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Dirk Marshall, 2L, swims to Seoul. Story on page 2.

Harris Predicts Democratic Surge

By Troy Morgan

"Now that Ronald Reagan is not running for office, the political map of America is changing, and changing drastically," Louis Harris, public opinion analyst and creator of the "Harris Poll," told an Austin Hall audience last Mon., April 18 in an HLS Forum speech.

Harris said "Dukakis is leading Bush by 50 to 47 percent" and that these figures are amazingly stable. "This is the first time in 12 years

that any Democrat has run ahead of a Republican candidate for president," he said. If Jimmy Carter had not "won on the strength of voter resentment over Watergate and Richard Nixon, we could have gone back a full 24 years, literally, since a Democrat led in the race to the White House."

He added that "over 70 percent of the people think that Bush is a 'lead pipe cinch' to win — it's partly

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Review Rejects Women's Affirmative Action Plan

By Chris Crain

The *Harvard Law Review* will not be extending its affirmative action selection program to women, despite lobbying pressure from the Women's Law Association and apparent support from the majority of *Review* staff members present at the official vote.

Review President Dan Kahan, 2L, said the proposal to include women along with Blacks, Hispanics and Asians in the publication's affirmative action program was rejected in an April 5 staff meeting after a series of discussions over the course of the school year.

"It was a very long, drawn-out process, including fact-finding, re-

search, and a lot of discussion, debate and consultation," said Kahan, who added that every aspect of the process for selecting new members is scrutinized annually. "I don't think there was an issue this year about which more people were concerned," he said.

While Kahan said *Review* policy prevented him from discussing the formal proceedings under which the proposal was considered, several staff members present at the meeting confirmed that the proposal actually won the support of a majority of members present, but that a procedural technicality prevented its implementation. According to several members, any change in the selection process must pass by ma-

majority vote, except when there are not enough members present to reach quorum, in which case a "super-majority" is required. *Review* policy keeps the exact level of support required under a super-majority confidential.

These members also confirmed that the April 5 meeting was only several members short of the quorum, and that given the majority support of those present, the proposal would have passed even if several more members opposing affirmative action for women had attended.

While those in attendance said they felt constrained from comment

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Faculty Offers Posts To Fried & Weld

By Chris Crain

Two prominent members of the Reagan Justice Department are considering returning to HLS next year. The law faculty voted April 13 to renew the tenure of U.S. Solicitor General Charles Fried, who left HLS in January, 1985. Dean James Vorenberg '51 has also asked William Weld '66, who resigned his position as U.S. assistant attorney general last month, to serve part-time in the HLS Criminal Justice Center.

Vorenberg said the faculty decided "overwhelmingly" to renew the tenure offer to Fried, who was forced by HLS policy to resign his tenured faculty position after a leave-of-absence extending over the two-year limit. "Our vote is in effect an invitation," the dean said, and Fried "has indicated to me that he will accept it."

Fried, who had been the Carter Professor of General Jurisprudence, refused comment when reached at his Washington, D.C. office, stating through an assistant that he had

not publicly announced his plans after the Reagan administration ends in January, 1989.

The offer will remain open until July 1, 1989, but Vorenberg said he has "very strong expectations that he will be back in January [1989]."

Weld, who reportedly resigned his senior Justice Department post over increasing disapproval of Attorney General Edwin Meese, said he plans to accept a part-time position either at the Kennedy School of Government's Institute of Politics (IOP) or the HLS Criminal Justice Center (CJC).

Weld said he plans to spend "the bulk" of his time in private Boston practice, but that he plans to agree to teach a non-credit course with the IOP or to assist Professor Philip Heymann '60 and the CJC in research on terrorism and the internationalization of criminal justice. Vorenberg and Heymann said they have not met with Kennedy School officials about their conflicting offers to Weld. While Weld met only with Kennedy School officials

in a Cambridge visit last week, he said he is still undecided about which post he will take.

Fried's tenure renewal was the first opportunity for the HLS faculty to employ its new secret ballot policy in tenure decisions, implemented after the controversy surrounding the denial of tenure to Asst. Professor Clare Dalton, LL.M. '73.

In an interview with the *Harvard Crimson*, Assoc. Dean Frank Sander '48 said "there were no apparent problems" with the secret ballot on Fried. "It's a complicated question whether secret ballots are a good thing, but I think this is not the time to discuss that."

Vorenberg said the Appointments Committee did consider Fried's recent scholarly production before recommending him for tenure renewal, adding that "we don't close our eyes to what we knew before about him" as well. Vorenberg said that he was "very much in favor of [the renewal] and pleased to have him back."

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Students Train For Summer Olympics And Law

By Jeff Gershowitz

Many athletes dream and train for the chance to compete among the world's best at the Olympics, but only a select few ever get to achieve this goal. Two HLS students, Dirk Marshall, 2L, and Ryan Stoll, 1L, are not giving up their dreams and are training to compete in the 1988 Summer Games in Seoul.

While both downplay their chances to make the U.S. Olympic team, Marshall in swimming and Stoll in track, both hope to be competitive and to continue participating after the Olympics are completed.

Marshall, who swam for the University of North Carolina at Chapel Hill, competes in a number of events, and has already qualified for the Olympic Trials in the 100 meter butterfly. Unfortunately for

Marshall, though, his competition in the 100 fly is particularly tough.

"The top two overall male American swimmers, Pablo Morales and Matt Biondi, both swim the 100 fly. And there's a whole multitude of guys right behind them," said Marshall, who also noted that Morales has applied to HLS.

