sit down to a Spring Break filled with law, footnotes, and citation forms.

This year's competition will begin on March 22. That Thursday, on or about 12 noon, the packets will be placed in mailboxes and any first-year student who wishes will have until the following Thursday, March 29<sup>th</sup>, at 3 o'clock to finish the write-on.

While not exactly a weekend in Cabo San Lucas, the write-on competition isn't an entirely mind-numbing activity. "We've tried to create a problem that is, as in years past, engaging and interesting to think about," says Chief Comments Editor Jennifer Winslow, 2L. When asked for his opinion, newly appointed Editor-in-Chief Ted Maya, 2L, replied, "You get to think, learn, and write about the law from the perspective of what it should be rather than what it is."

The competition consists of two parts. First, candidates must write a short comment, typically 10 pages in length with up to 15 pages of footnotes. The comment is on a topic selected by the Comments Department of the Law Review, and is often (though not always) on a topic of Constitutional Law. Past topics have included commercial speech, spousal privilege, and the establishment clause. Candidates are given a fixed universe of sources from which to write, typically a collection of leading cases, law review articles, newspaper clippings, and even topical comic strips.

The second part of the competition is one familiar to members of other journals — the production test. Along with the materials for the comment, participants are given a number of purposefully flawed footnotes that need to be fixed. While the production test has on occasion been separated from the comment by a week in deference to cer-

tain holidays, this year it is being included in with the comment, and is due at the same time. On the bright side, it means that this year's write-on will be one of the shortest on record, only one week long, with participants finishing the entire competition three days before the end of break.

That week is not an experience that many forget. Stories abound about the student who stayed awake 72 hours straight to finish (true), the student whose computer crashed a day and a half before the deadline (true), the student who wrote his comment while vacationing in Mexico (true) and got on (false), the student who wrote his entire comment drunk (false) or tipsy (true) depending on which version you hear, and the student who killed herself when she realized she had left her Bluebook in California (utterly false). Although the rules prohibit collaboration, students often find the experience an opportunity for bonding. "There's a supportive environment among the students writing on," says Maya. "An air of camaraderie develops in the 24 hour reading room, along with the stink of unwashed bodies."

To help students prepare for the competition, the UCLA Law Review will be holding an open house on March 15<sup>th</sup>. First years are encouraged to stop by the Law Review Office (located on the second floor, near the locker room) and discuss both the competition and the Law Review in general with those present. Furthermore, in the final days before the write-on, from the 19<sup>th</sup> to the 21<sup>st</sup>, old comments from previous years will be available at a table in the courtyard during lunch.

Although not everyone who participates can claim victory when the dust settles down, the write-on itself can be a valuable and rewarding experience. "Don't let your fear of not getting on make up your mind about whether or not to write on," says Maya.



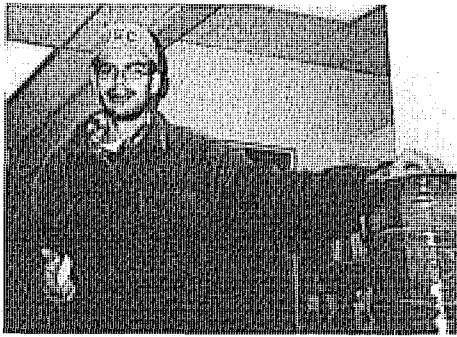


## Heretical Ramblings

By Bruce Gibney



On Saturday, March 3, somewhere between 1 and 6 AM, I fucked an Abercrombie model. Now, this is a life-long dream of mine, a little further up the list than my fantasy of arguing a motion-picture-worthy Supreme Court case<sup>1</sup> and somewhere below my (admittedly complicated-but-not-impossible) dream of being a cartel-lawyer-cum-boy-band-member.<sup>2</sup> Since I grew up on a diet of psycho-sexual fantasy, classic literature, and television game shows, I naturally expected that my victory would be greeted with some lavish fanfare - sort of like winning a



sexual Showcase Showdown, complete with cash dumping on me from above the stage, lights flashing, sirens whooping, angels trumpeting,<sup>3</sup> and a Rockettes-grade line of dancing satyrs pan-piping techno-Yanni. The Divinyls plugging away on the back of Shamu while Fem-Bots do a bump and grind. Confetti. A siamese agglomeration of Bob Barker and Alex Trebek shaking my hand and reminding me to have my pet spayed or neutered. Spectacle. Congratulation. Etc.

Instead, I got a lobotomized grin from the Abercrombie model and a wrinkle in my new Dolce e Gabbana tight-ribbed tank top. Needless to say, this was vaguely unfulfilling. I mean, come on, I'd just planted a pole in this rugged sexual Annapurna<sup>4</sup> and run my flag up for the world to see, and all I get is a *smile*? How about a sparkler? I'd like to point out that this was more than the usual après-fuck buyer's regret,<sup>5</sup> but rather a deeper existential conundrum which required a level of contemplation made impossible by Abercrombie model's incessant chattering about inconsequential subjects like its feelings, or our prospects for the future.<sup>6</sup>

After shutting Abercrombie up by promising to buy it something shiny and tight<sup>7</sup> I was allowed to mull. Why this existential despair? Could it be the kind of eternal dissatisfaction so expertly described by David Foster Wallace in *A Supposedly Fun Thing I'll Never Do Again*?

I don't think so.<sup>8</sup> Instead, I'll like to place blame where blame belongs: squarely on someone else. I do this not because I am

shallow, self-absorbed, with erratic ego-integrity, misanthropic tendencies, and paranoia but rather because that's where the empirical evidence points. Because the moment I saw the waiter check out Abercrombie and then give me a dirty look, my shriveled little heart leapt. Suddenly, Abercrombie's

faults seemed quotidian and easily overlooked - flabbergasting neurological deficits were suddenly recast as endearing naiveté, a dead end career morphed into refreshing bohemian tendencies, unpleasant haptic predilections seemed less creepy.<sup>9</sup> This is for the simple reason that the only way you can know that you have something worthwhile is *if someone else wants it*. You're far too fucked up to know what you want, much less if it's good for you and, frankly, after years of TV ads I doubt you have the ability. I know I don't. And I prefer to live without it.

But don't despair. Other people will tell you what you want. Madison Avenue tells me that I need an Armani Eisenhower jacket and you know what? They're right. I do.<sup>10</sup> And in an act of self-enabling generosity, they also tell people that they should sleep with people wearing Armani Eisenhower jackets. Which really works out, when you think about it. It's certainly better than the alternative, which is to allow people's individual kinks to manifest themselves in ways that would not result in them sleeping with you. After all, do you really want your happiness to depend on the polymorphous proclivities of people who have failed to achieve the degree of success that allows them to shape culture? Anyhow, how could you possibly cater to all these kinks?<sup>11</sup> How could you even divine what a person's tastes are? By getting to *know* them? No thank you. Individuality is just the mark-down sticker the bohemian culture mavens slap on sale-rack human merchandise that's too dull, or strange, or ugly to fit into the hip-hugging mainstream. So, go out and get yourself an Eisenhower jacket because, to be frank, you look like shit today.

<sup>1</sup> I'd probably be representing myself, which just goes to show that the intersection of fantasy and reality doesn't have to be dull.

<sup>2</sup> Ricky Martin and the Medellins?

<sup>3</sup> *But cf. Leviticus.*

<sup>4</sup> It's not Everest until it's been on a movie screen, but let's not be churlish.

<sup>5</sup> It is impossible to have something that would have *you*. Especially if that something allowed you to truss it like a chicken and pop a ball gag in its mouth. For example.

<sup>6</sup> Pretty close to nil, it must be admitted, given that even decapitation wouldn't put you at Abercrombie's intellectual level.

<sup>7</sup> All the better to *epater les administrateurs* at the Law Review banquet, to which I plan to bring Abercrombie - perhaps on a leash. We'll just see, won't we?

<sup>8</sup> And by "I don't think so" I mean "I think that explanation might lead to speculation that might be depressing, irremediable, or might otherwise reflect badly on my person." Which, given that I'm having a hair day on the good side of three sigma is just too lavish a hypothesis to maintain. Instead, I plan to blame *you*, or at least someone who's not me, so let's get on with it.

<sup>9</sup> But still unpleasant.

<sup>10</sup> And, as of Monday, I have one.

<sup>11</sup> Why would you want to?

## UCLA Law:

### Three years and all you can eat.

I just finished watching *Hannibal*, and I was profoundly struck by the leading character's predilection for eating only rude and disgruntled people. As I pondered this question, the movie seemed to have a tragic flaw: If that was really Hannibal's motivation, then why didn't he ditch those crazy FBI people and come over to UCLA Law School? UCLAW would be his Souplantation, his Sizzler, his all you can eat Las Vegas buffet.

With the number of disgruntled souls in the faculty and student body, UCLA Law School offers the discerning cannibal an endless supply of culinary options.

First, there are the nervous Assistant Professors wondering if they will get tenure. Hannibal might refrain from eating them simply to prolong their misery. He'd have the decency to wait until they either made tenure, or were passed over. You don't uncork fine Bordeaux until it is properly aged.

If they made tenure, Hannibal would enjoy them for their self-satisfaction. He would no doubt serve them in a heavy French cream sauce - a sauce that would weigh as heavy on the palate as their egos. On the other hand, if they didn't make tenure, they would probably end up a stir-fry. He'd want their pain to be crisp and crunchy, simple but zesty.

The tenured faculty would be treated like those hand-fed cattle that produce Kobe beef. I knew there had to be some reason why society would fence in

such seemingly bright people. Their indulgence would become Hannibal's gastric delight.



Sam Fortenbaugh  
Staff Columnist

The faculty, though, would only satisfy half of his legendary appetite. For the other half there is always the student body. Even Hannibal understands the importance of a balanced diet.

The fact there are three years of law school gives Hannibal a wide range of miserable and mean people from which to pick. First on the menu is the anxious 1L - worried that in the outcome of the next 7 weeks hangs the balance of his future. Some have already given up. They would be a nice light lunch. The other more ambitious and pushy 1L's probably would be served roasted with an apple in their mouth. Hannibal, always the culinary wit, would say, "I like my successful 1L taking their first bite out of the fruit of knowledge."

