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Open Forum Focuses On Power

By Andrea Hartman
and Steven J. Cowan

On Wednesday, Feb. 22, the Third World Coalition held its second annual student-faculty forum. Approximately 450 students and 38 faculty members attended the forum in the Ames courtroom.

As originally conceived, the forum was structured around three issues: faculty hiring; the curriculum; and matters related to admissions, recruitment and financial aid. Due to time constraints [a class was scheduled to use the courtroom] the third set of topics was discussed for only about ten minutes.

The forum, moderated by TWC member Juanita Hernández, 2L, began with an opening statement by Ibrahim Gassama, 3L, on behalf of the TWC. Gassama began by speaking about power. He called power "a scarce commodity, tightly controlled by a small homogenous group of men."

He continued, "We lack power, so we make appeals to reason and conscience."

"This is 1984," said Gassama. "But there is not a single tenured Third World professor on the faculty." Although offers have been made, he said, the focus should be on results. "All you have to do is look at the faculty."

Gassama then asked, "How long shall we wait until the ranks of our elite, tenured faculty are once again



Risé Peters

Former Dean Albert M. Sacks listens intently during last week's student-faculty forum sponsored by the Third World Coalition in Ames Courtroom.

Faculty Divisions Spark Pointed Political Debate

By Miguel Rodriguez

Editor's Note — This is Part One of a two-part article. Part One addresses the development of the faculty division and Part Two covers the effect of the debate at HLS.

Spurred by the development of Legal Realism in the 1920s, a watershed of intellectual legal scholarship has divided the faculty at HLS, resulting in what many professors consider the most significant effect on the study, teaching and practice of law in the field today. While this division is indirectly sensed by alumni, students feel it in the classroom, and the faculty demonstrates it at meetings, Appointment Committees and in lectures.

Prior to 1970, HLS was largely run as an autocracy. The deans kept the faculty under tight rein. "Generally," observed Prof. Charles Nesson, "the choice was to go along or to be alone." By contrast, Prof. Clark Byse said that "at the time basic policy decisions were made by the faculty . . . though in the 60's," he lamented, "there was greater acceptance and understanding of HLS practices."

"When I was hired," remembered Prof. Duncan Kennedy, "I was interviewed by then-Dean Derek Bok who told me that he and several of his cronies thought the point of the new hirings was to change the school and make it more oriented

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Conservatives Fault Legal Education

By Mike Isbell

More than 100 members of the Federalist Society from law schools across the nation heard sharp criticism of the current state of American legal education from legal scholars and members of the Reagan administration last weekend in a symposium held at HLS.

The symposium, sponsored by the Federalist Society and Harvard's Society for Law and Public Policy, also featured several HLS professors who enthusiastically attacked the critical legal studies [CLS] movement.

"The past three years have confirmed my worst fears that much of the anti-democratic, result-oriented jurisprudence of our time can be traced to our [system of] legal education," said William Bradford Reynolds, assistant attorney general for the civil rights division of the Justice Department.

According to Reynolds, who spoke at a Saturday evening banquet in Pound Hall, American law schools have failed to "inculcate an appreciation of the proper role of the judiciary intended by the framers [of the Constitution]."

"The framers never saw the judiciary as having an affirmative role in policy formulation," Reynolds said. "That body which was considered to be the least powerful has over time aggregated to itself the most power. [The judiciary] has changed the constitutional landscape which we inherited. Legal education bears much of the blame."

Case Method Attacked

According to Reynolds, one of the primary culprits is the case method of instruction, which originated at Harvard. Reynolds contended that study of appellate court decisions in the constitutional field subordinates the intentions of those who framed the Constitution to the writings of "self-anointed interpreters on the Court who are all too ready to shape the Constitution" to fit changing conditions.

The result, Reynolds said, is the

"inculcation of the values of relativism and skepticism," which in turn "paves the way to manipulation of the Constitution."

Legal education thus leads students to believe that the Constitution is merely instrumental and that the judiciary should shape policy, Reynolds said. "Law professors do little to change this view."

In Reynolds' opinion, legal education has come to reflect the "political liberalism of the upper middle class" which is out of touch with the feelings of the majority of Americans.

Arguing that the Constitution is "color-blind," Reynolds offered racial

quotas and forced busing of public school children as two examples of the improper extension of judicial authority.

After listening to panel discussions on problems in legal education and the "radicalization of the professoriate," those who attended the symposium heard several proposals aimed at improving legal education.

"The Law School needs to be more committed to knowledge, achievement and professionalism," Prof. Hal Scott urged. He said law schools should develop theories of "legal arrangements" and should cease explaining law exclusively by ref-

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1L Grades Petition Falls Five Names Shy of Goal

By Burlette Carter

Sponsors of the petition to eliminate grade-based selection for the *Harvard Law Review* narrowly missed their goal of 75% on Friday, Feb. 17, when 1L grades were distributed. The petition had gathered the support of 74% of the first year class, five short of the needed 407 signatures. The failure of the petition came on the heels of a vote by the *Review's* Board of Editors to reduce the importance of grades in selection procedures. (See RECORD, Feb. 17)

A 75% majority was crucial to the success of the petition, which read: "We the undersigned 1Ls pledge to withhold our first-year grades from consideration by the *Harvard Law Review* if 75% or more of the class of 1986 signs this petition." According to Susan Keller, one of the originators of the petition, organizers felt the petition's strength lay in the fact that students were signing it without having received their grades. This consideration led petition organizers to end the campaign when grades were distributed on Friday.

Despite the fact that the petition failed, a statement signed by ten petition supporters and distributed

to all 1Ls insisted that the campaign against grades was a success: "[A] substantial majority of the 1L class . . . has declared its commitment against grade-based selection for *Law Review*. While the agreement itself to withhold grades from consideration . . . will not go into effect . . ., the strength of the statement made . . ., and the serious attention given to it, should not be weakened by the difference of one percentage point." The statement also said that efforts to defeat grades-based selection would continue in spite of the *Review's* recent changes in grades-based selection. However, the statement did raise some question as to what should be the response of petition supporters to the changes.

Petition organizers called a meeting of all signers on Wednesday to discuss future strategies in the continuing effort to defeat grades-based selection. Organizers acknowledged that they did not represent the views of all signers of the petition, and that reasons students signed varied, but said that the meeting was an attempt to hear the various views represented among petition signers.

1L Experiment Gets Good Reviews

By Michael Malamut

As students in the 1L experimental section are exposed this semester for the first time to other, less integrated teaching methods in their elective courses, the response to the section seems overwhelmingly positive. Both students and professors are excited about the section and feel that a more coordinated approach to the teaching of traditional first year subjects is an idea whose time has come.

The instruction in the section was structured much as in every other first year class — Professors Morton Horwitz for Torts, Todd Rakoff for Contracts, Abe Chayes for Civil Procedure, Frank Michelman for Property, and Alan Dershowitz for Criminal Law — but with certain differences.

The teachers have tried to emphasize connections between their subjects and others in class; they held weekly Friday afternoon multidisciplinary sessions [held on Tuesday afternoons this term], and they will have interrupted the standard curriculum five times this year for special week- or fortnight-long "bridge" sessions which combine all their fields' approaches to a specific problem within the law.

The first bridge session was on law and economics, the second on consumer protection and the third on legal history. The next will cover institutional questions on separation of powers, and the final session is still in planning stages.