For Marshall, just to have gotten this far would seem to be triumph enough, since a few years ago doctors told him he'd never swim again. Though Marshall was a successful swimmer at North Carolina, and had in fact made Olympic trial cuts for the 1984 Games, he inflamed his left shoulder rotator cuff in 1983 and 1984, causing him to miss the trials and to be given the doctor's negative prognosis.

"I swam through the 1984 NCAA season, then the doctor said I had to quit — that I couldn't really swim again. I had surgery, sat out the

year, and couldn't swim," Marshall recalled.

At that point he turned to his original high school coach, Mary Jo Klier, in Kansas City, and they worked out a unique modified training program. Marshall cut down from the middle distance events to the shorter races he now swims, and worked out alone while being coached from afar.

Marshall credits an adjusted training program with enabling him to extend his career. His current training consists of a flexible 20 hours per week of running, swimming and weightlifting.

After a five month layoff from swimming following his college graduation, Marshall began to swim again during his first year at HLS. He returned to Harvard this fall with the Olympic Trials as his goal,

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WLA Charges *Law Review* Comp With Bias

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by a vow of confidentiality reaffirmed at the April 5 meeting, several affirmative action supporters not present at the meeting reacted negatively to the result.

"I'm very disappointed with the results," said *Review* editor Sarah Miron, 3L. "I don't think we understood what we were doing," she said of the quorum requirement, "but any institution that runs by quorum has that problem."

Sheryll Cashin, a 2L editor of the *Review*, said that while she believes it's "unclear whether instituting affirmative action is the best solution to the underrepresentation of women on the publication, she said she was disappointed by the low turnout. "I feel it's important to have a quorum or the whole body there to vote on such a difficult and controversial thing. It's not something a small representation should control."

One coordinator of the WLA lobbying effort in support of affirmative action for women in *Law Review* selection expressed annoyance with the process. Bonnie Savage, 2L, said that from press reports of the meeting, "it sounds like they fairly arbitrarily dismissed it."

Savage expressed frustration over the failure of quorum at the April 5 meeting, speculating that "maybe people stayed away because they're cowards, or maybe they just don't care. Either way, it's disturbing."

Several *Review* members supporting affirmative action suggested that the poor attendance was probably due to the timing of the meeting, just two days after the end of spring break. Kahan said no new vote on the proposal is scheduled for this year.

Currently, there are 22 women on the 89-member *Law Review* staff, and that 25-percent representation is significantly less than the 36-38 percent of women in the 2L and 3L classes overall.

Kahan attributed the underrepresentation to the smaller proportion of women who actually participate in the *Review* writing

competition at the end of their first year. He said research conducted by *Review* staff members into the selection process revealed there was a strong correlation between the percentage of women actually taking the examination and those accepted as 2L editors.

Savage and WLA President Lori Stern, 3L, said the organization decided against lobbying for affirmative action for women last year after promises from the *Review* that it would encourage more women to apply, thereby increasing the number accepted.

While the recruiting effort was successful (Savage said more than 35 percent of the applicants last year were female), the percentage of women accepted remained at 25 percent.

Kahan and a number of other *Review* members contacted said they were disappointed that last year's recruiting effort did not result in more women *Review* editors, but they often characterized last year's results as "an anomaly."

"There's just no question that the more women who take it, the more should make it. It is the case that last year we slipped some from having an equal proportion of women applying and being accepted.

But I am still sure that if fewer women had taken it, fewer would have made it," Kahan said.

Kahan and Savage both also pointed to research that indicates that women tend to make lower grades during law school than male students. First-year grades receive 70 percent consideration for one-half of all those accepted to the *Review*.

According to Savage, one WLA researcher scoured HLS graduation programs for the past several decades and discovered that the percentage of women graduating with honors is significantly lower than the percentage of women in the graduation class.

One further possible explanation for the underrepresentation of women, suggested by Savage, is a tendency for men and women to react more positively to writing styles like their own.

"To the extent that men and women may tend to write in different ways, such as details versus the big picture, or all sides versus an aggressive writing style, since more men are on *Law Review*, men graders may be more responsive to writing like their own, which is self-perpetuating," she said.

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ISBA's Race Judicata



Sal Casente

Posing after Saturday, April 16's 5K run, from left to right, are Student Bar Assoc. President Laura Steeves, 3L, Jordan Steiker, 3L, Kenneth Leinbach, 3L, Marilyn Rea Beyer, Lexis rep., Nat Larson, 2L (1st place men's), Greg Schuetz, 2L, Laura Shamp, 3L (1st place women's) and Carolyn Ballan, 1L.

Americans Want Fresh Start, Pollster Says

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a matter of habit."

Today, Harris maintained, current polls indicate that the West, the Midwest and the East have gone Democratic, and that the "only region in the country that seems to be Republican is the South [which] ... exposes the bankruptcy of the [Democrats'] so-called Southern strategy."

Because he predicts that Dukakis and Bush will not excel in the South but will nevertheless win their respective nominations, Harris maintains that "the election will be settled where 9 out of 10 of the presidential elections have been settled, in the big northern industrial states."

Harris outlined the Democratic/Republican divisions which exist between various groups of American citizens. He commented that the Democrats do best among the least educated and the most educated, leaving the Republicans to fill up the middle.

Harris noted that men are 49 percent Republican to 48 percent Democratic, while women are 51 percent Democratic to 44 percent Republican. "Mark it well," he said, "the gender gap is alive."

Blacks, who make up 12.4 percent of the population, may comprise from 13 to 14 percent of the vote, Harris predicted. "Eighty-seven percent of the American people admire the way Jesse Jackson brought black people into the mainstream of politics, where they will remain," he added.