The second year class would provide equal fare for our Manivore on the move,

See FORTENBAUGH, page 8

## The Masters' Tools

By Michael E. Lopez  
3L

At the rally last Thursday, one of the speakers proclaimed that, no matter what, opponents of Proposition 209, SP-1, and SP-2, and supporters of affirmative action need to remember that "we are right and they are wrong." That student warned the others attending the rally that their opponents would attempt to "rationalize" their actions, but that the faithful should not be deceived. This is one of those rationalizations, because I believe that I am right and that *they* are wrong. And I am prepared to submit my arguments, in detail, to the entire student body for critique and discussion.

For almost 3 years I've put up with racism at UCLA School of Law. I've had enough of it. Today I write not as the Editor-in-Chief of this paper, but as a member of our community concerned with a terrible tragedy both in our society and at our school. This tragedy is based on ignorance and hypocrisy, combined in a disastrous mélange with an inability or refusal to understand the way in which language and discourse shapes our lives.

There are no significant differences between human beings of different skin color that they do not place upon themselves. To describe the "Black experience" in America is to describe what it is like to live in a society where the darkness of one's pigmentation serves as a vessel of meaning in the eyes of other human beings. That meaning is what we in the legal field can safely call "clearly erroneous." Obviously, the same holds true for stereotypes of the brown-skinned, and what we call the yellow- and

red-skinned as well. Here's the catch: if it were possible to eliminate prejudicial and racist beliefs, there would be no significance in having skin of a particular color. Or, put another way, without racism, there is no "Black experience," no "White experience," and no "Brown experience."

I'd like to take a moment to limit the scope of this article. I am not dealing with language barriers in this piece. Language barriers represent a practical difference among human beings, and cannot be treated the same way as differences in skin tone, though they should never be given more significance than they actually warrant. To the extent that some will claim that language differences are somehow "packaged" with differences in what we call "race," I refer to the preceding paragraph. If the reader wishes to make sweeping generalizations about language based on skin color, there is little I can do but point out the obvious and pray for their enlightenment.

That being said, I am also not going to deal with differences in culture. People with cultural differences may have perfectly valid reasons to want to kill, enslave, beat, torture, oppress, or generally act in a poor manner towards each other, reasons that have nothing to do with silly things like skin color. Jews and Palestinians have a gripe with each other that has little to do with skin color, though the ideas may be mistakenly conflated from time to time. This article is not where I pass judgment on 3000 years of fratricide.

Racism is a plague on our society. It was responsible for hundreds of years of oppressive slavery in this country. It is at

See RACISM, page 8



## SYMPOSIUM

From page 1

tered back to work or school or home.

By far the highlight of the event, however, was the lunch. 9th Circuit Judge Alex Kozinski, '75, gave the lunch address. Students attending school that day might have been puzzled as to why there was a lunch set-up in the main corridor of the law school.

How did Judge Kozinski end up in the hallway? It's a complicated story, according to Fitzgerald. Originally the Symposium lunch was to be held in the faculty center, in a room capable of seating approximately 130 people. Last year's event had a turnout of roughly 75 people, and a 75% increase was expected.

Two weeks prior to the Symposium, they were already oversubscribed with over 130 pre-registrants. At that point, the marketing push had not even begun. Fitzgerald and Norton, 3L, asked the administration if they could use the library for the lunch. The library has, in the past, been used for events such as receptions for the UC Regents and a reception honoring UCLA Law Professor and winner of the Presidential Medal of Freedom, Cruz Reynoso.

The Administration denied use of the library, expressing disbelief that more than a 130 would attend, and speculating that not all those pre-registered for the lunch would show up. Apparently Judge Kozinski was a

larger draw than anticipated. Some 220 people attended the lunch, nearly everyone registered for it, filling the seats in the foyer and halfway down the hallway.

As with any event, the Symposium did not come into this world without some growing pains. Administrative snafus did arise, including an eleventh hour discovery that the Symposium had not qualified for the full amount of MCLE credit it had promised its attorney attendees. That problem was ultimately resolved, with participants getting credit for attending those panels more rigorously concerned with practice and ethics.

In the end, the Symposium "exceeded our expectations," says Fitzgerald. "We were extremely grateful for the support of key faculty, especially Professor Michael Asimov, the support of key administration, and of the students who showed up in record numbers to make the Symposium a success for the entire Law School community."

If there is a lesson to be learned from this year's Symposium it is this: it is impossible to have a discussion about law and popular culture without mentioning either *To Kill a Mockingbird* or its main character, Atticus Finch. At least seven of the twelve presentations touched Harper Lee's famous work.

banished from the  
constitution:  
immigrants and the  
first amendment

Monday, March 12

4:15 pm

Room 1347

UCLA School of Law

Sponsored by the  
Near Eastern Legal Society,  
UCLA School of Law and the  
Graduate Student Association

## The Librarians' Desk

RESULTS OF THE LAW LIBRARY  
WEB PAGE SURVEY

Thanks to all of you who responded to the Law Library's web page survey earlier this month. We learned a lot from your answers and appreciate your taking the time to give us some feedback on the Library's web page.

The survey was sent to 1043 law students; 122 (11%) responded. Roughly equal numbers of 1Ls, 2Ls and 3Ls responded. Most students (75%) were moderate Internet users (1-10 hours per week). Forty percent of law students use the Library web page on occasion, while 27% had never visited the web page before. (If you still have not visited it, it is at [www.law.ucla.edu/library](http://www.law.ucla.edu/library).) As for features students voted they would most like to see on our web page, most of you expressed a strong interest in librarian's legal research tips, online reference service, and subject-specific legal research guides. Additional suggestions included: having a librarian question and answer column, reviews of faculty books, and links to breaking legal news.

Sixty-four percent of you use publicly available websites to do legal research, but only 16% of you do so often. The publicly available websites law students used most often include findlaw.com, yahoo.com, google.com, law.com, and leginfo.ca.gov. Students reported using the Internet to search for government information, forms, studies, and information on law firms.

In terms of design interface, most students regarded ease of navigation, speed of loading, and quality of content as the most important features of a website. Quantity of information and visual attractiveness ranked lower.

Last but not least, the winners of the drawing for the Amazon.com gift certificates are: Zachary Brown, 1L, Sylvie Khayat, 1L, Elizabeth Siebel, 3L, and Heather Zakson, 2L.

If you would be interested in participating in a small focus group (similar incentive provided!) to help us design our new web page, please e-mail Jennifer Lentz at [lentz@law.ucla.edu](mailto:lentz@law.ucla.edu).

LEGAL RESEARCH REFRESHER  
SESSIONS: April 2 through April 13

It's the new millennium—but book research still counts!

The law library is once again offering small-group legal research refresher sessions designed to help re-acquaint you with basic print legal research materials. These sessions will cover codes, cases, digests, administrative, and secondary materials.

A mini-library will be set up in one of the library conference rooms and the reference librarians will work through a typical research assignment, using both Federal and California materials. Each session is limited to a maximum of twelve students so that you can see the books and ask questions.

This year we are offering two different types of sessions, a 50-minute session and an 80-minute session. While both types of sessions will cover approximately the same material, the shorter sessions will cover the materials at a fairly rapid pace. The shorter sessions are best suited for those who feel they have an adequate grasp of basic print research and just need a reminder. The longer sessions go at a slower pace, offering plenty of time for questions and more detailed explanations. The longer sessions

are most suited for those who feel that they have gaps in their mastery of basic print research materials, or who just prefer to go through the material at a slower pace.

Sign up sheets will be available at the Law Library Circulation Desk the week of March 19. There are only a limited number of slots so sign up early. If you have questions or wish more information about this program, please email or call Linda Maisner at (310) 794-5405, [maisner@law.ucla.edu](mailto:maisner@law.ucla.edu).

NEW BOOKS SHELF—FEBRUARY  
2001

**Art Law Handbook**, edited by Roy S. Kaufman: Aspen Law & Business, 2000.

"...offers expert guidance on...cutting-edge legal and business issues central to art transactions and disputes...practicing authorities in the field navigate the complicated laws of intellectual property protection, tort, tax, and customs that affect art creation, publication, licensing, sales and purchases..."  
KF 4288 A948 2000.

**Beyond Complementary Medicine: Legal and Ethical Perspectives on Health Care and Human Evolution**, by Michael H. Cohen: University of Michigan Press, 2000.

"Consumers are increasingly turning to complementary medicine... (such as acupuncture, herbs, energy healing)... This book addresses the growing interest in the legal, ethical, and regulatory aspects of integrating such care into conventional clinical settings."  
KF 3821 C635 2000.

**Maestro: Greenspan's Fed and the American Boom**, by Bob Woodward: Simon & Schuster, 2000.

"Perhaps the last Washington secret is how the Federal Reserve and its enigmatic chairman, Alan Greenspan, operate... **Maestro** traces a fascinating intellectual journey as Greenspan, an old-school anti-inflation hawk of the traditional economy, is among the first to realize the potential in the modern, high-productivity new economy—the foundation of the current American boom."  
HG 2565 W654 2000.

**Rubin "Hurricane" Carter and the American Justice System**, by Paul B. Wice: Rutgers University Press, 2000.

"Paul Wice takes the famous case of Rubin "Hurricane" Carter to another level of scrutiny as he puts the criminal justice system itself on trial. The case illustrates many of the weaknesses of our nation's much maligned criminal justice system."  
KF 224 C375 W53 2000

**The Tiananmen Papers: The Chinese leadership's decision to use force against their own people—in their own words**, compiled by Zhang Liang; edited by Andrew J. Nathan and Perry Link: Public Affairs, 2001.

"In this extraordinary collection of hundreds of internal government and Communist Party documents, we learn how the growing student movement of April and May 1989 split the ruling elite into factions that sought radically different solutions to the unrest that was spreading across the nation."  
DS 779.32 T537 2001

(blurbs quoted from the dust jackets of the books)



## CPR

From page 3

attitude. However, the following fall, the number of Black students in the incoming class of 2002 at UCLAW signaled a true crisis: only 2 Black students were enrolled.