The bridge periods won universal acclaim from students and professors as both a break in the routine and a novel way to approach subjects. On the other hand, several students have criticized the weekly meetings as rap sessions. While everyone admitted that some of the weekly meetings on specific topics were extremely interesting, many felt that as a whole the meetings were consumed with back patting and repetition of similar themes.

Students also praised the collaboration among the professors. Students felt that the closer interpro-

fessorial links made the whole section more at ease and fostered greater collaboration among professors and students as well.

Most students felt the extra time spent on the section — they had to cover the same material as the other sections in less time because of the time taken out by bridge sessions — was worth the trouble because of the increased grasp of the legal system as a whole.

'A Lot More Fun'

Prof. Michelman, who started teaching the section this term in Property, felt that although his course materials had not changed from previous years, familiarity with the section from afternoon meetings and bridge weeks changed his style to a more relaxed one in the first few weeks. When asked whether he felt the additional work in collaborating closely with others and in preparing bridge sessions for the first time was worthwhile, he responded that while he now spent more energy on first year teaching than before, "it's also a heck of a lot more fun."

Rakoff, who is teaching Contracts, said that on the whole the new structure is helping students come to grips better with the subject matter. The structure helps students put legal matters in context in order to judge the value and importance of legal rules, he said.

Rakoff emphasized that for him working with other professors was a learning experience. Since this year is the program's first, he said there were still problems to be worked out, including evening the work load on students and making sure students get the basic technical competency they should out of their 1L courses. Rakoff said the section should aim to make better lawyers as well as to accomplish the more traditional goal of training students to think like lawyers.

Although he taught the section Criminal Law this year, Dershowitz was not part of the group that formulated the ideas about the experimental section. Next year, Prof. Charles Nesson will take over for him, but will be a part of the professorial group.

Dershowitz felt that the section
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Risé Peters

(Seated, l. to r.) Eric Eisenberg, 3L, Amy Freilich, 1L, Louis Hoffman, 3L, and (standing) Jay Handlin, 2L, were among the 150 HLS students who attended Casino Night in Pound Hall Wednesday, Feb. 22. The event was sponsored by the Dormitory and Student Affairs Council.

Fried Defends Corporate Lawyers

By Risé Peters

Charles Fried began his discussion of "The Moral Life of the Lawyer in a Democracy" by proclaiming a wish to desolemnize his subject and get rid of the "unbearable pomposity" which often surrounds it.

Speaking to a group of about 60 people in the John Chipman Gray room, Fried argued that there are three competing models of the framework in which lawyers in this culture work, and that the model which one adopts affects one's view of the place of lawyers in this system.

The first view is that our society is a totalitarian one, harshly oppressive of a large percentage of the population, in which the law is a tool of those in power. The second

model Fried refers to as the "theocratic" model, in which law is seen as an unchanging body of sacred knowledge that controls society without reference to the democratic process.

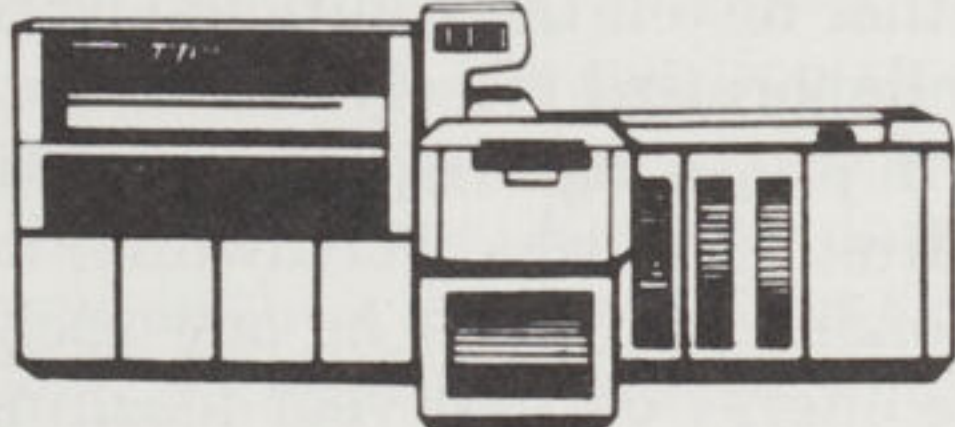
Fried contrasts these models with his own belief that our society is basically democratic, even if not perfectly just. He points out that members of our society have an unlimited freedom to speak to the electorate, and, through the merits of their position or sheer eloquence, to make their minority views into an electoral majority.

In both the totalitarian and theocratic models, lawyers see themselves as having central roles to play. In the former model, it is to subvert and undermine an oppressive legal system; in the latter, it

is to augment and perfect legal scholarship.

Fried argued that because our system is democratic, the proper role of the lawyer is to work within the rules created through the normal democratic process, saying that "a moral commitment to the human values underlying democracy makes the role of the lawyer properly, comfortingly, and reassuringly subordinate." An understanding of

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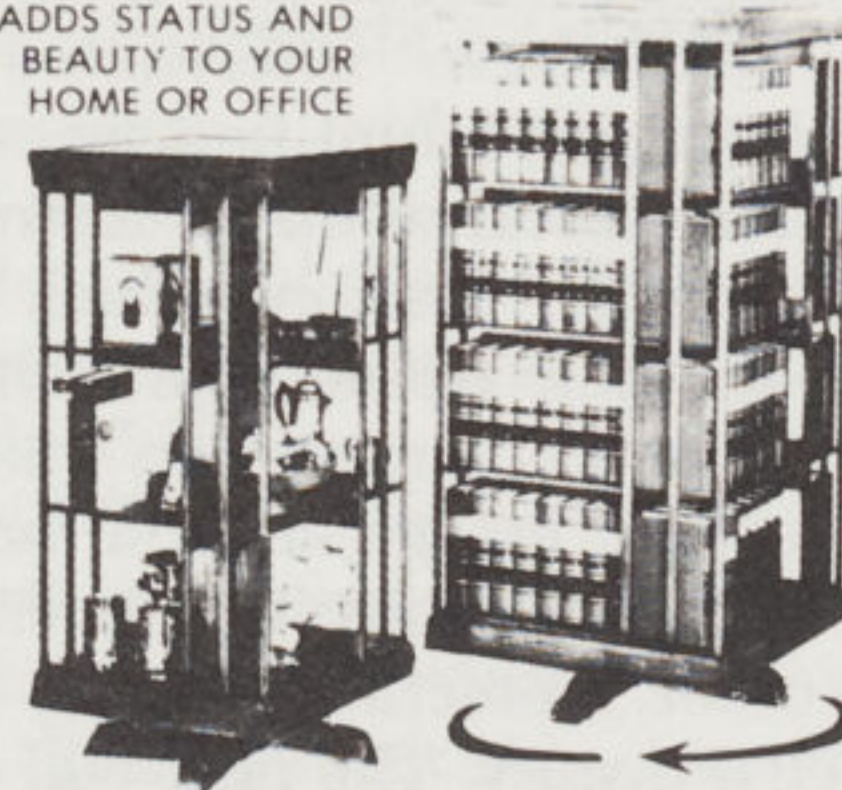
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Law's Role In Social Change Examined

this role has led generations of lawyers to go into business and corporate law, an area which Fried characterized as offering not only financial rewards, but professional advantages such as time to think through problems, and an adequate "support system."