According to a Harris poll, 53 percent of the population think "the country is not ready for a black president," as compared to 44 percent who think it is, and "34 percent of all Democrats won't vote for Jesse Jackson if he is nominated." Harris attributed that figure's recent rise from 25 percent to Jackson's Michigan victory, after which voters began to take Jackson more seriously.

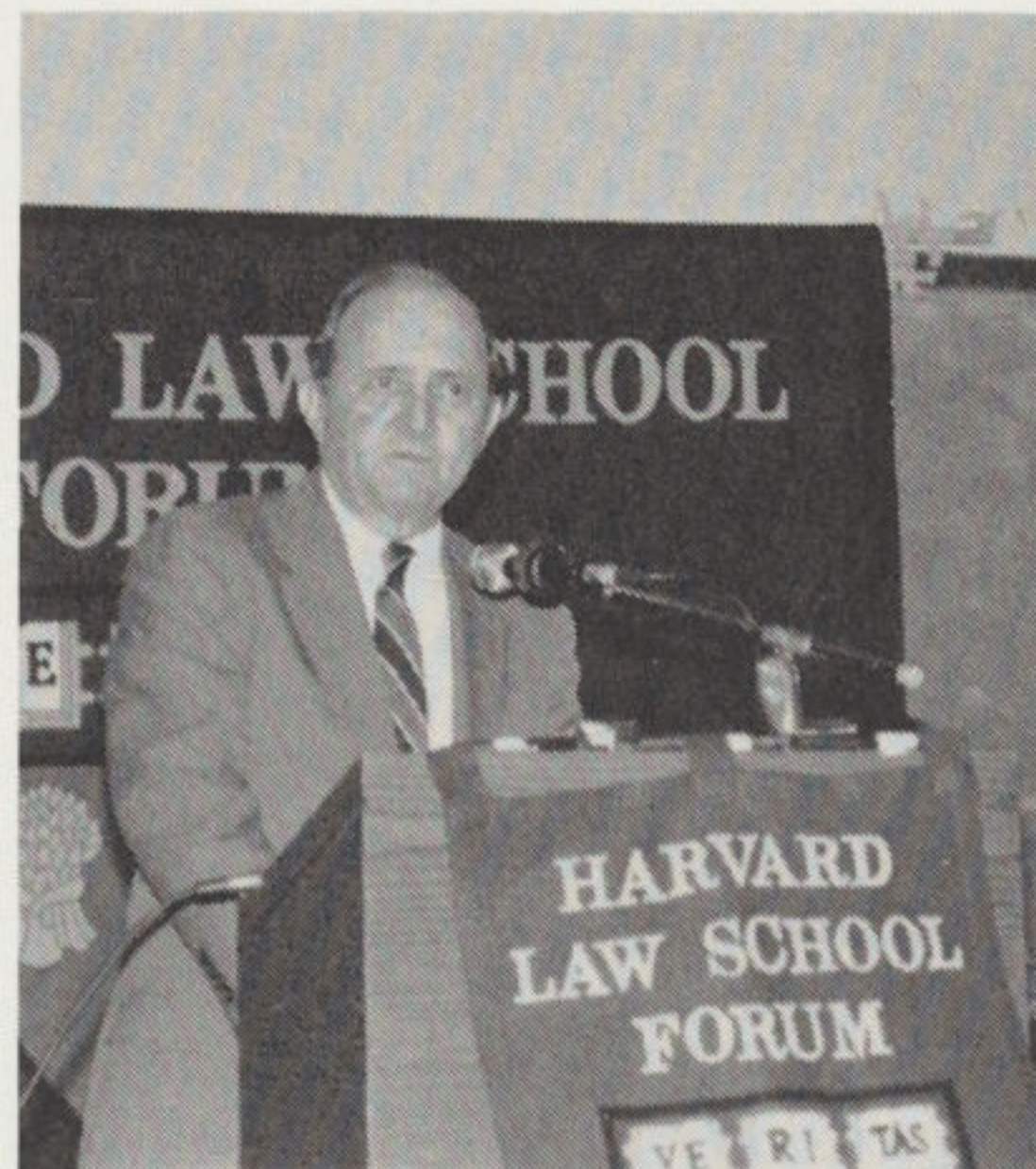
Republican losses consist of disaffected followers of television preachers, a 10 point decline in the independent vote, a seven point de-

cline in suburban areas, and a very slight Democratic lead in traditionally Republican rural small towns.

For the first time since 1920, most voters under age 24 are Republican, but the elderly (16 percent of the population and 20 percent of the electorate) are 53 percent Democratic to 40 percent Republican, and "have had it ... are fed up," he said. Thus age favors the Democrats, Harris explained, since people are three times more likely to vote after reaching the age of 25.

Citing another study, Harris showed that more than half of those polled wanted "a fresh start and new policies" after Reagan in virtually every area, such as the defense build-up and the economy. The single exception was that people wanted to keep going in the same direction in negotiations with the Soviet Union. Thus Harris concluded that "1988 is viewed by voters as a year of real change."

According to Harris, voters overwhelmingly expect that Democrats



Patricia Lee

Pollster Louis Harris

will best protect the interests of women (3 to 1 over Republicans), the environment (2.5 to 1), the elderly (3 to 1) and children (12 to 1). Harris predicted that "if domestic issues — issues of conscience — dominate the elections, the Democrats will win."



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3rd Year: Job, Bar, & Paper, Oh My!