Why should we care about the lack of racial diversity at UCLAW? A complete answer to this question would require digging deep into the core of racial, class, and gender oppression in the US. But a brief answer would go as follows: Minority groups have been systematically disadvantaged and excluded from resources (such as education) to the advantage of the dominant group. Inclusion of minorities in higher education (an uncontested route to sources of power) is crucial to the dismantling of systems of advantage and disadvantage. It is also important for practical reasons, including diversity of viewpoint in the classroom (albeit racial diversity is not a perfect proxy for viewpoint diversity) and representation of issues affecting minority communities.

Enter CPR. The previous year, a group of law students gathered at a university-wide rally and walk-out calling attention to the effects of SP1, SP2, and PROP 209 on minority student enrollment. This group of law students continued to meet informally throughout the year in an attempt to bring awareness to the lack of minority students in the law school and to understand the convoluted admissions process that was excluding so many minority students. The following fall, the near invisibility of Black students in the entering 1L class triggered more formalized action: the organization of CPR. That fall, CPR's first mission was to educate the community about the increasingly bleak picture of admissions at UCLAW for minor-

ity students. We planned our own walk-out and teach-in, which gained the attention of the media (coverage of the rally appeared on the first page of the *LA Times Metro* section on 10/22/99).

After the Fall of 1999 rally, CPR's membership grew to about 80 people, including members of the faculty and alumni. Participation of faculty and alumni was crucial: Students can exercise only limited influence in the UCLAW structure, as students come and go in three short years. Faculty and alumni, on the other hand, are in a position to continue demands that UCLAW, the UC system, and the state halt the exclusion of minority students from public education. Moreover, as economic benefactors of UCLAW, alumni voices are more likely than students to be heard in the fray of the affirmative action debate. Finally, faculty and alumni can utilize their extensive connections in the legal community to call attention to the effects of the affirmative action ban and construct possible solutions to the ban. The addition of faculty members and alumni allowed CPR to split into sub-committees to address issues such as admissions reform, outreach to alumni, creating a law school environment void of racial hostility, raising scholarships for minority students, lobbying for a repeal of SP1, SP2, and PROP 209, and supporting minority students at UCLAW.

CPR's activities have resulted in some institutional change. During the Spring of 2000, CPR attracted various community leaders, including UCLA alumnus and State Assembly Speaker Antonio Villaraigosa, to speak at a rally. Near the end of the rally, several students participated in a sit-in in-

side the Records Office to demand that UCLAW revise its admissions policies in ways that would allow for inclusion of more minority students. Despite the fact that all of the demands were legal under SP1, SP2, and PROP 209, the demands were rejected and the students were arrested for trespassing. Dean Varat did, however, respond soon thereafter by convening an Admissions Task Force comprised of faculty and students. After meeting throughout the Fall of 2000, the Admissions Task Force proposed a new admissions policy that attempts to include more minority students by placing less emphasis on LSAT scores in admissions. The proposed changes passed by a vote of the faculty last month and will be implemented in the admission of the next incoming class.

CPR has also resulted in personal changes and benefits. CPR has attracted law students who are committed to using their legal educations to positively benefit their communities. The first year classroom can be a lonely place for students, both minority and white, who long not only to learn the law, but to learn how the law affects different groups of people. CPR gives such students a voice. Further, CPR teaches the true art of advocacy: how to use and transform what is taught in the classroom to benefit people.

The new admissions policy is only one small step in the changes that need to occur to bring racial diversity back to UCLAW, which at one time was heralded for having no racial majority. Minority students will continue to be disadvantaged under UCLAW's new admissions policy, since UCLAW continues to emphasize the LSAT, which traditionally disadvantages minorities

and cannot be accurately used to measure one's potential as a lawyer. Furthermore, race continues to be a factor which cannot be considered in admissions. When we live in a color-blind society, color-blind policies will be appropriate. But we do not live in a color-blind society, and failure to take race into account in admissions policies only perpetuates the exclusion of racial minorities from higher education.

So, the struggle continues. CPR organized the March 8 rally to call attention to the impending UC Regent vote on the repeal of SP1 and SP2. (see page 1) The repeal of SP1 and SP2 will be another step, both ideologically and practically, in the direction of inclusion of the minority students. CPR's work must proceed until its goal of racial diversity at UCLAW is fully accomplished.

If interested in joining CPR, please contact me at [bishop@2001.law.ucla.edu](mailto:bishop@2001.law.ucla.edu).

## PILF Honors:

As of March 8, 2001, these students have agreed to donate a day of their summer salary to support their fellow students working in the public interest this summer...

Amy Abbazia	Chris Almand
Seta Arabian	Rick Baker
Melissa Bjorkenstam	Samantha Black
Sierra Brandis	Mariah Brandt
Natalie Bridgeman	Brady Bustany
Molly Calvanese	Dean Change
Una Chung	Anne Clinton
Beth Collins	Chris Decker
Cecile Divino	Alyson Dinsmore
Kelly Dixon	Brad Dorros
Celeste Drake	Catherine Elkes
Bijan Esfandiari	Alex Fisch
Ryan Fox	Laura Godfrey
Dan Goldstein	Peta Gordon
Shailly Gupta	Sayeema Hameed
Jessica Hatley	John Hribar
Walter Impert	Derek Jones
Rebecca Kanter	Kristin Kellet
Stephanie Lasker	Jessica Lee
Vivian Lee	John Littrell
John Loncto	Judy Marblestone
Maggie McLetchie	Michelle Mehta
Bonnie Moore	Conor Moore
Candace Novell	Christine Oh
Raelyn Ohira	Diane Park
Dawn Payne	Peter Pham
Laura Probst	Rob Proyor
Sheri Reizner	Sydney Roberts
Kim Savo	Michael Seeman
Lara Strauss	Phil Tate
Toan Tran	Garrett Wenrieb
Amy Whitehurst	Helen Wolff

### Give a day, Don't delay!

Look for the table in the student lounge on Wednesdays or contact [pilf@orgs.law.UCLA.edu](mailto:pilf@orgs.law.UCLA.edu)

## My cup runneth over...

By Jonathan Shimkus

1L

Well, it's been over a semester, but I finally received my first drink request. The complaint was: Bartenders in LA don't know how to make a Hurricane. I thought this was especially relevant since I just got back from Mardi Gras in New Orleans, birthplace of the Hurricane. Many people have heard of the famous Pat O'Brien's on Bourbon Street and their Hurricanes, but few know that they actually *created* the Hurricane.

Here we go, you're going to need a suitable glass, I currently use my souvenir glassware from Pat O's, but you can probably make due with any large glass. Fill it with Ice and get out your shaker...

Into the shaker:

One and a half ounces of Dark Rum (like Barcardi Dark, Myer's Jamaican)

One and a half ounces of Light Rum (Like Bacardi, Malibu if you enjoy the tropical flavor)

One half ounces of both grenadine and lime juice

Two ounces each of Pineapple and Orange juice

Shake and strain over ice. Add pretty garnish. Umbrella if you got it.

*Bartender's note:* At Pat O'Brien's they use 4 ounces of rum, and they include within that a little bacardi 151. Lets just say that after 2 and a couple of shots, I couldn't finish my third one.

If you are worried about remembering this when the bartender cant make it, here is a neat mnemonic device: What is a hurricane: Its Strong (lots of rum,) Pissed Off (Pineapple and Orange,) and afterwards everything will end up smelling like roses (lime juice and grenadine because the brand name of the stuff is Rose's)

During the Barrister's Ball, a couple people asked me what I was drinking. I was drinking an Amaretto Stone Sour, a relatively simple drink. Unfortunately, I've found no one understands the Stone part, and just serves a sour. Stone = Orange Juice, simple enough. The drink itself is very good, but sweet, and tires (for me) quickly. It's also not something that you're going to get drunk on very quickly, but the potential for a headache is high (because of the darkness of the liquor and the sweetness.)

In a highball glass filled with ice:

One and a half ounces of Amaretto

One ounce Orange Juice

One ounce Sour Mix

DON'T FORGET THE CHERRY!

(I wont tip if its not there.)

Enjoy the Drinks. Don't lose your head (by drinking and driving).

# Cosmo versus

as read by Toby Bordelon

# Maxim

as read by Crystal Howard

Do you often find yourself wondering about the stuff in *Cosmo* (or "*Cosmopolitan*" if we want to be all official)? I don't either, but I figured I'd go ahead and give it a looksee, just for the hell of it.

The first thing you notice is the cover. It's kind of hard not to notice. In this respect, *Cosmo* has something in common with men's magazines, such as *Maxim*. *Maxim*-scantily clad woman on the cover. *Cosmo*-scantily clad woman on the cover. Interestingly though, the *Cosmo* cover girl is not quite as scantily clad.

Given the nature of the articles in this fine publication, you might start to doubt the traditional stereotype that men think about sex more than women. If this magazine is any indication, then women actually waste more time thinking sex than men do. The letters from the infidelity freak and the nymphomaniac don't help alleviate this impression. And don't get me started on the one from the girl who likes older men. Who cares? How is that a problem? If you like older men, you like older men. Most of us have bigger things to worry about, as well we should. And (wouldn't you know it!) women apparently don't like it when a guy tries to "last" too long. I guess all the comedians who make fun of men finishing too soon haven't been reading *Cosmo*.

There was an interesting article on "How to Give a Mind-Blowing Massage." And by interesting, I mean not really. Having been trained in the art of massage, I can tell you that following the advice in this article will lead to an unsatisfied client. (I was a psychology major, and figured that I should have some useful skill to show for my parents' money.)

First, I'm a bit irritated when the author implies that the primary purpose of massage is sexual arousal. Please. How childish are these people? Damn amateurs, I tell you. Second, anyone who thinks they can learn how to give a "mind-blowing" massage by reading a two page article is delusional. Not that it's wrong *per se*, just simplistic and backwards. In my opinion, if your going to take the time to learn something, you might as well do it right. To each to his own, of course, but all I'm saying is that if my girlfriend used this article as a "step-by-step manual" I'd be disappointed. Fortunately, I don't have to worry about that, since she has also had professional training. Which brings me to my unsolicited tip of the month. Take a massage class. A real one. You might be able to ease a friend's troubles someday.