Assumptions

Fried questions the assumptions of those who feel that a corporate career is a less than honorable calling, and sees their disdain as feeding on the two extreme views of our society. To one who believes our system to be both undemocratic and deeply unjust, it is unsatisfying to live by working with the existing law rather than working on an agenda of reform. If one holds the theocratic view, he says, "the mystical status of the law should command efforts toward the perfection of the law." Accordingly, legal scholarship is an ultimate calling, and concern with business is distinctly second-rate.

Fried thinks both extreme models give a distorted view of reality, and leave a large number of practicing attorneys and students with feelings of guilt. Fried argues that while corporate practice is not the highest calling, it is perfectly honorable and useful and nothing of which to be ashamed. He said that "politics, judgeships, and creative legal scholarship may be higher callings, and might even be more fun, if one has the stomach for them, but are not obligations."

During the discussion that followed, Fried stated that a corporate career is a warranted vote of confidence in our society, saying that while there are important improvements to be made, it is the place of the people, not of lawyers, to make those changes. The duty to make society just is everyone's duty, and lawyers are subject to it only through their role as citizens. To see the duty of a lawyer *qua* lawyer as somehow more important is to derogate the actual duty of all citizens.

He defined a "just society" as one in which laws are made democratically, and human and civil rights and liberties are respected. He also sees it as necessary that the distribution of wealth be such that, at the bottom, no significant number of people is so excluded from the pleasures and opportunities offered by society as to be viewed and to view themselves as outcasts; while, at the top, no one has such wealth as to make him or her immune to the normal liabilities of society. Fried says it is clear that there is a significant number of people below the first line.

Right to Services

Although Fried does not believe that "large numbers of imaginative lawsuits" will help the poor, he says that there is a human and democratic right to legal services necessary to enforce the rights of the poor, and that such services should be funded by the whole society just as food stamps are.

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Partisan Profs Air Divergent Views

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to scholarship." Prof. Nesson agreed, stating that "the most unproductive time was in the period before the left emerged." In other words, "in the late 60s this school was constipated." Although Dean James Vorenberg and former Deans Bok and Albert Sacks declined to respond, many of the conservative faculty, asking not to be identified, disagreed.

In the early 70s the faculty, responding with foresight to a new generation of scholars and the influence of national politics, among other things, endeavored to create a more intellectually diverse staff. Confided a faculty member on the right: "Although the new staff were brought on to increase scholarship, they engaged in politicizing the school instead."

During the 70s, many members of the faculty hoped the effect of the staff additions would be gradual but the emerging left became a vocal and active faction (see Prof. Nesson's description of the group in his dissent from the Michelman Committee Report). "However you define them, a lot of scholars did not come to HLS as leftists but developed as such while here," commented a faculty member identifying himself as moderate.

According to Prof. Richard Parker, who came to HLS in 1974, the left focused on faculty appointments

and as a result "there grew up within the Law School a whole new community who did not agree with one another but offered each other support and shared the view that the way law was studied and taught should change."

"What we did in our outspokenness," claimed Kennedy, "was violate Cardinal Rule Number One: that assistant professors should be seen and not heard." "Next," Kennedy continued, "we challenged, often quite aggressively, the centrist consensus that got expressed at faculty dinners and cocktail parties, thereby violating Cardinal Rule Number Two: smooch your way to the top." "Lastly and probably most important," confessed Kennedy, "we began to teach legal doctrine as though it were a significant locus of political struggle, thereby challenging the HLS black-letter-plus-policy."

No Gentility

Reflecting on the changes occurring in the 70s one faculty member stated that the left pushed for a transition to a more diverse faculty without any semblance of gentility. The more conservative faculty's reactions ranged from quiet indignation to consternation.

Some members of the faculty feel that the left has become obsessed with politics and has proceeded to

make every faculty discussion a left vs. right battle. After musing over his decision in 1970 to vote to bring Kennedy to HLS, Byse said "then there was not a concern about an individual's political views. I thought Duncan Kennedy would grow out of his paranoia about the faculty."

Although four or five swing votes often decide a particular issue, most professors agree that the faculty divides into thirds: right, middle and left. On the left are those who believe political and social decision-making must play a central role in legal scholarship. "It is not a typical left in the handed-down political sense," observed Prof. Detlev Vagts. He added, "the linkages are really rather remote; it is not orthodox Marxism." Opposed, those on the right claim that legal doctrine and reasoning generally function independently of the political and social make-up of the particular decision-makers.

Strands of the critical legal scholar debate exist within each

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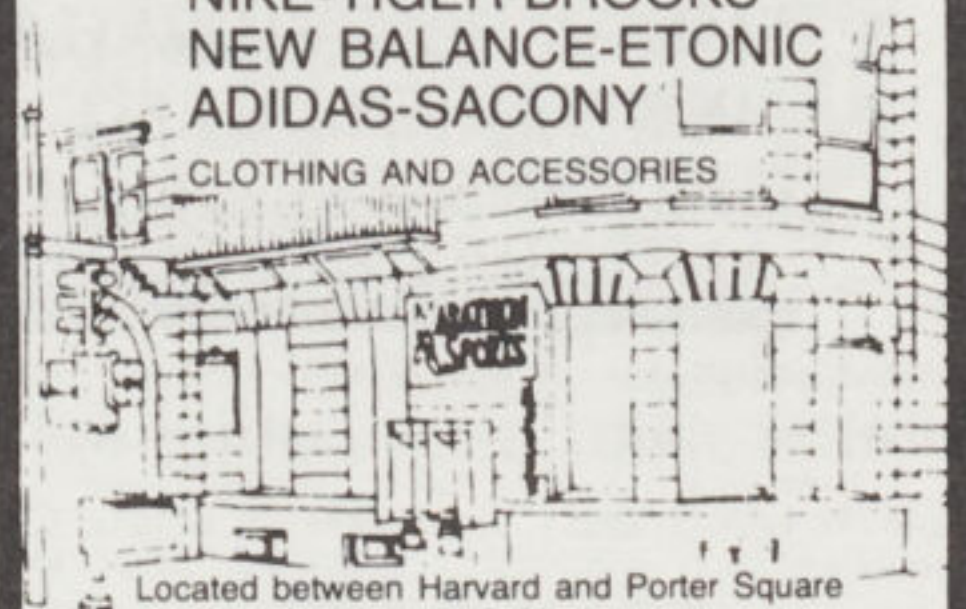
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Meaning Of Legal Scholarship In Flux

group. "Certainly CLS faculty are on the left, but there are many people who share similar views and do not identify with the left," commented one faculty member who aligns himself on the right. Broadly, critical legal scholars believe that law and politics are not distinct and that law and reason alone cannot provide complete answers.

Do older members of the HLS faculty feel threatened by the left because their work often screens out political and social factors? One member of the faculty claiming to be on the left answered: "I think screening out politics is an intelligent view — wrong, but intelligent."

"I would suppose most of the older members of the faculty feel a little threatened by the thought that they don't get the kind of respect from the younger faculty that they gave to their seniors," Prof. Vagts opined.

Intellectual Debate?

Commenting on the nature of the division, Vagts said "there are issues concerning internal politics at HLS which are decided only by a yes or no vote so it looks like two camps. Intellectually you can see important differences within each group."