I hate to break it to you, but third year is not all it's cracked up to be. First year, you have second year to look forward to. It's a year filled with core courses, fly-outs, and parties in Somerville. All these things drop to the wayside when you become a third year student.

Third year is quite simply a year filled with stress. Suddenly real life is just around the corner. As a third year student your schedule is filled with two credit courses which work you twice as hard as any four credit course you took as a second year and by now you've worked yourself into a position of responsibility on whatever organization you joined your first year at that activities fair. And while you're busy trying to decide whether to make an organization meeting or go to class, life decisions await.

That's right. Everyone will tell you that it's not such a big deal, that you can change your mind at any time — but making that "what am I going to do with my life next year" decision is not delightful. It's serious and it at least appears to be definite. Oh, but don't stop there! No, no, once you've finally taken the plunge with a job there are a few things left to do: you have to register for the bar (Which might require you list every place you've ever lived and worked, every ticket you've ever had, and every person you've ever spoken with), you have to register for a bar review (Summer? What summer? Oh, but you do get one day off from the classes to attend graduation provided that you want to fly back from wherever you're studying), you have to register for graduation (Read the Dean's multipage letter and try to figure out what to do by when, I dare you), and let's not forget that Multistate Professional Responsibility Exam.

Sounds like fun? Wait — there's more. HLS throws one more major glitch into this whole process — a third year paper. What's the point anyway? It's just another hoop that is being held out and we're told "JUMP!" — so we do. This should come as no surprise. We're all here because we're professional hoop jumpers. We got the right grades, joined the right organizations, got the right LSAT score, and wrote the right essay. Hello, HLS. It seems absurd then to make us prove our jumping proclivity one more time. So there must be something more to this third year paper thing. What could it be? What are we learning?

Maybe it's patience. I've learned plenty of that. What with copy machines with toner problems and books that are not on the shelf — "We can't locate that, have you tried Boston University library?" Or maybe it's typing. No, there's no rule against letting someone else type this tome for you. Maybe it's blue-book form, footnote etiquette, or legal research stamina.

I'm sure someone thought this paper thing was a good idea at some point in time, but has anyone thought about it recently? Sure, the *Catalogue* says it's supposed to be a sustained piece of legal research written by a student under the supervision of a professor. But, what is the standard? Students hand in papers varying from thirty pages to over one hundred pages in length. Which is more "sustained?" Some students never see their advisor; some see their advisor somewhat regularly. Which is under the "supervision" of a professor?

So what am I supposed to learn here? I know when I took Constitutional Law, I was supposed to learn constitutional law. But what am I learning from my third year paper? Sure, I'm becoming well versed in my specific interest. But, I can truthfully say I'd rather be making up the credits taking another class. Sure, the topic was of my own choosing, but only marginally so. I did *have* to write a third year paper. Oh that's right, I could have written an interactive video program instead. So videos have something in common with papers? So why can't I spend my time watching MTV instead?

— T.M.F.

HARVARD LAW RECORD

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Fenno

The blue polyester sportscoat engulfed Fenno.

"Billy Joe Stonewall Manassas' muh name — Ah'm a padnuh at Hatfield & McCoy. It's the biggest furhm in Raleigh-Dur'm."

Fenno cursed himself. "I go to the Southern Union party just to have a good ol' time, and before I can get hammered, I get cornered by a walking Sears fashion ad," he muttered.

"Why, Fenno deah!" a female voice squealed. "Ah just knew y'all would be here since you had such a wonderful time at our last party. Beggin' y'all's pardon, Mr. Manassas," she continued, "ah've just got to chat with Fenno personally, right now."

Charmed by his hostess' words, the sportscoat released Fenno, who was whisked away by a swirl of taffeta.

"Miss Ashley," Fenno confided, "I just cannot thank you enough for your rescuing me. Now where's the brew?"

"He-he-he-he-haw," she tittered. "Y'all know one of my tasks as president and hostess of this event is to keep all you boys happy. And in keepin' with fine Southern hospitality, Ah'll surve y'all myself."

Soon, heaps o' chitlins and oysters were before the starving Fenno. And, at last, Miss Ashley served him some long-neck Dixie beers.

"Dixie, what the heck is this?" Fenno demanded. "Billy-Bob promised me I'd get Meister Brau."

"You know Fenno," she chortled above the Dixieland din, "Dixies have a wonderfully rebellious taste." She winked and vanished into the throng.

"Yo dude! Getting carbo-ed up for the marathon, man?" shouted a pair of tonsils at Fenno.

"You know, Fenno, I never thought you were the running kind of guy," the short Mr. Physique continued.

"Carbohydrate intake," Fenno responded, "is an important means by which I attain my rounded, aerodynamic form."

"Actually, though, the B.A.A. asked me not to participate this year as the competition would be too discouraged. Also, they wouldn't allow me to replace all the water stands with Meister Brau dispensers like I did in last year's race."

Fenno continued, "I have my honor, so I decided to run in the *Erase Judicata* instead, where they still appreciate the true sport."

Several hours later, in the gray, snowy, drizzly Charles River dawn, the victorious Fenno accepted his laurels and the \$25 gift certificate to Studley's from the Smiling Student Bar Association poobah.

When approached by an Olympic track coach after his world record 5K effort, Fenno declined to join the U.S. team, claiming a lack of proper carbos in Seoul.



Off the Record

"The Political Is Personal" In Tenure Decisions

by Clare Dalton

Asst. Professor Clare Dalton's, LL.M. '73, tenure denial was recently affirmed by President Derek Bok '54. Dalton delivered the following remarks to the Dec. 1987 SALT Conference panel: "The Politics of Academic Freedom." She wants to clarify that her "portrait of an unconscious discriminator" does not describe any individual on this or any other law school faculty. It is a composite based on her experiences and those of other women.