Then there's the article about "Cracking His Contact Code," whatever that means. If a guy calls you from home that's supposed to mean he's putting off his chats until he has more time and privacy? That's absurd. I call people from home because I'm bored. I live alone, and it's nice to hear a human voice from time to time that's not reciting a script or reading from a teleprompter. And sometimes you want to call because it's

easier than trying to carry on a conversation at school or work with lots of other people around. I think *Cosmo* is trying to read too much in to everyday events. If a guy calls from home, it's because he thought of a question (while at home) or just felt like talking (while at home). It doesn't mean he wants you.

Then there are the "typical" *Cosmo* blurbs, generally stuff I didn't really want to learn about, like UTI and menstrual migraines. Then there's revelations about lip balm (which actually can cause chapped lips) and facial hair (on women, not men). Next, a chart showing the best times of day to eat. Following close upon - beauty tips, including several techniques for whitening teeth and the typical piece on hairstyles. I wonder how many women out there actually follow *Cosmo*'s beauty advice. I wonder how many women out there would want to.

There's the obligatory side bar wherein several guys are given an opportunity to speak out. Here, they complain about girlfriends who stepped over the line by telling them to quit playing basketball, or by trying to make them change their entire CD collection. Here's a newsflash, speak-out guys: the women who read this magazine don't give a damn.

Okay, here's some potentially useful knowledge for all those men out there interested in dating women. They usually meet the men they go out with at a party (49%), they dress "downtown cool" for a first date, whatever the hell that means (60%) and their ideal first date is a movie and burgers (31%), which is great for those of us on a budget. How long should you wait to ask her out again? Do it at the end of the first date (54%), apparently this wait two days to call is nonsense. And when she's trying to send you a message that she wants you to ask her out, she'll pay extra attention when you talk and laugh at the appropriate times (61%). If this last one is a surprise to any guy out there, you need more help than any magazine can give you.

We now come to the part I'm sure everyone is just dying to know about. I speak, of course, of the *Cosmo* Quiz. This month's tells you whether you are "Friendly or Frosty." I answered the questions as honestly as I could. Turns out I'm an "Accessible Sister." Great. I'm irresistible. I have lots of self-confidence and a good sense of my needs, which causes others to be attracted to me. These hoards of admiring belles apparently keep their attraction to themselves, because I really haven't noticed women staring at me in great numbers. (For future reference, those of you who do find me irresistible can feel free to let me know.)

Well, wasn't that fun? I'd rather watch the Simpsons, myself, but I can see how someone could enjoy thumbing through a *Cosmo*, during the commercials or something. I think I need some water now. The perfume on these pages is starting to give me a headache.

"In every government on earth is some trace of human weakness, some germ of corruption and degeneracy, which cunning will discover, and wickedness insensibly open, cultivate and improve."

—Thomas Jefferson

All right, you just read all about *Cosmo*. What about its manly other half, *Maxim*?

First, a note on the cover: not a bit different from *Cosmo*. Not a bit. Why is it that we must look to *Sports Illustrated* to see a man on the cover? (And even that rule is broken every year. Wearing a swimsuit is not a sport, boys.)

All right, on to substance. First, another *Cosmo* similarity: a fashion show of ridiculous clothing that no one would ever wear (MaximWear=Vintage Vegas). But then we have the Calvin Klein ad on page 3-4, which apparently appeals to rich-trying-to-look-poor shoppers at Urban Outfitters; very *unCosmo*.

Next, on we go to the deeper depths of the male psyche: the 100 Greatest Movie Moments of All Time. I have to say that I agreed with most of them—from the hypodermic in the heart of *Pulp Fiction* (#4) to copulating apple pie in *American Pie* (#20) to the *Godfather*'s horsehead (#32) (and who could forget the cross-the-legs scene of *Basic Instinct*, #11). Hell, thanks to Maxim, I have some great new titles to rent. I've been missing out.

I also noticed that *Maxim* is sort of an efficient all-in-one packaging of *Cosmo*-meets-*Better Homes & Gardens*. Not only can you learn to "Be Her Sex MVP" (guys, pay special attention to this article, even if you've read *Joy of Sex* and *How to Make Love to a Woman* cover to cover, which if you haven't, you should), but you can become Lord of the Lawn by reading the "one-stop guide to growing a magic carpet that'll piss off all your cul-de-sac rivals." A little more competitive than *BH&G*, but a gardening article just the same.

One of my favorite sections was "How to do everything better," which was a little bit like a print version of learn2.com. Anyway, I thought "How to date your buddy's sister" was particularly helpful, except that if you really needed to read an article to figure this out she probably wouldn't date you anyway. Unless, maybe, and I mean *maybe*, you read the Sex MVP article first.

On the subject of learning how to date, the "Sensitivity Card" was right on target. Don't be a wuss, but don't be so macho that you won't cry when your dog dies. One other bit of omitted advice though that could have helped readers: Don't be a phony.

Would you want your girlfriend to fake? Nuff said.

Did I say that this was an all-in-one magazine? There's even a bit of Nolo press included: a serious article about a juror's pressuring other jurors to vote for the death penalty. Despite last-minute appeals to the governor based on the juror's affidavit, James Chambers died of lethal injection. The article provided insight into the heads of a jury. But I had trouble reconciling the serious nature of the article with the title of an inset blurb, "Next up for the Toaster." That may have been an insight into the heads of *Maxim* readers.

More on the law... "How to Cheat a Polygraph Test." The trick is that on the control questions, you need to "tighten your sphincter like you're preparing for a long prison stay." If this doesn't work, put a thumbtack in your shoe to step on. The idea is to make your blood pressure go up on the control questions so that you react as "normal" on the relevant questions. I wonder whether it's ethical to counsel your clients on this.

*Maxim* also had great advice on how to cheat a drug test and how to avoid getting a traffic ticket. There's even a quiz called "Bar Exam!" (Incidentally, I actually knew the answer to #11, "Which NFL quarterback made a guest appearance on *The Brady Bunch*." It was Joe Namath.) And for those of you looking to sue fast-food restaurants, Burger King Whopper was the burger that failed the "light filth lab test" for having two insect fragments in the patty. Of course, you could offer to represent the woman who found the chicken head in her McDonald's wings, but that would be a violation of the Model Rules, wouldn't it?

It seems like *Maxim* is full of useful advice. I left out the plethora of articles about mostly-naked women. (I should also mention that *Cosmo* doesn't have very many pictures of nearly naked men, except in the Calvin Klein ads. Someone should talk to them about this!)

All right, time for me to sign off. I'm feeling inspired now to go grow a lawn/rent *The Shining*/check out prawography.net. Well, maybe not prawography. But it's in *Maxim*'s Guide to the Web, right there with www.lpsg.org (the Large Penis Support Group).

As if.

## The Mocket

UCLAW's finest news source is looking for articles for the April issue

E-mail your articles to docket@orgs.law.ucla.edu



## FORTENBAUGH

From page 4

but requires delicate and precise timing, much like pasta. Since they are about to start working this summer in a firm, Hannibal would show restraint and patience, waiting till right after they get back this fall. Then, fattened with expensive food and excessive praise, would the 2L be at their high point of favor. Like calves locked in a box so they are as tender as possible, the post-summer pre-third-year 2L is brought to life but not yet bruised by the legal world, and would go very well as a piccata, or perhaps lightly breaded in a white wine sauce.

As for the 3L, I don't think he'd have much use for them. By the third year the student, though angry and disgruntled, has lost its motivation even to properly offend. True, these later 3L's are not totally altruistic, but their spite is one that is old and tired. Hannibal might consider using a 3L in a stew or chili — something he could let simmer and wouldn't worry about wasting on people he didn't care about.

Hannibal might take a 3L stew to a potluck or church function, if he cooked one at all. He might just be thinking to himself, *a 3L is going out in the real world and his going to get eaten alive anyway. Why ruin someone else's meal?*

The various student organizations would be the spice rack with which he would season his UCLA Law School banquet. He would cackle with delight when sprinkling over his dishes a little added pomposity from the Law Review, a little self-righteous indig-

nation from the Women's Law Journal, a soupcon of narcissism from the student bar association, a dollop of conceit from the moot court, and of course the smattering of blatant disregard for the feeling of every other student that only the members of this newspaper could give to a fine dining experience.

Hannibal, however, is only one cannibal. Though he would like to (and given their personality traits it seems that he should) dine on everyone at UCLA law school, he would plan his meal as though it might be his last. The following is what I would think would be his selected menu.

He would find it only fitting to start with the same people the students deal with when they enter UCLA Law School — the administration. His first course? Perhaps an *amuse bouche* as the French would say, "The Cheadle." Served on some melba toast "The Cheadle" would delight his taste buds without overwhelming his sensibilities.

Next he would have a nice Fortenbaugh and Gibney Salad. Like mixing oil and vinegar, these two irascible members of the UCLA law school community provide the perfect counterpoint to one another: One fashionable and nimble, the other ploddingly unkempt.

For the main course, anyone but the dean. Hannibal doesn't want nor does he need indigestion. No, for the entrée he would want to have those people who cause the most pain without giving anything in return. The Business Program? No, it has not matured to the point where it can cause

real pain. It only leaves people unsatisfied, and that's not good for dinner. No, for the flagship of his presentation, Hannibal would no doubt pick the Lawyering Skills department. And he would serve them like a Pepper steak.

Some people might be offended by the thought of Hannibal coming to UCLA Law School just to get a meal. I don't know why. Every year, the Office of Career Services plays maitre d' for most of the big firms in this country, allowing them to take back with them fresh meat. If Hannibal Lecter, M.D., dines here as well, it can but enhance our reputation.



2L Mary Huynh addresses the assembled students at last Thursday's rally with a moving and heartfelt speech.

## PROTEST

From page 1

fine."

Mary Huynh (see photo, left), 2L, spoke of her immigration to the United States and the early death of her mother. While she acted as both a mother and sister to her siblings, all while succeeding in school, her triumph over adversity, she said, did not make her or anyone else a "model minority." She asserted that affirmative action cannot harm Asians, and that Asians were not allowed at UCLA Law School until Blacks and Latinos gave up their spots so that Asians might attend.

This year, 223 Blacks applied to UCLAW, 13 were admitted, and 5 enrolled. 439 Hispanics applied, 72 were admitted, and 28 enrolled. Last year, the numbers for Blacks were 234 applications, 19 admits, 3 enrolled. For Hispanics, there were 437 applications, 58 admits, and 18 enrolled. In 1996, the last year of admissions before the implementation of SP-1, 399 Blacks applied, 104 were admitted, 19 enrolled, and 108 out of 520 Hispanics applicants were admitted and 45 enrolled.