Generally, the faculty debate focuses on defining legal scholarship and the role of law professors at HLS. "It's a peculiar division," declared Vagts. "The most obvious division is about scholarship; next is school internal administration is-

sues, and maybe thirdly about external political issues, but the left is not interested enough to let you know how they stand."

"One of the problems of being a younger member of the left," said Prof. Clare Dalton, "is that people cannot distinguish you from Duncan Kennedy. It is a disadvantage when students and other faculty members don't hear you but they identify a stereotype."

"My own view," offered Nesson,

who has been a member of the HLS faculty since 1966, "is that HLS has been more vibrant and exciting than any other time that I've been here." In agreement, Vagts explained that "there has been a lot of life here intellectually. It has moved to a distinctly high scholarly level — so high as to be unreal at times." Parker added: "In this era of intellectual transition HLS is at the center of things and I think the alumni should be pleased." ❧

HLS Hosts Regional Jessup Competition

By Michael Malamut

Schools from all over New England participated in the regional Jessup International Moot Court Competition at HLS Feb. 17-18. Harvard was represented by Jorge Alers, Steve Cowan, Michael Dickstein and Sanjiv Kapur, all 2Ls.

The case this year concerned nationalization. Industria, one of the case's two fictitious countries, froze all assets of Naturalia after Naturalia took over a bauxite extraction plant that had been built by a company with capital and technology from Industria. The issues involved the status of international contracts and permanent sovereignty over natural resources.

Teams were judged separately on oral and written arguments. Foreign LL.M. students and local practitioners made up the mock International Court of Justice which heard oral arguments. Alers and Cowan, arguing in favor of Naturalia's position, won their two oral rounds against the University of Connecticut and New England law schools. Dickstein and Kapur, who argued on behalf of Industria, defeated Western New England but lost narrowly to Yale.

The briefs submitted by the Harvard competitors were judged the best on content and composition.

Unfortunately, the typist hired by the group was two days late in completing the drafts. The penalty points for lateness relegated the briefs to second-to-last place and consequently the Harvard group did not participate in the final round, which pitted Yale against Boston University as the two schools which went undefeated in the opening rounds. BU won this round and will go to Washington to participate in the national championship, with the winner going on to the international competition.

This year, as last year, the HLS Jessup team was chosen by a competition among teams composed of 2Ls. In previous years the Harvard team was chosen based on the results of an International Alternative Ames moot court.

This year's contestants complained that there was no real leadership or advice from the Board of Student Advisers or the International Legal Studies Program, and that their sole contact was with the members of the team that represented Harvard last year.

Nevertheless, members of this year's HLS Jessup team said the event was worthwhile and felt that they learned important lessons from it.

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pierced by a person of Third World descent?"

Continued Gassama, "We lack power but we do not lack the capacity to generate power, or the will to resist the abuses of power. All of the issues that we will discuss here today, revolve around . . . issues of student empowerment and the empowerment of Third World people — so called minorities.

"My fellow students, Harvard is only a microcosm of America. This is the breeding ground for the ideas, policies and priorities that aid or oppress people throughout this nation and much of the world. . . . My fellow students, do you know who these people are? Look at the faculty. They were like you once."

"The system survives because, people like you are recruited, trained and drained . . . to serve it. The system survives because we lack . . . power. We lose our visions too soon."

Gassama concluded, "The fight is really one to keep the fire burning within you. . . . If you keep up the fight every year, year by year, we will win. We will create power; we will overcome. . . . It is all on you."

Gassama's opening was followed by a brief re-affirmation by Dean Vorenburg of his support for such fora. "The most surprising and

frustrating thing to me . . . is how hard it is to establish lines of communication between the students and the faculty. . . . I welcome this meeting and meetings like this."

Hernández then opened discussion with the issue of minority faculty hiring. Raul Sanchez, 2L, a member of TWC, asked how the faculty "generally feels about concerns of Third World students on this campus regarding faculty appointments." He asked, "is it possible we have serious concerns which are not shared by our white classmates?" Further, he asked the faculty members how they would feel about giving Third World students a direct role in the appointments process.

Weinreb on Hiring

Professor Weinreb responded, "I've been asked to talk first about faculty hiring and recruitment because I'm chairman of the appointments committee subcommittee on affirmative action." He said he wanted to "give some of the facts about our operation . . . about the Law School's current situation . . . and then perhaps respond to particular questions, or perhaps let others respond."

According to Weinreb the purpose of the subcommittee is to discover

and recruit "from any source" minorities who might be "worthwhile" additions to the law school. This year there are two minority visiting professors [one a woman] and several lecturers. He added that there were two outstanding offers to minority candidates.

Bob Riggle, 3L, asked what the faculty has done to counteract discrimination at HLS. He then offered Vorenberg a single rose, that "is going to wither and die in a few days [as] a reminder that there are hundreds of students at this school who would like to help me make this a better school. They are dying to help."

Vorenberg responded, "I accept the rose on the terms presented." He also stated, "I do think this is a hard place for minority teachers, as I'm sure it's a hard place for minority students." He said he and others have tried to extend their friendship and support to minority professors.

The next student inquiry concerned the criteria employed in determining who will become a tenure track candidate. "When the doors are closed, if someone is not a graduate from Harvard or Yale, do they really stand a chance . . .?"

Weinreb answered, "In the case of minorities, we [the subcommittee] have deliberately cast our net more broadly than we would in the case of ordinary people who are not



Risé Peters

Bob Riggle, 3L, speaks at last week's TWC forum while holding a flower which he later presented to Dean Vorenberg.

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members of a minority."

Returning to the issue of student involvement in the appointments process, Kent Marcus, 3L, asked about the extent to which students will be involved in making decisions about faculty hiring.

Given the appointments committee's responsibility to read and evaluate publications of prospective faculty members, Prof. Alvin Warren, chairman of the committee, responded, "I do not see students as possessing the background and expertise to participate fully." Warren stated that his committee simply makes recommendations to the faculty. The full faculty then votes.

Assistant Prof. Chris Edley responded that Warren understated the role of the appointments committee, noting that "it has substantial power." He stated that the subcommittee on affirmative action, of which he is a member, often passes on names that never get to the full faculty. The appointments committee, said Edley, can effectively become "a bottleneck."

"I don't think I should be snowed," he continued, "or you should be snowed, or the faculty as a whole should be snowed by elaborate descriptions of the process and the number of files. The question has to be the bottom line. There can be as much commitment as we would want to outreach . . . [but] a hesitation to actually go ahead and vote

the offer. Until that hesitation is overcome with a substantive result-oriented commitment to hiring more Third World people on the faculty, we're just not going to get anywhere."

Professor Duncan Kennedy also addressed the issue of affirmative

veto of any faculty candidate. "No . . . tenured assistant professor or even visiting professor can be appointed under the current regime without a two-thirds vote of the faculty. . . . A substantial number of one-third vetos have been cast . . . in the last three or four years.



Risé Peters

Dean Vorenberg tells the crowd of almost 500 people at last week's student-faculty forum that he supports efforts to foster greater communication between students and the administration.

action in hiring. Delivering what he characterized as a "tendentious and partisan version" of the internal faculty politics of affirmative action, Kennedy separated the faculty into three groups. Each of these three — the right, the center, and the left — possesses the power of a one third

So that there is an actual practice of political battle in which minorities — sometimes left minorities, sometimes right minorities — have cast one-third veto votes."