Out of the women's movement came the adage "the personal is political" — a reminder that a goodly part of gender politics is played out within the privacy of intimate relationships. What I want to talk about is the converse: the way in which the public face of gender politics — of discrimination — is informed by deeply personal — indeed intrapsychic — dynamics which govern the behavior of both discriminators and discriminated against.

There are a number of caveats and qualifications I should introduce right away. The first is that these are very preliminary thoughts and observations, shared with you as I attempt to sort them out for myself, in the hope that you will either find them useful in their current form, or be able to help me understand and articulate them better.

The second is that while I have said that I am talking about gender politics and gender discrimination, I would like to leave open the possibility that at least some aspects of my analysis hold true for race and class discrimination too. And I think that inevitably I am also talking about political discrimination, because the white women, minority men and women, and "disadvantaged" men and women most susceptible to discrimination today are those whose status as "other" also gives them a special perspective and message — one that constitutes a political challenge to the mainstream. The connection between diversity of life experience and diversity of views, in other words, creates a connection between political and gender or race or class discrimination.

Let me start out with some observations about people who discriminate. A psychiatrist friend recently suggested to me that a very important difference between conservative and progressive academics is that the progressives believe in the unconscious, whereas the conservatives don't. This has some very significant consequences.

Here's one. Imagine a situation in which a white woman or a minority man or woman is not hired, or not promoted, in a law school context, because he or she lost the vote of the conservatives. If a progressive suggests, in this situation, that there has been discrimination, the only way the conservatives can hear that charge is as an allegation that

they consciously voted against hiring or promoting the candidate because he was black or she was a woman or she was hispanic. The conservatives, who genuinely would never vote against someone *consciously* for those reasons, but instead understand themselves to be maintaining standards, or insisting on the curricular priority of tax over family law, are deeply wounded by these accusations as they understand them. They feel that since the progressives, who have been their colleagues for many years, *know them better than that*, the accusations must be being made *in bad faith*, as part, for example, of a manipulative effort to create media pressure to get the candidate his or her job.

Another consequence of not believing in the unconscious is that you can't check in with it to see how, or more importantly *what*, it's doing. The more scrupulously you examine your *conscious* motivations, the more strenuously you will resist any implication that some piece of yourself is at once beyond scrutiny and out of control. And the more committed you are to this limited kind of self-scrutiny, the more resistant you will be to the idea that other people's actions may be prompted by unconscious motives. You will do unto others what you would have them do unto you, which is to say that you will tend to rely on their articulated explanations and not look for buried ones.

Let me try to bring this dynamic to life by sketching a portrait of an unconscious discriminator who finds himself in the position of opposing the tenure application of a junior woman on his faculty, on the grounds that she does not meet the standard for promotion.

The tenure candidate is a woman. She is unable to pass as a man. Parenthetically, I think some women, under the right circumstances, can pull this off, at least in part — but that's another story. This woman is just a woman. The discriminator has certain expectations of women. There were none, or few, in his law school class. He certainly never had one as a teacher in law school. But he is married to one, has another as a daughter, and another as a secretary. And one as a mother. His expectations of women have to do with their taking care of him, and making him feel good about himself. His wife is a good listener. His secretary keeps his appointment book for him. His daughter wants to be just like him when she grows up. He adores his mother, and she adores him. He doesn't have to reciprocate or initiate, much, in these relationships. He had to court his wife, of course, but that was a long time ago.

His woman colleague isn't like that. He can't court her, obviously — that would be

inappropriate. So he doesn't suggest lunch. She doesn't teach in his field, so they don't have many substantive conversations. In fact, there is nothing about her work that makes him feel good about himself. Most of her footnotes refer to authors he's never read. Sometimes she's critical, in her work, of men he admires. He served with her on a committee, once. She didn't strike him as a very good listener. She talked rather a lot. He had a good friend he wanted to invite to teach the accounting course when the regular fellow went on leave. She pushed another woman — must have been a friend of hers — into the slot. He felt as if the women were taking over the place.

Then she came up for promotion. He wasn't an expert in her field, of course. He resolved to pay attention to what other men had to say. The outside reviewers seemed to like her stuff O.K., but family law is such a non-subject — what kind of bright lights could it attract, really? Who were these reviewers, anyway? Two of the six were women. One woman was particularly enthusiastic — her views he felt he had to ignore, or at least significantly discount; it seemed obvious to him that women would tend to stick together. The other woman, on the other hand, was lukewarm, and *her* opinion he definitely felt more inclined to respect — it must have been very difficult for her to express reservations about another woman.

Then one of his colleagues, Smith, wrote something quite negative for her file. Interesting that Smith would stick his neck out, really. It wasn't his field, either. But he knew and liked Smith, and he felt, in reading Smith's evaluation, that Smith was helping him clarify and articulate the doubts he had had about her all along.

There is much that is discouraging about this picture of how discrimination works, and about how inaccessible the layer of consciousness at which it operates is — to the discriminator, or anyone else. There is just one brighter side: people who act unconsciously don't always cover their tracks very well, so that, on occasion, they may leave their judgments vulnerable to rational criticism and review. Simpler political discrimination, more carefully and consciously planned and enacted, may on occasion be harder to combat.

Now for a few thoughts about being a target of academic discrimination. What I have to say on this topic boils down to three homilies, which I share with you in just the same form as I have learned to repeat them to myself. First: Never underestimate the danger you are in. Second: Strategize at every level available to you, and don't disengage

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"See Dirk Swim! Swim Dirk Swim!!"