The members of CPR find this precipitous drop in minorities troublesome, and have organized to pursue a course of action which they believe will reverse these trends. The rally was in preparation for the Diversity Now!! march and rally planned for Wednesday March 14 at 11 am in Westwood plaza. This event is set to coincide with the meeting of the U.C. Regents, several of whom have expressed interest in discussing the repeal of SP-1. Student Regent Justin Fong was in attendance at Thursday's rally.

## RACISM

From page 4

least in part responsible for the overwhelming incarceration rates for those to whom we refer as African American males. It is at least in part responsible for the fact that, while the poorest members of our society continue to be what some call White, poverty is almost endemic to many pigment-minority communities in the United States. Racism is responsible for a host of unwarranted police actions. And lest there be any confusion, *Racism is at least in part responsible for the fact that there are so few minorities at UCLA Law School.* Make no mistake about it, Racism is the enemy.

### Racism: What is it?

So we have an enemy. Continuing a millennia-old tradition of human history, we should crush it without mercy. But it's impossible to strike effectively at the unknown. We need to know what Racism is.

Many people believe that Racism is the belief that "other" races are inferior, or possessed of negative characteristics. These racists are the easy calls: the Nazis, the KKK, etc. When we call someone a racist, it is usually because the person harbors prejudices that we consider unfounded. A slightly more expansive variation on this first view holds that any general stereotypes of race are racist as well. It doesn't matter if you think that Blacks are nice people. The fact that you make any generalizations about Blacks or Hispanics is enough to reveal your ignorance and lack of sensitivity. This is more or less what passes for a conventional definition of racism in academia.

Racism, conventionally, doesn't even need to be a conscious belief or thought process. It can be subconscious, creeping into the corners of your mind when you're not paying attention, subtly influencing your actions when you come into contact with what your mind is secretly calling "those people."

I believe that Racism can be defined in a way that is more useful, more accurate, and far more encompassing than that

first definition. Racism is any set of beliefs that assumes the validity of race as a signifier for anything beyond its fundamental characteristics. In other words, while it's possible to say that certain groups of people with darker skin really have darker skin, it's racist to assume that this shared trait can function as a signifier for anything but itself. This view is quite compatible with the first. Indeed, the second view is ontologically necessary to the first. Having any opinions about a "race" presupposes its existence as discrete.

In short, racism should be seen as the belief in the validity of the concept of race. Whether the belief is used as a foundation for evil acts, or for the best of intentions, it is *mistaken*.

### Race: What is it?

But if racists believe in "race," what does that mean? In purely scientific terms, race doesn't exist. The fact that a certain number of characteristics have been genetically more likely to be found together does not make them exclusive.

Starting at the really basic level: I'm brown. I'm a "minority."

But things are complicated by the fact that we look to the past to some "pure strains" of white, black, brown, or yellow. Most people would say that I'm a Mexican-American, Hispanic, Latino, Chicano... whatever. Many people would say I'm brown. I've got brown skin - a pleasant shade of wet pine, really. But then a closer analysis reveals that, lo and behold, I'm only half "minority." That fact has been drilled into me since I was very young (so it must be true!). My mother was a very Nordic looking lady of German, French, Dutch, and Norwegian descent. Apparently they are all White groups, so she gets to be all White. Me? I'm half White, half Brown.

The truly insightful will go that extra step and say, "No, Michael, you're more than half White. Because the Brown side of you is a mélange of true minorities, and a

bunch of French and Spanish colonists." Ahh, now we're getting into accurate numbers. A true representation of my "race."

Unless we want to appear as uneducated and sloppy thinkers, we have to consider a person's race as a set of values (based on inverse powers of two because of the way humans reproduce) in a number of different categories (White, Black, Brown, Yellow, and Red will do for now) adding up to one. To avoid being inaccurate, we're going to have to change the "Black experience in America" to the "3/32 White, 2/16 Red, 1/16 Brown, 23/32 Black experience in America."

Please.

If I call myself Black, I'm obviously lying. If I call myself Brown, people are willing to believe me. After all, the truth is there to see, plain as the nose on my face. If I call myself White... trickier question, that. Let's assume for a moment that when people say "white" it's really a form of shorthand for "pale-pinkish-Crayola-flesh-color" and that, say, someone like Dean Varat can safely be called white even though the only real whites in our school are the toilet bowls.

I, obviously, am not white (or p.p.C.f.c.). I'm just not. There's no way you can say I am. But you *can* say, in our new "powers-of-two-look-to-the-past-pure-strains" paradigm, that I'm some 11/16ths White. Wow! It just so happens that I'm mostly White. (Enter Billy Crystal: "There's a big difference between mostly white, and all white.") *But what is the use of such a classification if it doesn't describe my skin color?* Maybe it helps someone make some sort of useful judgment about me. Hmmm. What kind of useful judgment could that be? It couldn't possibly be something racist, could it?

So what is race, in the end? It's a fiction. Mindful readers will recall that I am not referring to culture, here. If a large group of people want to get together and be Mexican, that's fine. Speak Spanish, be Catholic, have Tamales in the winter and enjoy

horchata. Smile patriotically when someone says, "Remember the Alamo."

But it's time to become explicit about what we're talking about. Just like there are 200+ variations on Protestant Christianity, so there need to be variations on what it means, culturally, to be Black, to be Latino, to be Native American. Knowing that someone's a practicing Roman Catholic tells you something useful about them. Knowing that I'm "Latino" doesn't actually tell you anything except that at least one of my parents was called Latino, which in turn says nothing except that at least one of *their* parents was called Latino, which just might prove a basis for assuming that *their* parents spoke Spanish. Maybe. But just because someone's parents decided that they wanted to be "culturally Black" does not mean that their child necessarily must choose the same culture.

But this is all really a necessary diversion from the true point of this article: Racism is Bad and it must be defeated.

### Racism: How Not to Beat it

*"The Master's Tools Will Never Dismantle the Master's House,"*

-Audre Lorde

There is one thing that racists need above all else in order to continue being what they are. That one thing is the Axiom of Race: Race exists. Without this flawed and misleading assumption, all other racist behavior becomes untenable. Without this assumption, the ludicrousness of the racist position is easily spelled out. If children are not taught this flawed and misleading proposition, they do not have the *tools* to become racists when they grow up.

The Axiom of Race is the master's tools. It is the master link in the chain that has kept what we call the Black population, the Latino population, and others in virtual subjugation.

See RACISM, page 10

# Entertainment Reviews

This month highlights new albums by Dave Matthews, Stephen Malkmus, Mark Kozelek, Sigur Rós, and Tin Hat Trio

By KENNY ROOST, ENTERTAINMENT EDITOR



## Dave Matthews Band

*Everyday*

50/100

the exception of "Angel"). Symptoms of Dave's inability to whip up a great chorus were evident on *Before These Crowded Streets*' "Stay," which features one of Dave's best-ever guitar riffs only to lead you to one of Dave's fruitiest-ever choruses.

Another criticism of the tunes is that they are clichéd. "I Did It" carries a similar mood to Aerosmith's "Falling In Love (Is Hard On The Knees)," which is also Ballard-produced. "Mother Father" is dull but sprinkles in some Santana for flavor. "Sleep To Dream Her" starts off as fun and original, but goes nowhere, and has an instrumental chorus lifted directly from Tangerine Dream's "Melrose" (random reference, I know). "Fool To Think" is a stilted "Message In A Bottle", minus everything good about that song. Continuing in that vein, "If I Had It All" carries a bit of "Fortress Around Your Heart," and "Dreams Of Father" has a chorus like some bad Sting song.

The fact that almost every song is like of a worse version of some other song leads to an unavoidable conclusion: this album is generic hogwash (and "hogwash" is not a word I use lightly). If you want to hear Dave Matthews morphing into Third Eye Blind's semi-charmed sound, you'll love this collection of modern rock. It isn't bad, but it isn't original.

Ahhhh!!!! Why would an acoustic group swap legendary producer Steve Lillywhite for Alanis' Glenn Ballard? To sellout? No. They did that on *Before These Crowded Streets*, which seemed forced out prematurely for commercial timing, and was a big falter and come-down from the two previous albums. It seems DMB was ready for a change and, under Ballard's tutelage, evolved rapidly from a unique folk group into Aerosmith, minus the scarves. When previewing the lead single "I Did It" online, I was aghast at the prominent absence of violin and sax, and wanted/expected to hate this new album.

However *Everyday* has begrudgingly won me over to the point where I enjoy this new incarnation of DMB. Personally speaking, Dave's swapping acoustic for electric guitar was a welcome variation because somewhere between high school and college I burned out on DMB even more than I did on PB&J sandwiches back in primary school. In addition to adding electric guitars and keyboard, Ballard has siphoned DMB's music through "studio magic". There are lots of overdubs and effects on Dave's vocals, overdubs and muting of sax, and muting-to-the-brink-of-invisibility of violin. I loved Tinsley's fiddling, and his energetic presence is missed. In contrast, the treatment of sax is tasteful, with brief and occasional interjections heightening tunes before becoming drawn out. While it seems awkward (and heresy) to cut, edit, and throw effects over Dave's band, the resulting sound is acceptable. A good thing about Ballard's production is the absence of dead space; every moment has something happening, be it Dave babbling, a sax sequence, or some synthesizer.

The shortcoming of *Everyday* is not its sound, but rather the mediocre quality of the music, co-written by Matthews and Ballard(!). Specifically, the songs range from excellent to OK except for the most important part: chorus. The choruses are painfully motionless, unmelodic, boring, and flat (with



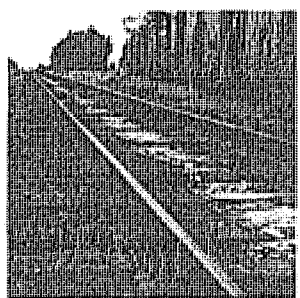
## Stephen Malkmus

*Stephen Malkmus*

37/100

*Slanted & Enchanted*, the definitive indie rock masterpiece, is a magical album recorded by raw & loving amateurs. Since this debut, Pavement has released professionally-produced albums trying to sound like garage recordings by raw & loving amateurs. The group mimicked its own brief genius and, in part, failed. Because Pavement is comprised of bad musicians, clean recordings of the group sound silly; their shortcomings are painfully exposed, instead of artfully smeared and distorted. Only on their last release, *Terror Twilight*, did Pavement diverge from its faux-garage sound and aim for a blatantly well-mixed result. And this, just when Blur was putting out "Song #2," targeting the American audience by trying to sound like Pavement. Blur and Pavement both succeeded, but Blur sold a hell of a lot more.