Kennedy reaffirmed his belief that the right and center favor affirmative action but noted that they believe there is a "tragic conflict" between standards and affirmative action. "This elaborate search pro-

(Continued on Page 20)

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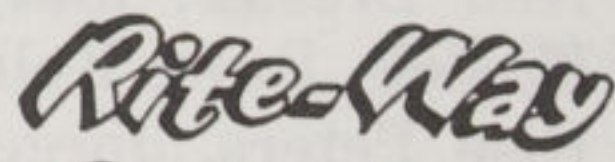
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Passive Observers

A few notes on last week's student-faculty forum sponsored by the Third World Coalition:

(1) Despite the lack of circus atmosphere — which along with nice spring weather was considered by some faculty members last year as a prerequisite to interest among Harvard 2Ls and 3Ls — there was no noticeable clamor to escape from Ames Courtroom. Instead, hundreds of students and a large number of faculty members sat for two hours peacefully discussing some important issues at HLS. Sit-ins and placards were replaced by sincere, if less noisy, concern on the part of the student body.

(2) Students who attended the forum got another glimpse of the HLS faculty. As in the past, the picture was not altogether appealing. The faculty here is divided into factions, and, if one believes the account offered by some faculty members last week, the plots and clandestine maneuvers of each group are reminiscent of some Shakespearean history. And taking into account the innumerable attempts by faculty members to bloody their opponents before nearly 500 students, one could surmise that a lot of faculty members just don't like each other too much.

(3) While it was amusing to watch faculty members joust with each other, it is sad that each student was essentially relegated to the role of passive observer. That students continue to be somewhat fascinated every time they are thrown a few tidbits regarding how the faculty actually operates behind its closed doors reflects the fundamental lack of student power. A poll of the faculty at the forum revealed that, with few exceptions, the faculty opposes student representation on the Appointments Committee. And the glowing picture presented by some faculty members of the classroom experience here again reflects the gap in perception that separates students from professors.

The ultimate question, of course, is whether the forum will help achieve any positive results in the form of greater minority representation on the faculty, more humane financial aid policies, development of a more varied curriculum and the like. In light of the open expressions of doubt by the bulk of the faculty as to the qualification of students to have even the slightest input in the selection of HLS faculty, the picture is not rosy. Nonetheless, one can hope that the spirit of dialogue so evident at the forum is only the beginning of communication between students and the faculty. ☸

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Fenno

When the empty beer cans had reached the top of Fenno's bathtub, he considered buying a shower curtain to allow him to pile more cans in. But shower curtains cost money, money that can be spent on beer, so Fenno decided to return the cans instead.

He dragged a huge garbage bag of crushed cans down the street and collected \$6.30 from his neighborhood grocery store. As long as he was there, with money in his pocket, he decided to shop for food, something he had often seen people do in TV commercials.

Fenno wandered up and down the aisles, looking for something to buy. He saw crushed wheat bread and wondered whether it was bread made from crushed wheat or wheat bread that's been crushed. He decided in either case that he didn't want to buy crushed anything.

He spotted peppercorns in the spice section, but passed them up. He wasn't planning on making any contracts.

He saw cartons of eggs with stickers that read, "No EDB!" Fenno had heard about this carcinogenic grain fumigant and certainly wanted to avoid ingesting it. He put a dozen eggs in his shopping cart.

Next he saw jars of spaghetti sauce. They had stickers on them reading, "No cholesterol!" Fenno took a jar, and put the eggs back.

Next to the spaghetti sauce was all-natural peanut butter. "No sugar or salt!" read the stickers on the jars. Fenno put a jar of peanut butter in his cart and put the spaghetti sauce back on the shelf.

At the meat cooler were salamis with "No aflatoxin!" stickers. Fenno took a salami and put the peanut butter in the cooler.

Fenno wheeled his cart past the dried fruit and saw a sticker on a box of prunes: "No nitrites or nitrates!" He threw the salami over his shoulder and took a box of prunes.

When he got to the checkout counter, all he had in his cart was the box of prunes. "Prunes?" he said. "Prunes? I don't even like prunes."

Chocolate eclairs is what Fenno likes. He went to the bakery section and found a box of them. "No chlorofluorocarbons!" a sticker on the box read. Fenno was pleased to know that the pastry he was about to buy posed no danger to ozone in the stratosphere.

At the checkout counter, he put the box of prunes in a magazine rack. The banner headline on *The National Enquirer* caught his eye: "LIZ TO WED HARVARD LAW PROF?" A smaller headline read, "To Become Elizabeth Taylor Hilton Wilding Todd Fisher Burton Burton Warner de Gonzalez Der-showitz?"

Fenno bought the eclairs and *The Enquirer*. He left the store eating and reading an article headlined, "Chocolate Eclairs Found to Promote Longevity." Fenno smiled, took another bite, and went back for a second box. ☸

Letters to the Editor of the Record

Standing Naked

To the Editor:

William Bradford Reynolds appeared at the Law School Saturday night as the Guest of Honor of the Harvard Society of Law and Public Policy. In so designating him, the Society forfeited its claim to respectability. A group, like an individual, reveals its character and its standards when it bestows honor.

For three years Mr. Reynolds has carried the mantle of the Civil Rights Division of the Department of Justice. That Division and Mr. Reynolds are entrusted with the duty of enforcing the Civil Rights Laws enacted by Congress. Mr. Reynolds has betrayed this trust. In case after case he has prevented the Division from effectively carrying out its charge. He has given support to those opposed to the goals of the legislation and the mission of his Division. He has destroyed the morale of the lawyers in the Civil Rights Division by impeding their law enforcement efforts. His conduct in office has bordered on the lawless. He is a poor lawyer, having helped to mislead the Government into the sad role it played in the *Bob Jones University* segregated school, tax exemption case. His oral argument in the case exposed his limited knowledge and competence. Against the legal views of the Commissioner of Internal Revenue and the Chief Counsel of the IRS (both President Reagan's appointees), against the legal views of the Tax Division of the Department of Justice, and against the legal views of the lawyers in the Solicitor General's office, Mr. Reynolds — head of the Civil Rights Division — argued what none of the lawyers charged with interpretation of the tax law would or believed they could, that

the IRS must grant tax exemption to private schools whose racist admissions policies bar blacks. And he argued that position only after his tricky maneuvers to evade the judgments of adverse circuit court decisions failed. He maneuvered as he did because he feared what he publicly denied, that the Supreme Court would reject his position if it reached it on the merits. And in an opinion by Chief Justice Burger the Court did just that, 8 to 1, with only Justice Rehnquist in dissent.

After suggesting "semi-formal attire" for its banquet, the Society stood naked when it purported to honor William Bradford Reynolds.

Bernard Wolfman
Fessenden Professor of Law

No Disrespect Intended

To the Editor:

As the editor in chief for volume 77, I was ultimately responsible for the layout of the front page of the issue reporting Prof. Ferguson's death. (RECORD, Jan. 13). The layout was not intended to show the least disrespect to Prof. Ferguson's memory.

First, I did not view the devotion of half of the front page to a story as "relegating the story to secondary status." Second, at the time we went to press, the story was less informative because it was over a month old. Third, the RECORD has a custom of sur-

rounding an obituary with a heavy black border. The box is reserved for obituaries as a symbol of mourning and respect.