(Continued from Page 2)

and swam well at the New England Championships. This summer Marshall is going home to Kansas City to train with Klier full-time.

"I'm not doing this because I think I can make the Olympics. It's more personal, internal. I've never trained without school, and I want to see how well I do without distractions," he said, with the ultimate goal being to "put myself in a good position to be number one in the country next year." According to him, one of the hardest parts of his choice was to "justify my not working this summer, when I know my goal isn't to make the Olympics — just the selfish goal of doing my best."

Marshall discounts his chances to make the Olympic team.

"I think five or ten years from now I'll probably look back and

think I really had a shot. Right now, I'm really not giving it that much hope. The only way I can analyze it and say that I have a legitimate shot is that this will be the first time I exclusively trained for swimming. It will take significant improvement. If I just swam for three years, I know that I can achieve that level. I don't know if four months of concentrated swimming is enough."

In the long run, Marshall sees himself staying with swimming in some capacity. "Now, swimming and coaching are the love of my life, over law school, though in the long run law is more of a challenge. I'll probably always coach on the side. It's not something I'll be able to walk away from."

Ryan Stoll's story is similar to Marshall's: a high school star athlete, his college career was marred by injury. And like Marshall, Stoll

decided he did not want to quit when he was down. "I knew I didn't want to leave track not achieving what I wanted to achieve, on a bad note," said Stoll. Instead, he has stuck with running and is training for the Olympics in the 3,000 meter steeplechase and the 10,000 meters.

"I'm a distance type, and the 10,000 and the steeplechase coincide well for training," he explained, noting that he began running the steeplechase, combining distance running and hurdles, because he was "fairly athletic. Lots of distance runners are kind of geeky and have trouble with the steeplechase."

Stoll was raised in Illinois, near Chicago, where he "went out for track freshman year in high school to get in shape for soccer." He did well in high school track and was mentioned in local newspapers.

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Conservative Profs Discriminate Subconsciously

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from the fight until it's over. Third: Don't take it personally.

Never underestimate the danger you are in. Let me first offer some thoughts about why it is tempting to underestimate the opposition you are likely to encounter. Part of it is that it is stressful to acknowledge that your presence on a faculty makes others angry or uncomfortable, that your ideas are not appreciated, that there are those who would like to extrude you from the community. And so, especially if you are politically committed to your position, and determined to articulate it, it sometimes helps to pretend that the opposition isn't out there, or that it is mild rather than ferocious, that you are tolerated as an eccentric rather than feared as a radical. This dynamic may be reinforced by a strong need to be accepted by the institution, as you either were or wish you had been by a parent. Another variation might be a need to believe the institution tolerant, broadminded, flexible, again as you experienced or would have liked to experience a parent being.

Denial can be adaptive, to some extent, I suppose, if it lets you get important work done without being overwhelmed by the stress that would be produced by actually acknowledging the opposition to it. But it stops being adaptive when it lets you walk into a trap that you had successfully prevented yourself from noticing.

An obvious way to reality-test would seem to be to check your situation out with friendly colleagues — do they see danger where you have not? The problem here is that they may have just the same set of denial mechanisms operating that you do. And in fact, if they are tenured members of the faculty and have to that extent identified with the institution, they may be even more invested in believing that it is not capable of violence towards you, and even less capable of seeing the writing on the wall.

One of the worst consequences of this particular dynamic is the conflict it creates, for them, when the violence occurs — because if they stick with you and experience your pain, they will have to deal with the fact that the institution has disappointed their expectations — is not what they imagined it to be — and that they are identified with an institution whose behavior they cannot approve. Here too they will be tempted to deny the reality. Denial in this situation might involve their cutting themselves off from you, so that they do not have to experience the pain, or reconstructing the story of the violence done to you so that it is, at least in part, your fault. This allows them to hang on to the idea that the institution would have been able to act properly, if you had given it the chance.