So here we are, two years later, and we have Stephen Malkmus, Pavement's lead singer/guitar, going solo and re-forging Pavement's faux-garage sound from somewhere between *Wowee Zowee* and *Brighten the Corners*. Have no fears: Malkmus' debut IS Pavement. You will have no doubt about that, upon hearing it. This is no surprise; Malkmus' shoddy but earnest voice, explorative guitar splats, and retro-keyboarding effects entirely define everything that is unique about Pavement. Also no surprise: the music suffers. Without peers to critique, censor, slap, and contribute, rock stars gone solo are invariably too self-indulgent and watered-down to create great output. Many of the songs on Malkmus' debut are decent, but rewarding only inasmuch as they are nostalgic for Pavement fans. The album is easy to listen through, but is simply missing a kick-ass single or three.



## Mark Kozelek

*What's Next to the Moon*

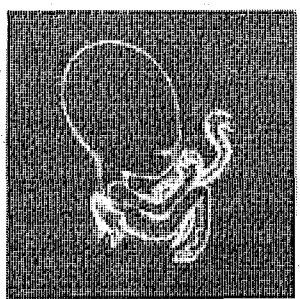
81/100

Another singer/guitarist gone solo from his mother-group (Red House Painters), Kozelek has released an album comprised entirely of old AC/DC covers – vintage stuff from the Bon Scott era. Kozelek does this alone with an acoustic guitar and a heavy dose of morphine (with which, sound-wise, he's always well-medicated). The result is an entirely new musical creation that compliments the inclement weather of late, though be warned the result might be too melancholy and droning for the casual user.

Bon Scott's lyrics, in this slow and sparse environment, transform from sexual/drinkable/rockable into heartfelt and intelligent lines. Being an ardent Bon Scott fan myself, this isn't a revelation. But if you're used to Brian Johnson's lyrics that began with *Back in Black*, and maybe have heard "Highway to Hell" and think of it as no different from Johnson, then you're in for a good surprise. Because, while Johnson is nothing more than a brain-dead rhyming machine versed solely in cheap sex, oils and beer, Bon Scott was a little more introspective. And, yeah, he was also a big party animal/alcoholic who choked on his own vomit at far too young an age.

Thus, in somber tribute to the soul of AC/DC's golden era (depending on your bias), Kozelek gives us Bon Scott, once more. The selection of songs is culled from non-obvious tracks that seem obvious in retrospect, because they work so well. The result is a brief but meaningful set. *What's Next to the Moon* is a perfect continuation of something Kozelek began on his first solo effort, *Rock 'N' Roll Singer*, which featured three Bon Scott songs, two of which are revamped on this latest all-acoustic release.

Incidentally, if you are interested in Kozelek transforming a formerly glib and poppy song into something deeper, check out his cover of "Silly Love Songs" on the Red House Painters' *Songs for a Blue Guitar*. The song is slowed to an almost unrecognizable piece that consequently garners a serious, depressing and dark edge, making Paul McCartney's goofy lyrics sound ironic and intelligent (a chore of which John Lennon tired a long time ago).



## Sigur Rós

*Agaetis Byrjun*

92/100

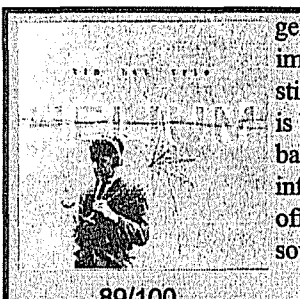
Every now and again a new ambient masterpiece gets unleashed upon the world. The last one I can remember is Spiritualized's *Ladies And Gentleman We Are Floating In Space*. It's happened again, with Sigur Rós' *Agaetis Byrjun*. Ethereal to the envelope, the album treats you well through every moment, with gorgeous echoes of melodies, voices, symphonies, drums, and a random assortment of tastefully handled instruments including harmonicas. The band, like Bjork and her Sugarcubes, is Icelandic. Like Cocteau Twins, Sigur Rós' vocals are lovely but totally incomprehensible; frontman Jon Thor Birgisson (the guy belongs more in a Viking galley than a rock band) says he sings in "Hopelandic" – a spontaneous variation of his home language. And while he is genetically XY, his vocals are often more feminine than those of Geddy Lee or Elizabeth Fraser. Anyway, the four anonymous Icelandic guys who pumped out this dense, delicate and varied music have recently started opening for Radiohead and were featured in Spin's Top 20 Albums of the year; they aren't anonymous anymore.

## Eclectic Corner

Meandering a bit from the herd, this section reviews some none-too-remotely-mainstream music that is not necessarily new, but quite worth visiting. This month's genre: Jazz. With the voluminous PBS documentary pumped out by Ken Burns, jazz seems like a timely genre to dive into for a fresh musical perspective. Forget all the old classics and the similarly arranged new ones – today we look at one of the more experimental groups... **Tin Hat Trio: *Helium***

One thing separating jazz from the pop-ier music genres of today is skill. Unlike rock icons that can get by on attitude and booty-shaking, jazz artists are generally superb musicians. The three behind Tin Hat Trio – an acoustic guitarist, violinist, and accordion/piano player – are no exception. In addition, their improvisational abilities, communication and interactions are fabulous. *Helium* (released about a year back) is Tin Hat's second album, and it far-surpassed their still-cool debut, *Memory is an Elephant*. The difference is that *Helium* successfully captured Tin Hat's rich live presence and spontaneity. Tin Hat Trio's sound is built on the foundation laid out by Mark Orton's guitar. Orton's fast fingers keep all 6 strings shaking, simultaneously slapping out muted rhythms, running baselines, and sprinting solos and melodies. Above the guitar's pulse soars Carla Kihlstedt's violin, artfully and heartfully cascading with classical, jazz, and eastern influences. Meanwhile, keyboardist Mark Burger fills out the sound with heavy atmosphere and solos which blend into, trade off with, or build off of the leads offered by Kihlstedt's violin or Orton's guitar. For good measure, Tin Hat Trio has also begun to involve, on a few selections, a small brass section. The resulting sound swells between rock, classical waltz, bluegrass, jazz, and foreign-film score.

Live or on CD, Tin Hat Trio is a pleasure to hear. In person, there's the added bonus of Orton's intermittent and funny stories about some song's history. On CD, *Helium* ends with a vocal contribution by Tom Waits; his super-scratchy deep voice contributes to giving the album a fabulous climax.



89/100



## MOOT COURT

From page 1

tion for this year's finalists have not yet been determined.

In addition to self-satisfaction and fame, advocates who competed in the Spring Honors Competition, including Honors Members, Distinguished Advocates, Outstanding Brief Writers, and the Roscoe Pound Finalists are receiving awards and/or cash prizes courtesy of Kirkland & Ellis, which donated \$10,000 to the Moot Court program. In addition, Henry Self and Syliva Rivera are receiving the White O'Connor Best Team Award.

As a 1L, you might be wondering, when do I sign up for Moot Court, is it worthwhile, and can I still manage Law Review too? As a 2L you might be thinking, is it too late? Some answers are easy, others are not. Sign ups for the fall Moot Court competition occur in late September. Both 2Ls and 3Ls can participate as long as they did not do so the previous year. Advocates have about three weeks to complete their briefs. This year the Moot Court Board held conferences about brief-writing and oral advocacy. Additionally, Roscoe Pound advocates are conducting practice rounds this

week in preparation for the tournament on March 15.

Most students who participate in Moot Court find it to be worthwhile, particularly if they plan to go into litigation. The brief-writing might feel like Law Skills Hell to some, but the oral argument is fun and helps you learn to think on your feet. You learn to read your judges, quickly, so that you can tailor your argument. And obviously Kirkland & Ellis thinks highly of the program.

Then there is Law Review. Few students elect to participate in both since each one consumes so much time. Yvette Neukian is one of three 3Ls who did both. She found that despite contrary warnings, participating in both Moot Court and Law Review was manageable, but she recommends doing it only if you have equal amounts of interest in both. As for the all-important job search, her future employer looked favorably at Law Review but the timing of Moot Court came too late to include it on her resume. Still, she is glad that she participated in Moot Court because it honed her litigation skills and the competition was exciting. "Opportunities are only going to be there once and you should just take it," she said.



Arroyo Bridge in 1946.

## A Brief History of UCLA

By Crystal Howard  
Senior Editor

UCLA began August 29, 1882, as the Los Angeles branch of the State Normal School, a teacher's college in San Jose. Over 200 citizens of Los Angeles contributed between \$2 and \$500 each to build the school out of an orange grove, now the site of the Central Library in downtown. By 1914 the school had outgrown its capacity (the population of Los Angeles was a growing 350,000) and it moved to a Hollywood ranch on what would later become Vermont Avenue. The school became the Southern Branch of the University of California on May 23, 1919, offering courses not just in teaching but also a curriculum of Letters and Science. In 1927 UCLA graduated to being a school of its own, the "University of California at Los Angeles" (the name changed to "University of California, Los Angeles" in 1958).

That same year, 1927, the school began construction on a campus in Westwood, just west of a large ravine. The fifty-foot high Arroyo Bridge was constructed to facilitate construction from Hilgard Avenue. The ravine was filled in in 1947, but the bridge remains. At the time Westwood was an area of few buildings, much chaparral, and a little history of its own. Spanish explorer Gaspar de Portola had camped nearby in 1769, and in 1843 Don José Maximiliano de Alarcón had established rancho San José de Buenos Aires on the acreage between Sepulveda Boulevard and Beverly Hills. Two years after construction of the campus began, Royce Hall, Powell Library, Haines, and Kinsey hosted the first 5,500 students at the new UCLA campus.