Reference to our past practice might be instructive. The most recent obituary in the RECORD appeared on Oct. 8, 1982. A black-bordered story relating Prof. James Chadbourne's death appears on the front page below "Writing Comp May Become Spring Rite." Other obituaries appear in the issues of: Apr. 30, 1982 (Archibald MacLeish — p. 3); Mar. 12, 1982 (a 1L; an HLS secretary — p. 2); Apr. 17, 1981 (Prof. Austin Scott); Jan. 23, 1981 (a 2L); Oct. 3, 1980 (Judge/Prof. Richard Baxter); and Feb. 8, 1980 (Justice William O. Douglas). Cf. Apr. 1, 1981 (Hark door — p. 11). None of these stories appeared as sole cover stories or even across the top of the front page. The most recent obituary run across the top of page one was on Apr. 11, 1968 — "Law School Mourns [Rev. Martin Luther] King's Death." The most recent sole cover story appeared on Apr. 24, 1969, to relate a sit-in in the library.

Reasonable people may disagree about the proper balance among goals such as honoring a deceased member of the community, reporting recent and significant news, avoiding the sensationalization of tragedy, and ensuring a uniform and visually appealing newspaper layout. Even if RECORD staffers struck an improper balance, the level of vitriol in the Feb. 10 letter is disturbing.

It was particularly upsetting to note that none of the 45 signators asked our position on the matter, either before signing or in the letter. Many of those who signed were

(Continued on Page 12)

Letters Policy

The RECORD's policy on letters is simple. We read all of them. We do not usually acknowledge receipt of them. We print many of them, subject only to editorial discretion. We encourage letters on any subject, and particularly concerning subjects that have been covered in the RECORD. Short letters are more likely to be printed. In no event will we print individual letters longer than 700 words.

Letters should be typed and must be received by 2:00 P.M. on the Tuesday before the issue. Letters should be addressed to the RECORD rather than to third parties. In no event will the RECORD publish letters by writers who have not identified themselves to the RECORD. Organizations should identify the specific individual(s) responsible for approving the letter.

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Letters to the Editor of the Record

(Continued from Page 11)

people with whom I have worked to open the channels of communication between factions at the Law School. Such a knee-jerk response was disappointing.

We like to think of the RECORD as an organization that has a continuing, positive impact, and I am always disturbed when readers see us in a different light. The best way to improve the quality of service to the Law School community, I feel, is to encourage widespread participation and a range of opinions. Heightened sensitivity always results from improved diversity.

Louis J. Hoffman, 3L

Verbal Change

To the Editor:

I would like to add a note to the RECORD's story "More Women Profs is WLA's Objective" [Feb. 17, 1984]. I speak for myself as an individual, and do not claim that all WLA members necessarily share my perceptions.

I felt uncomfortable with the statement that "WLA members . . . have not perceived a major change in attitude or approach on the part of the faculty when it comes to altering the sexual composition of the faculty." Certainly, I do not feel that we have achieved our desired goal of a substantial and meaningful representation of women and minority women on the faculty. However, in every meeting that I have had with Appointments Committee members this past fall, each faculty member openly acknowledged that the school had a definite responsibility to try to increase the number of women on the faculty, and each expressed both an interest in and commitment to working towards that goal. While this may seem like "empty rhetoric" to some, or "the very least a faculty person should say" to others, I do think it reflects at least something of a change in verbalized attitudes and priorities. In fact, to say otherwise would seem to me to minimize the energy and time that numerous students before us have expended in trying to change the attitudes and priorities of the Law School faculty, and to effectively ignore those faculty members who may have responded to such "educating" efforts. Thus, while I would be the first to say [as I did say in each meeting!] that I am concerned ultimately with results as well as attitudes, I do not believe it is either accurate or appropriate to convey the impression that we were faced with Appointments Committee members who were

uniformly uninterested and unconcerned. Certainly, it will be more difficult to achieve actual results in numbers if we never give credit for any attitudinal changes that may have occurred along the way.

Let me also add that there may have been some misunderstanding on our part regarding the comment on the ability of women to handle large classes. Given ongoing and open communication between WLA members and the Appointments Committee in the future, the number of such misunderstandings can hopefully be reduced.

Chai R. Feldblum, 2L

Brutish Insensitivity

To the Editor:

It's incredible.

It's insensitive.

It's stupid.

The decision by Harvard officialdom to hold the University's graduation on the Jewish holy day of Shavuot is an incredible blunder. Given the large number of Jewish students and faculty at Harvard, it is surprising that someone did not notice the mis-

(Continued on Page 15)

SCIENCE, RELIGION AND THE NUCLEAR MENACE

An address by

REVEREND THEODORE HESBURGH, C.S.C.
President, University of Notre Dame

Thursday
March 8
8 P.M.

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For Drama Society The Future Is Next Week

By Ruben G. Perlmutter

Those students puzzled by the posters of Josef Stalin with the Brooks Brothers tie glaring at them throughout the Law School finally have had the mystery revealed: they're Drama Society 'teasers'. The HLSDS, after a year of hard work on the original script, music and lyrics, is busily making final preparations for its 24th Annual Law School Show, 1984: *A Romantic Musical Comedy*, which will be presented on March 8, 9, 10, 15, 16 and 17 at 8:00 P.M. in the Ropes-Gray Room of Pound Hall.

The 1984 Annual Show is a musical parody of Law School life very loosely based on, what else, George Orwell's 1984. The Law School, in an effort to alter radically the American legal system, has gradually transformed itself into a self-contained, highly-regimented community where the *Law Review* rules absolutely, where the most prestigious open student activity is the Anti-Sex League, and where everyone is required to eat chicken-mint ice cream (the Dean's favorite!) in the Hark. All unrecanting critical legal scholars have been banished from the Law School, though they are organizing in New Haven to overturn the reforms and establish their own supremacy.

Most students, overburdened by an excessively rigorous academic program, have no time to think about these developments. However, Julia Smith, the President of the Anti-Sex League, played by Andrea Stang, 2L, and Williston Smith, an unrelated average law student played by Tom Lorenzen, 2L, soon make discoveries that shock them and may get them into big trouble.

The Show is produced by Dale Cendali, 3L, and Andrea Stang, and

directed by Temple Dickinson, 3L. Charlie McGovern, a fourth year student at the Graduate School of Arts and Sciences, is the musical director and Barbara Overton, 2L, is the choreographer.

The Drama Society traditionally invites faculty and staff to participate in cameo roles. However, much to its surprise, the CLS-nonCLS struggle in the society's 1984 has made the Show somewhat controversial and seems to have made some faculty hesitant to participate.

Nevertheless, Profs. Alvin War-

ren and Gerald Lopez have already accepted cameo roles, as has Mary Upton, Dean of Students. But the very special guest cameo will be Congressman Barney Frank, HLS '77, a veteran of the 1977 and 1978 Annual Shows, who will play himself on Saturday, March 10!

Tickets may be reserved at a price of \$4.50 in Harkness Commons between 11 A.M. and 2 P.M. Tickets may also be available at the door.

Remember the password is "Shoo-bop, Shoo-bop, Bangor, Maine"!