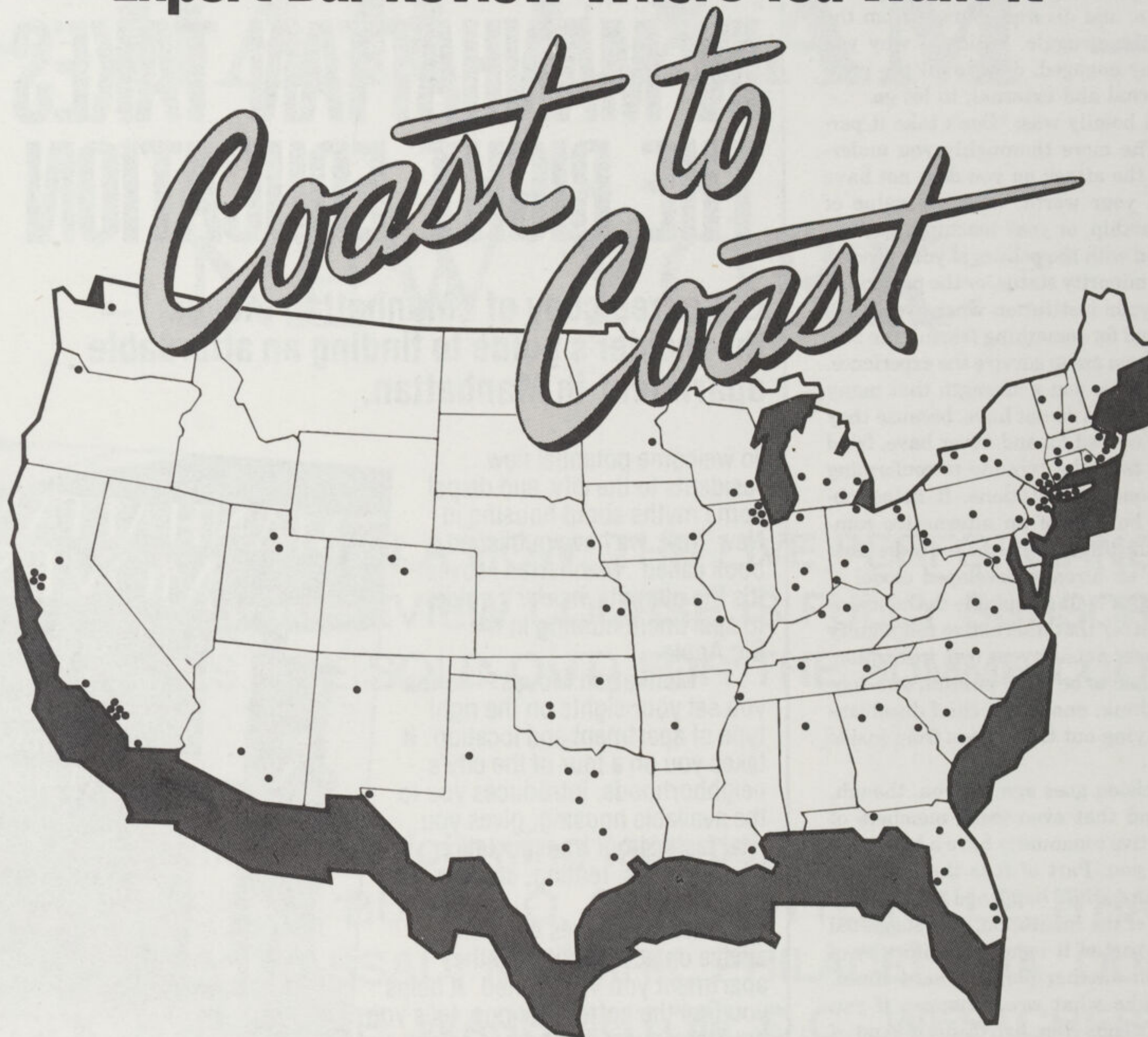
In any event, the moral of this story is to reality-test broadly, even though it involves exposing both yourself and your supporters to truths about your colleagues that you

would rather not know. The only thing that sweetens this particular pill is that at least when you locate the problem as out there, rather than in yourself, you run less risk of being demoralized by the opposition, less risk of accepting any version of the story that locates the blame for your situation in your own failings, and less risk of feeling like a dupe when the trouble begins.

Locating the danger out there also prepares you to strategize at every level, to the extent the system allows it. Assess your vulnerabilities. See if there are any you can neutralize, while still feeling good about yourself. No reason to create any more hurdles for yourself than necessary. But on the other hand, you are who you are, and do what you do, and you can only give up so much of that self-definition without feeling unbearably compromised. Build the rest of the strategy around your necessary vulnerabilities. Try to persuade your colleagues to help with this strategy building, but don't feel surprised if they need coaxing. Denial may be operating again. And even when they see the need to strategize, they may want to reduce the level of anxiety it arouses in them by telling you that there is little or nothing you can do, that *they* have the matter well in hand. But as caring and as conscientious as they are, the temptation to minimize the danger and give the institution the benefit of the doubt is always there, and it will

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Dalton Explains

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always be tempting for you to accept the reassurance, and divorce yourself from the details of the struggle. Which is why you have to stay engaged, despite all the pressures, internal and external, to let go.

My third homily was: "Don't take it personally." The more thoroughly you understand that the attack on you does not have to do with your worth, with the value of your scholarship, or your teaching, but has to do instead with the politics of your gender, or class, or minority status, or the particular politics of your institution where you have come to stand for something fearful, the better situated you are to survive the experience. It actually gives you a strength that many of your opponents do not have, because they have never needed to, and never have, freed themselves from the tyranny of conforming to institutional expectations. It helps, obviously, to be part of an alternative community with different norms — to be able to draw on an already developed model of why your work is unacceptable to the mainstream, whether that alternative community exists inside or outside your own institution. Going solo has to be more painful, and constitutes, I think, one of the chief disadvantages of playing out the process from inside a closet.

If the decision goes against you, though, you will find that even some members of your supportive community have a hard time relating to you. Part of it is the difficulty of integrating what happened to you into their sense of the institution, as I suggested before. But part of it is just the difficulty of dealing with another person's hard times. It's not unlike what would happen if you told your friends you had cancer. And if your friends feel and act as you have some terminal illness, it's hard not to wonder if you do. Oddly enough, then, at a time when you might feel some strong need to be taken care of, it is actually your job to help your friends survive the shock. If you convincingly portray yourself as still whole, your sense of yourself intact, your determination unaffected, they will begin to reflect back at you that same conviction, and you will feel much better.

Another part of not taking it personally has to do with forgiving yourself for not successfully negotiating every pitfall. You can't get through the experience without making some mistakes. And the opposing forces are formidable. So even the best fought fight can be lost, and in that context it is important to hang on to the idea that winning isn't everything. Waging the fight for as long as you can, knowing when to stop, and coming out of it personally intact, ready for the next venture, whatever that may be — that, it seems to me, is what it means to make a success of the experience of discrimination.