During this early period Westwood ex-

ploded: about 2,000 homes were built between 1923-1929; among the first were sorority houses on Hilgard Avenue. Campbell's Book Store opened as the first retail store in Westwood in 1929, and the Fox theater opened in 1931. By 1936 UCLA had established master's and doctorate programs. In 1939 UCLA enrolled Jackie Robinson, the only UCLA student to have lettered in four sports (football, basketball, baseball, and track) (for a full list of famous alumni and students go to <http://uclabruins.fansonly.com/trads/121897aaa.html>). The law school opened in 1949, with L. Dale Coffman as dean.

Westwood grew as a center for shopping and movie premieres. In the 1980's the streets became so crowded that they were closed to cars on weekends. Then, on January 30, 1988, gang gunfire erupted on Broxton Avenue and Karen Toshima, an innocent bystander from Long Beach, died. Three years later fans were turned away from the premiere of *New Jack City* and riots erupted. Between 800-1,500 people tore through Westwood, some breaking windows, looting stores, and vandalizing cars; 150 officers were called to quite the disturbance.

Today, UCLA has the largest population of all the U.C. campuses. Having run out of room to expand laterally, it increasingly has been building underground. Although cultural diversity has suffered since the U.C.'s ended affirmative action several years ago, gender proportionality has flipped: 55% of UCLA undergraduates are women (graduate programs, however, still have more men). One in 170 Californians holds a UCLA degree. Westwood is still struggling to recover from the violence of a decade ago.

## LETTERS

From page 2

city, may require a difficult tradeoff requiring a separation from loved ones, such as family, friends, spouses, significant others and sometimes even children.

Sometimes new, unexpected hardships arise during law school involving changed circumstances. This is one of the reasons the school permits students to take time off when personal needs make it difficult to stay enrolled in school. In rare cases, we permit a student to visit, earn credit and pay fees at another school and apply those units toward his or her UCLA law degree. But it is difficult to determine when a hardship is so great that it is appropriate to grant permission for such a visit. In such cases, the student's personal needs have to be balanced against the school's educational interest in having our students complete their education here in our own classrooms with their fellow students in a community created in the first year. When we admit a class, we expect that most of its members will graduate together. The law school also has an obligation to the University to meet expected enrollment levels, which in turn generates operational funding. We thus start with the strong presumption that, for pedagogical and financial reasons, requests to visit at another law school are granted very sparingly.

This policy is similar to that of every other law school with which we are familiar. All around the country, schools accept visiting students on a very limited basis to accommodate students with particularly compelling hardship cases. Host schools view such applications with great scrutiny, as well; even when an application has been made in a timely manner and we have granted permission to our student, the host school may (and has) denied permission to visit.

At UCLA, as at many other law schools, authority to make administrative decisions concerning requests to visit at another school has been delegated to the Dean of Students, who may consult when appropriate with the Associate Deans, Dean Varat, and/or the Chair of the Faculty/Student Standards Committee. Vesting discretion in one administrator helps ensure that, from student to student and from year to year, there will be an evenhanded and consistent application of the policy. The Standards Committee recently discussed the policy, and chose not to recommend any change in the procedure.

It is not unusual each year for more than one student on an externship in the Bay Area

to request to be allowed to visit at Boalt or Hastings afterwards. Those students wish to return to the Bay Area after graduation to work there; they would like to avoid incurring a second set of moving expenses and usually have strong personal connections to the area, including important relationships and/or family. These requests must overcome more than the strong presumption against requests for visiting student status. Another policy requires externs to return to our campus for at least a semester after the externship in order to bring the experience and knowledge they gained from the externship experience back into our classrooms. This is one of the key pedagogical underpinnings of the externship program, which is why final semester externships are almost never permitted.

We want to assure the law school community that the petition described in *The Docket*, as with all petitions for visiting status, received full and fair consideration, in consultation with the Dean and the Chair of the Standards Committee. The action taken in that case was fully consistent with law school policy and prior practices.

Dean Elizabeth Cheadle  
Dean Barbara Varat

To the Editors of *The Docket*:  
RE: Another "Hidden Gem" Class

I'd like to add another class to the list of "hidden gems" that Mike Lopez has found. Start with a subject that is frighteningly dull to most students- taxation- and then focus on a seemingly narrow slice of no interest except to specialists- state and local taxes- and you end up with Professor Stark's *Multistate Taxation*, one of the most interesting classes I've taken here.

Despite its forbidding title, this is a class in constitutional issues, mainly equal protection and commerce clause. What is the best method to impose taxes to accomplish the goals of state and local governments? Who is, or should be, entitled to vote on taxation questions? What effects do tax politics have on the behavior of individuals, businesses, and even cities?

If you have any interest in constitutional law, election law, or community development, this is an opportunity to take a seminar-like course (only 10 students this semester) with one of the brightest and most engaging professors at the Law School.

Name withheld upon request

## RACISM

From page 8

Audre Lorde was right when she pointed out that the "gap of ignorance" that kept women and Blacks separate and ceaselessly trying to justify and explain themselves was part of the "master's tools." She was also right in recognizing that until that gap disappeared, this "tool of all oppressors" would continue to keep the oppressed occupied with the master's concerns. But Ms. Lorde was perhaps too much a product of her own time to recognize the box in which she was kept. She was a self-identified "Black," *inter alia*. Did she not see that by adopting that label, by buying into the paradigm into which she was no doubt raised, she was simply continuing to be occupied with the "master's" (read: racist America's) concerns? Well, no. She didn't.

Or to look closer to home, what about BLSA, La Raza, and APILSA? Every day, simply by existing, they justify the Axiom of Race. In Legalese, one might say that they are *estopped* from asserting that race

doesn't exist. But while they fight for social justice, equality, tolerance, diversity, and all that other wonderful stuff that is supposed to leave us with a warm, unidentifiable feeling in our gut, they are hacking themselves off at the knees. Racial student groups, by asserting their distinctiveness, do far more damage to their own cause than any administration ever could. Do the members of UCLA's self-proclaimed "minority" populations have the courage to step out of their irrationality and face the prospect of a world in which there is no race? Or will they continue to (inadvertently for certain) perpetuate racism?

The problem is that while you can control the way in which a person interprets the world through control of discourse, you can never really control the value judgments that they choose to make. By never teaching a child that skin color is any more important

See **RACISM**, page 11

# RACISM

From page 10

than eye color, you can prevent him or her from ever adopting the Race Axiom. But once there is a divide, even in so innocuous a comment as "Black people are every bit as good as white people," there is born the awful possibility that the child will someday say, "No they *aren't*."

Our language, our discourse, fundamentally shapes the way in which we apprehend the world around us. Our apprehensions are the stimuli that cause our reactions. People value things differently. The wide spectrum of humanity can't even agree to value something as fundamental as life equally. If we allow differentiation of people based on skin color, or even worse, based on their ancestors' skin color, then people will make value judgments based on those categories. The best we can hope for is that those judgments are limited to "Gee... that person has really pale skin."

The popular approach to combating racism is "awareness and tolerance." The absolute *last* thing we should be doing to combat racism is promoting "awareness" of race. I've no doubt that the proponents of racial awareness and racial tolerance have the best of intentions. I'm sure their path is paved over with them. But unless we are willing to step outside the box that has been created by centuries of racists before us, we will eternally be stuck railing against an opponent that we cannot defeat. The very existence of groups such as La Raza and APILSA stands in the way of the goals they claim to pursue.

## Racism: How to Beat It

I've been called naïve for my views. (Actually, I've been called a lot of things far worse.) One of my best friends told me that "racism is so endemic to our society that the sort of colorblindness that you propose can only make things worse. We need to pay attention to race in order to fix the injustices that have been perpetrated." That's a very well reasoned and articulate counterargument.

Changing the face of a cultural conversation is not easy. Paradigm shifts do not happen overnight. I do not imagine that we can simply outlaw all considerations of race and that the next morning the country will awaken in perfect harmony, filled with flowers and smiles like some utopian Coke commercial from the 70's. But there are steps we can take that, eventually, will give us a world in which people are judged not by the color of their skin, but by the content of their character. Those steps do not include promoting the very thing we fight against.

Until a person is willing to just let go of their skin color, they can never expect other people to do as well. As long as I would continue to stand atop the world and shout out "I AM LATINO!" I should expect to hear people say, "Why yes you are." It's only common courtesy to agree with me. After all, I should be an expert on Michael E. Lopez.

Belonging to a self-proclaimed racial minority certainly gives benefits: people who might otherwise feel adrift in the world without a strong sense of self are given an identity, something onto which they might hold. It might give people a feeling of acceptance, even if it is a limited and insular community into which they are being accepted. But is it worth the cost?

The same arguments work the other way, with respect to racial majorities. As long as "white" people continue to classify themselves as "White," they will reinforce the Race Axiom. "White" is just as much a part of the paradigm of racism that has afflicted humanity as "Black" is. The most important step in defeating racism

is for people to stop self-identifying on the basis of skin color, or the skin color of their ancestors. Culturally... it's a free market, and you shouldn't have to be bound by the proclivities of your parents. If I want to identify with the Yaqui, it will be because they were fierce warriors who sacrificed their enemies to the gods or some other cultural characteristic that I appreciate. I might say that, since I am descended from the Yaqui, that their cultural propensities surely influenced my ancestors, all the way down to me (where the influence surely is diluted but may be present nonetheless). But blood alone shouldn't carry anything except oxygen and iron, and maybe .08% alcohol.

The next step is to stop identifying others in the same way. We can control our perceptions of ourselves, and our perceptions of others. It needs to be an effort by each of us, completely within the realm of the self. Stop trying to control what other people do, how other and people perceive treat the "races" of humanity. Think globally, act locally, right? It doesn't get any more local than inside your own head. The fewer people who participate in the conversation of race, the harder and harder it will become for racist views to obtain. God knows it wouldn't be easy, but all things excellent are as difficult as they are rare. Either we're in this to win or we're just passing time, spinning our wheels and trying to keep things from getting too terribly out of control.

Now let's look at UCLAW.

## Racial Diversity and Insider Epistemology at UCLAW

I for one am glad to be at such a diverse campus. I mean it.

Diversity is not about skin color, or the skin color of your ancestors. If it were, we could all just paint our hides the shades needed to achieve "diversity" and go on our way.