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HARVARD JEWISH LAW STUDENTS ASSOCIATION

HARVARD LAW SCHOOL
CAMBRIDGE, MASSACHUSETTS 02138

TO: ALL HLS ALUMNI

RE: THE HISTORY OF JEWS AT HARVARD LAW SCHOOL

The HJLSA is documenting the history of Jews at Harvard Law School. We need the help of all alumni to bring to light this fascinating history. All alumni are invited to attend a conference on April 29, 1984. The conference will immediately follow reunions, so if you're planning to come to campus anyway, why not extend your visit by a few hours! You'll have a chance to discuss your personal experiences with students and other alumni. You'll also be able to help form a Jewish Alumni Association. If you plan to attend, please return the coupon below.

For those alumni who can't attend, there is still a way to participate. All alumni are invited to fill out an information sheet which provides room for personal reminiscences. This sheet can be obtained by returning the coupon below.

We urge all alumni to participate in this unique undertaking!

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Rat Race



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Sports Quiz

Note: To celebrate the sports editor's father's birthday and the onset of another baseball season, the sports quiz for March 2nd concerns well-known father-son combos that have earned renown while pursuing the national pastime.

1. Although a shoulder injury prevented this man from ever playing in the major leagues, he has had the pleasure of watching his namesake capture the American League Rookie of the Year and Most Valuable Player awards in the past two seasons. Name this third-base coach and block off the old chip who are the proud new owners of World Series rings.
2. While this .275 lifetime hitter played primarily third base and shortstop during his 13-year major league career, his son has toiled almost exclusively behind the plate for the Phillies and the Angels over the past twelve seasons. Name this father and son pair who thus far have registered 232 home runs between them.
3. This Hall of Famer with three MVP awards, 14 World Series and 15 All-Star games under his belt from his playing days was coaching for the Yankees when his son

broke in as an infielder with the Pirates in 1977. Name this legend and fledgling who will both be in precarious positions during the coming season.

4. While this Louisville, Ky. native spent all 1,642 games of his 15-year major league career as an outfielder with four National League teams, his offspring has established himself as one of the premier defensive third basemen in the American League by starring for the Indians and the Rangers. Name this father and son who have lifetime batting averages of .281 and .284, respectively, going into the 1984 season.
5. A utility player with six different teams over the course of his 324-game playing career, this native of the Dominican Republic will be coaching for the Padres this season while his son continues to serve as a backup catcher for the Phillies. Name this journeyman and his namesake who was born in Puerto Rico the same year that his father entered the world of major league baseball.

(Answers on Page 13)



HARVARD LAW SCHOOL



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Announcing the Law School's 16th Program of Instruction for Lawyers (June 18-30, 1984), which will include more than thirty in-depth courses and six colloquia of more general interest taught by members of the Faculty of the Harvard Law School.

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By Starry D. Cysis

Letters

(Continued from Page 12)

take early enough to rectify the decision before it was formalized.

Once the schedule conflict was noticed, simple decency and civility dictated an immediate revision of graduation activities to resolve the problem as early as possible. But Harvard is not, alas, an institution in which decency or civility carry much weight. As Black students, faculty and workers have known for a very long time, and as culturally conscious Jewish students are being rudely taught, Harvard seems to glory in its ill-deserved arrogance and its brutish insensitivity to persons other than upper class WASP males or non-WASPs who assimilate WASP male norms. [Indeed, this institutional insensitivity may be exacerbated by the differential assimilationism of some non-WASP faculty, administrators and students; but that is another, more complex discussion.]

To the point, a large contingent of Jewish students and sympathetic others have urged that this incredible, insensitive blunder be corrected. The petition campaign and other expressions, largely led by Jewish law students, have placed the issue squarely before the attention of the Harvard community. Of course a schedule change would inconvenience many persons and even cause some financial loss. But the dollar is not the ultimate measure of all things. In light of the intensity of concern of so many Jewish graduates and their families, the refusal of the University to accommodate that concern is at worst cavalier and at best just plain stupid.

For Black students expecting to graduate from Harvard Law School this year, participation in graduation is already problematic. Can any self-respecting Black student participate in and invite others to celebrate the graduation ceremonies of a Law School that boasts a totally segregated [all-White] tenured faculty six score years after the Emancipation Proclamation? The additional affront to many of our Jewish fellow students further stigmatizes this year's graduation exercises. It seems a sensible response might be either to ignore the graduation altogether or to attend it — wearing yellow stars.

Muhammad Kenyatta, 3L

'Framers Foiled,' Say Federalist Conferees

(Continued from Page 2)

erence to other law.

Scott's harshest words were reserved for critical legal scholars, many of whom teach at Harvard. Scott asserted that the CLS message is tautological, simplistic and anti-professional.

"[Critical legal scholars] do not care about the problems of the real world and real professionals," Scott said. "Good corporate lawyers do not merely manipulate concepts but know a great deal about how corporations operate, as well as about the law that controls them."

Resist Politicization

Contending that critical legal scholars "are debunkers and critics, not builders," Scott said the legal profession must resist attempts by the CLS movement to indoctrinate students to the exclusion of other points of view.

Scott's proposals for change included more rigorous faculty hiring policies and more demanding classroom instruction. "If this is hier-

archy, we need more of it," he said.

"We must be more demanding about getting people to teach who know something," Scott said. "Tenure represents a lifetime claim to income. It should be earned [through scholarship and demonstrated teaching ability]."

Prof. Charles Fried called for a drastic reduction in the number of people admitted to American law schools. "Those lawyers who remain must be more useful, must be smarter, better trained, know more real things," he said.

Fried celebrated the political ethic which he said began in the Ford administration and has accelerated under President Reagan. This ethic is "dedicated to removing the burden of governmental and collectivist regulation on our lives," he said.

Speaking to an audience which with few exceptions was composed of white males, Fried said he was "distressed by the paucity of black and other minority students in this movement. It is a substantial failure on our part — the party of liberty — not to have been able to make

common cause with these students ..."

Prof. Robert Clark called for "the return of Langdell" in the form of a new commitment to a more scientific study of law. The lack of such an orientation is "the root problem in today's law schools," Clark said.

According to Clark, it is not impossible to find objective scientific facts despite the existence of biases and motivational factors. Clark proposed that all first-year students be required to take a course in methodology.

Lack of Focus

Bruce Fein, general counsel for the Federal Communications Commission, argued that legal education is a contributing factor to the "belief that it is only in the courtroom" where one finds decisions made based on conscience. Fein deplored what he termed the lack of focus on the role of the legislative branch.

Fein said a typical law professor's sole experience in government is usually as a clerk for a federal judge.

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COOP NOMINATIONS

The Board of Directors of the Harvard Cooperative Society has 23 members, 11 of whom are students from M.I.T. and Harvard, 11 are members of the faculty and staff or alumni of M.I.T. and Harvard and one is the General Manager of the Society.

The following persons have been nominated by the Stockholders of the Society to serve as Student Directors during the 1984-1985 school year.

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PROCEDURE FOR ADDITIONAL NOMINATIONS FOR STUDENT DIRECTORIES

Additional nominations for student directors may be made by petition by at least one hundred (100) student members and filed with the Clerk of the Society (by leaving the petition at the General Manager's office in the Harvard Square store) not later than 5 P.M. March 19, 1984.