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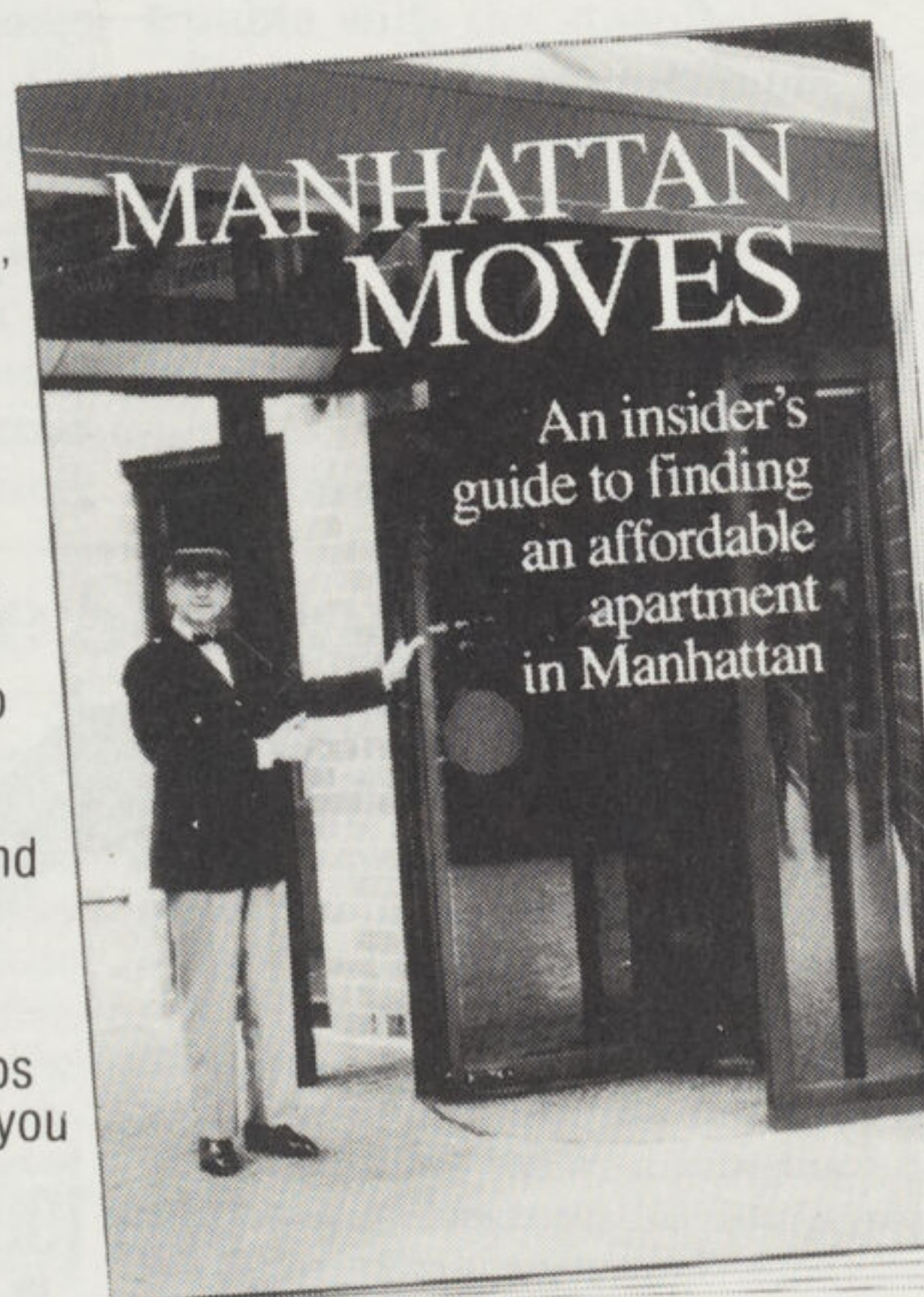
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Ryan Says: "I Do Run, Run, Run; I Do Run, Run!"

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That was all he needed. "You get a little ink and you're pretty much sold on a sport and stick with it." From there Stoll went on to become state champion and a high school All-American before heading to Stanford.

Though Stoll was named All Pac-10 in cross-country and in track while at Stanford, he said he "never accomplished my goals because I was hurt." Injuries hit during his freshman, sophomore, junior and fifth years at Stanford, often because he "kept trying to come back too early, and got hurt again."

Thus, when he got to HLS, Stoll said he came to the realization that "these three years at school are the last chance" to reach for those goals that eluded him, including the Olympics.

"It's not very realistic to say I have a shot at the Olympic team. My goal is to get to the trials and do as well as I can. My goal is really

to establish myself at this level of competition," he explained.

Stoll plans to begin his quest for the Olympics at the Penn Relays in the 10,000 meters, which he describes as "a very high caliber race," and then continue on to the TAC championships and the Olympic Trials in June and July.

"My performance there [the Penn Relays] will determine what I do. Hopefully then I'll be able to get the trials qualifier [time]. After that, local races, and I won't have to leave the area. I'll just run to stay sharp." Stoll will be working for a law firm in Chicago over the summer, where he'll "take time off around races as needed."

Stoll says that his training has not come into much conflict with his first year of legal studies. "The priorities in my life always seemed to be athletics, social life and academics. I'm still able to go out and get my work done. I've been in athletics since I've been a little kid, so it's no different than it's always

been, except there's a little more work at night."

So Stoll and Marshall continue their balancing acts — athletics and education, future hopes and past dreams and disappointments — and with some luck and continued determination, they both just might succeed and reach Olympian heights after all.



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