But diversity, at least as it's proposed, can't be about culture either. If it were, I certainly could not qualify as "Latino" in the school's figures. So what is this diversity thing?

A professor of mine at Wesleyan, a dyed-in-the-wool liberal if ever there was one, once had a colloquium on Social Theory. One of the things we dissected in that class was something called "insider epistemology," and I'd like to share it with you, gentle reader, for I believe that it sheds a great deal of light on the subject of diversity.

If John H. Whiteboy, Ph.D., writes a book about the Black experience in America, he may face criticism that, as a White author, he is unable to understand the Black experience, and thus not able to write about it effectively. He might be able to write about the White experience in looking at the Black experience, but not the Black experience itself.

This argument is often the one used to justify "racial" diversity in faculties. People say that it doesn't make sense to have an African-American Studies Department composed of 5 "white" professors and 1 "black" professor. Without debating the merits of AfAm Departments in general, the problem is this: If first-hand experience is required to successfully "know" about a group's experience, is it required to "know" something about individuals? Can you write a book about higher education if you haven't gone through it? Can you write about Wesleyan University if you didn't attend? Can you write about Robert E. Lee if you didn't live his life? What about the experiences of two different Latinos? Surely they haven't had the same experiences in life, even if they both grew up in the same

neighborhood, went to the same school, and did the same sort of things. How can one write a book about the other?

Insider epistemology requires invalidating any claims to knowledge between human beings. If it is just impossible to grasp what another person, or another group, is thinking unless you are a member of that group, then none of us can know anything but ourselves.

Obviously, my professor intended to show us how ridiculous this position is with regard to the production of scholarship. It's necessary to accept that an expertise in something is not dependent on being that something. But he made an excellent point along the way, if inadvertently. Although for epistemological purposes we need to look past the fact that our experiences are all unique, and although we need to allow for the possibility of apprehension and comprehension of the (infamous) "Other," each of us really is a little island unto ourselves. Each of our experiences is completely unique. Even among brothers and sisters, even twins, each of us has a different perspective on the world.

So what does this have to do with diversity?

If race is an erroneous signifier for anything other than what it purports to be based on in literal terms (i.e. skin color or the skin color of ancestors), then all racial diversity does is make us look more interesting as a student body. Every Black, every Latino, every Asian has a different experience, even if those experiences are based in part on a world shaped by horribly erroneous judgments (more on this in the next section). I am reasonably sure that I am not what people have in mind when they call out for more Latinos to be admitted, yet here I am.

If every single person really is different, if members of a racial minority are not all the same and are not fungible, then what are we doing when we are saying that we need more people of a particular race at UCLA? We're not just valuing one unique individual over another. We're not just willfully refusing to see the variations in human experience. We're buying into the racist paradigm and trying to fix things with the master's tools.

UCLAW is a very diverse campus. We have over 1000 different types of students. We should celebrate that diversity.

## Race and Culture: A Conundrum

In the preparation of this article, I was presented with a very strong and convincing argument for the validity of the Racial Axiom. One of my colleagues, and one of the sharpest and most thoughtful people at this school, pointed out that it's not actually that easy to divorce the concepts of culture and race. What did she mean, exactly? The argument went something like this:

A minority that is mistreated because of something like skin color or facial structure, when not completely wiped out by that mistreatment, may very well take that mistreatment and incorporate it into their cultural heritage. In effect, centuries of race-based slavery become an integral part of Black culture. The very definition of Black culture incorporates racist treatment much the same way Jewish culture now incorporates the Holocaust. Since I'm hardly arguing for the abolition of culture, to the extent that a history of racial mistreatment is cultural, mightn't I be forced to allow this sort of self-identification?

I was stumped. It's really an excellent point. But then I realized that the reason I was stumped is because I was refraining from making a judgment about a culture. After all, aren't we taught that every culture

is valuable and should be evaluated on its own terms? Of course. But therein lies the answer.

If a culture appropriates its mistreatment at the hands of the ignorant and the racist, if it makes a race-based self-identification because of its history, it is not creating itself on its own terms. And that's really the problem. A culture that does this is taking the horribly erroneous views of another people, and incorporating those views into their own fabric. Through the systematic mistreatment and enslavement of Blacks in North America, racists were able to imprint the Racial Axiom into the very culture of modern Black America. Likewise, the same holds true for every other minority group in this country. When a group, defined only by the category of race in the first place, incorporates the racism of others into its culture, it is a tragedy that should be undone, not something to celebrate. There were many African cultures before the slave trade. There were dozens of cultures in Central America before the conquistadors. Carry on those cultures, if you want. Carry on the cultures that result from cultural mixing. But don't buy into what some ignorant ass with a case of racial superiority said about your great grandfather, even if your great grandfather did.

I'm not saying that we should forget about the mistreatment of groups, the genocide which populates our history texts, or the awful mistakes we've made in our own country because of racism. Look back, and even identify a little with your ancestors who suffered so much at the hands of racists. But recognize that it's ludicrous, and that you do not need to suffer the same in order to carry on your cultural heritage.

## Conclusion

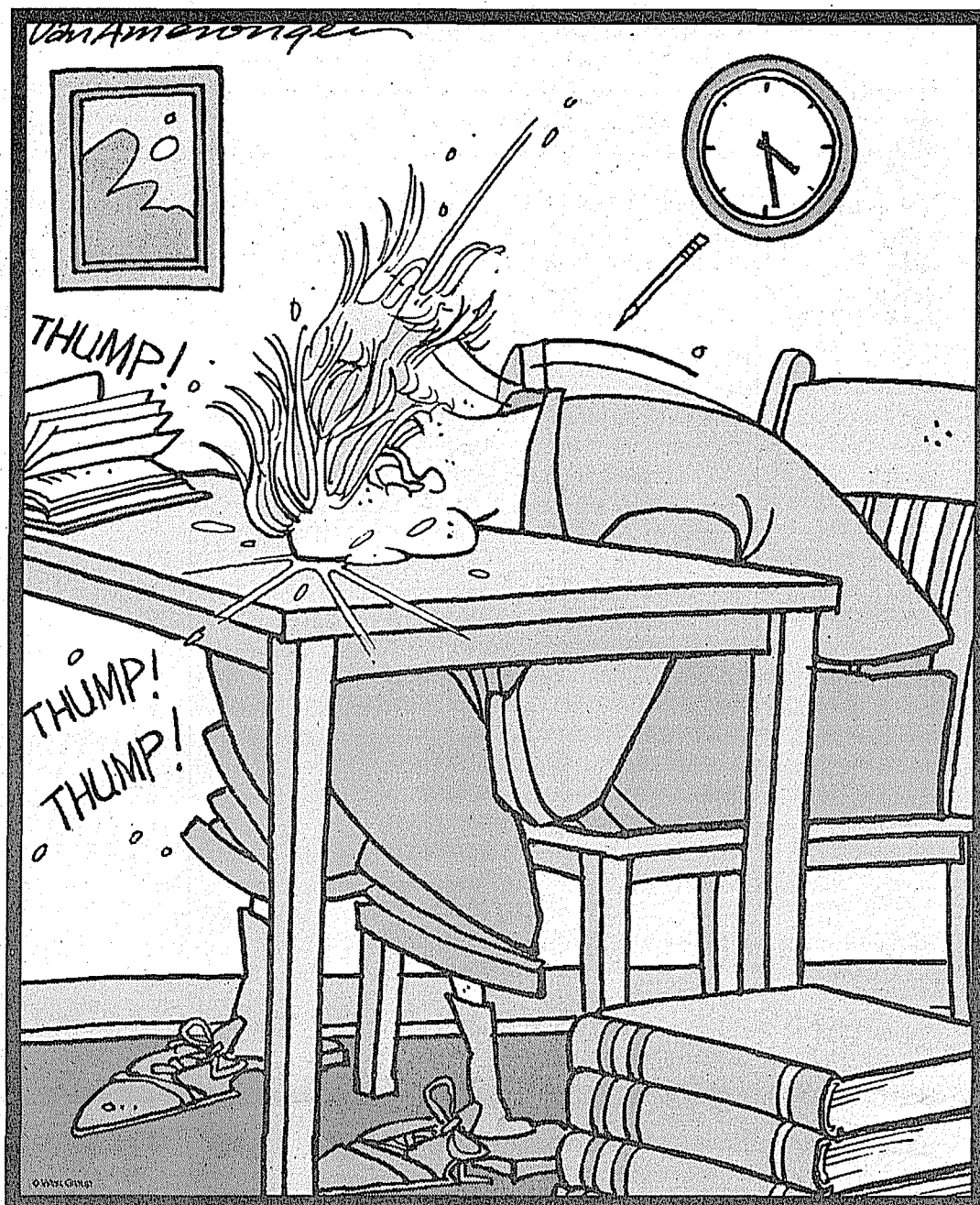
Cornel wrote a book called "Race Matters." A clever pun, at the very least. But it doesn't matter that is. When I say that, I mean it doesn't *really* matter. Race only matters because we have chosen that it should. And at the same time that we are screaming that there should be no discrimination based on race, we are discriminating based on race.

The time has come for us to choose a different path. The time has come for me to stop calling myself Latino (which I'm working on - I told the Bar to go screw themselves when they asked my race), and for all of us to let go of our racial (not cultural) identities, so that we can raise our children in a world with a little less race, and they can raise theirs in a world with a little less race.

Many of my friends, and no doubt many of the people reading this, will say that it is impossible that we might eliminate the last traces of racism from our society. They will say that my ideas are admirable in a childish sense, but that the hard practicalities of the world make my arguments a pointless theoretical exercise. But I will not allow the ignorance of other human beings to be a fixed star in my universe. I will not allow the horrible existence of racism to be treated as some sort of sociological equivalent of the Laws of Thermodynamics. Racism is not a law, and it is not inevitable. But the only way to defeat an idea is to undermine it, to expose its inconsistencies.

Wake up in the morning, appreciate the cast of your skin, the subtle variations and the play of shadows on it. Recognize who you are, independent of whatever categories you've been raised to put yourself in based on skin color and ancestry. And realize that it's just your skin. Hannibal Lecter could come peel it off you at any moment and then where would you be?





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