Ballots will be distributed in April to all student members for the purpose of electing eleven from the whole list of nominees. If you are interested in becoming a petition nominee you should promptly acquire petition forms and instructions from the cashier's office in any of the Coop stores. Remember that completed petitions cannot be accepted after 5 P.M. March 19, 1984.

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Grade Glitch

By Louis J. Hoffman

Peter Sullivan, 3L, didn't take the exam in Labor Law last term. He didn't even show up for class. But he did get an A-, at least for a few days.

Sullivan received the grade last week but was surprised because he had dropped the course in November. He should have received a Permanent Incomplete — one of those "deadly black marks on your transcript," as he puts it.

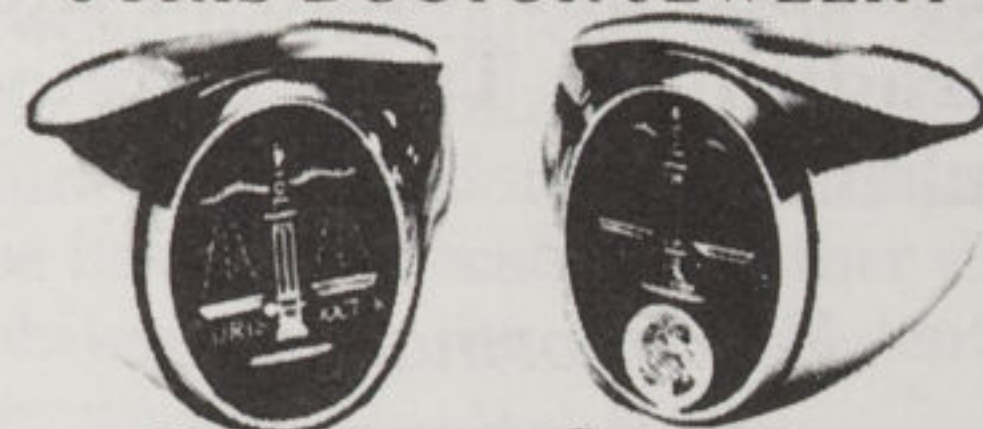
Suspecting that Prof. Weiler might be pulling another rabbit out of his hat, Sullivan took the grade report to the Registrar's office. After a "long conference in the back room," according to Sullivan, the administrators concluded that the offending grade was caused by "a computer blip."

"I asked if I could keep it, because I was so honest," Sullivan stated, "but they were not amused. So I tried to negotiate: 'How about a B+?' I inquired. But it was no soap."

Sullivan says he found the whole experience quite unusual. But apparently the Registrar's office didn't. "They told me it was the second one that day," Sullivan noted.

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Course Connection Excites Guinea Pigs

(Continued from Page 3)

worked well and that he felt freer to bring in ideas from other fields of law. He was disappointed, however, that there did not seem to be any difference between the performance of students on this year's exams and those of past years, since he had hoped that the interdisciplinary approach would help them to draw broader conclusions than they did. He also believed that there was too much ideological harmony among the teachers of the section, a view echoed by several students.

Some students approached Der-showitz, a self-proclaimed classical liberal, after he had finished teaching them to say they felt that there was now no instructor in the section to give them the conservative per-

spective. On closer examination, Rakoff said, the professors in the section did differ on some issues and attempted to incorporate views different from their own in the classroom.

Too Self-Conscious

Doug Pemberton, 1L, judged the program a good one although he viewed some of the professors as too self-conscious. He rated the approachability of the professors, the high intellectual level of discussion, and the bridge weeks as the high points of the section.

Michelle Blauner, 1L, believed that occasionally students were too rushed and that the professors should be more selective in what they include in the course materials,

and felt that the weekly joint sessions tended to involve too much high intellectual debate and philosophizing. Although she agreed with the political views of the professors, Blauner said she felt she was losing something by not having opposite viewpoints adequately expressed. Blauner gave top scores to the professors' enthusiasm and the section spirit it engenders.

Another 1L, Chris Vice, thought that aside from the weekly joint sessions, many of which he said lacked focus and did not appear well planned, the section was a good idea. His top votes went to the lack of a sense of confrontation and the greater sense of collegiality in the section.

The section will be taught in a similar manner next year. After that, it's up in the air. The idea of greater cooperation among teachers could expand to other sections. Second- and third-year students could be able to choose intensive integrated semester-long cluster courses instead of the standard isolated course structure.

Michelman said the program was designed to include theory, doctrine and practice, but that the practical element was underemphasized this year and may be substantially expanded in the future.

Rakoff suggested that the section could collapse the distinctions between individual courses or retain its present atomization. The structure of the section will continue to be based on educational rather than philosophical or jurisprudential grounds.

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Kennedy Criticizes Hiring Standards

(Continued from Page 9)

cess and the lack of results," said Kennedy, "makes their belief in this conflict and in the illusory lack of 'qualified' candidates more obvious."

Kennedy said the remaining one-third of the faculty disagrees with this. The leftist third feel that even if conventional standards are applied at least five people should be appointed immediately.

Further, Kennedy said, "We . . . believe that more 'thumb on the scales' should be allowed, simply as reparation for a history of racism in the U.S." He added, "We tend to disagree fairly passionately with the actual standards . . . put forward . . . by the majority of the faculty."

He then described the process of centrist politics at HLS. Kennedy feels this political dynamic is highlighted by a number of delaying tactics "designed to make the problem appear to go away." Among

these he included hiring "lots and lots of visitors from practice . . . so there are . . . Third World faces around all the time. Second . . . there is the offer scam." "Every elite law school in the country makes offers to five Black candidates over a two or three year period," said Kennedy, ". . . so everyone has billions of offers out to the same number of people who are receiving offers over and over again." Third, said Kennedy, the faculty repeats offers year after year to people who do not accept them.

'Affirmative Action'

Another technique Kennedy described is to "get people who are not here and have no intention of coming here in the future to accept an offer. Then you have . . . affirmative action which has successfully been executed, but no . . . Third World person on the premises."

Kennedy concluded that what was required was an institutional commitment to hiring the most qualified available candidates until "a reasonable proportion of the faculty" is composed of women, minorities and working class people. Such a commitment might "push the center to take its pro-forma commitment to AA beyond gradualism and tokenism into the realm of a substantial impact on the segregated character of the institution."

Hernández then turned the discussion to issues concerning the curriculum. Maria Ontiveros, 3L, asked about the possibility of developing a course dealing with both race and sex. Associate Dean Lance Liebman said he was open to discussing the possibility. In response to another curriculum question, Liebman also said that a discussion of slavery "deserves consideration" in property courses. Prof. Michelman added that he has included discussions of Native American land claims and slavery in his property course.

In a statement concerning the value-laden nature of legal scholarship and study, Irma Tyler-Wood, 3L, addressed some faculty member's assertions that they do not teach values. "Everytime . . . I, or other minority students, who . . . have experienced what happens to those who don't have power . . . are concerned about issues that you've never experienced, and don't see as important, raise our hands, and speak to those issues, and you discount them, ignore them and put them down, you are transmitting values. . . . This law that I have learned has ignored a huge segment of the population that I am concerned about."

Concerning hiring criteria, and the faculty's devotion to excellence, Tyler-Wood asked, "Has it ever occurred to you that there's got to be something wrong with a system that can't see the excellence in women and minorities, that the issue is not what is it that women and minorities lack, but what's wrong with our system . . .?"

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