

# Who . . .

## Dear Diary

The day was hot, oppressive in a way that only southeastern weather can be: humidity pressing 100 percent, temperature pushing 100 degrees, next to no breeze. The bathroom window in my apartment was slapped five inches from a brick wall that formed the side of an adjoining apartment building. The machine I jokingly called an air conditioner sucked hard at the heat and tried to turn it cool, all to no avail. I was not in a good mood.

The mirror in the bathroom showed its age. Rainbow streaks, like oil floating on a water-washed, black-topped driveway, brightened and distorted the image that stared back at me. A crack gashed through the image's features, raising its left eye and forehead a perceptible distance above the rest of its face. The crack attracted my attention and I looked at it as the image's eyes also moved toward it. The crack was deep, black in its center but changing to a battle-gray as it captured light along its outside. It was uneven; chips of glass, through the years, had fallen away from it, and the broken line would eventually claim the entire surface of the mirror as its own.

I did not know why my thoughts were so heavy that morning. The night before had contained too much food, drink, and tobacco, and the overly sweet smell of grass had seeped into every corner of that other apartment. The music, though varied, had remained constant in its intensity. But the party had not been unusual. If anything, it was an archetype of those I had been attending.

As I scraped beard and lather from my face I let my dissatisfactions surface. My life, I knew, was not the way I wanted it to be. We talked, my friends and I, of many things: T. S. Eliot, black holes, childcare, Dylan (both Thomas and Bob), the making of M&M's, the unmaking of a

president. We talked, but that seemed to be the extent of our activities. Oh, one of us headed the Virginians for the Study of Marijuana Laws, another coordinated a university childcare cooperative, another was going through the third draft of a novel. But talk was the essence of our activities. We did nothing.

I was arguably the worst in that respect. I finished college with a respectable list of accomplishments but did not want to work on a small newspaper in a rural community, the starting place of most journalistic careers. Consequently I languished in the city, editing manuscripts that outlined tiny inroads of scientific achievement. It was a job that needed doing, but I did not have the temperament for it.

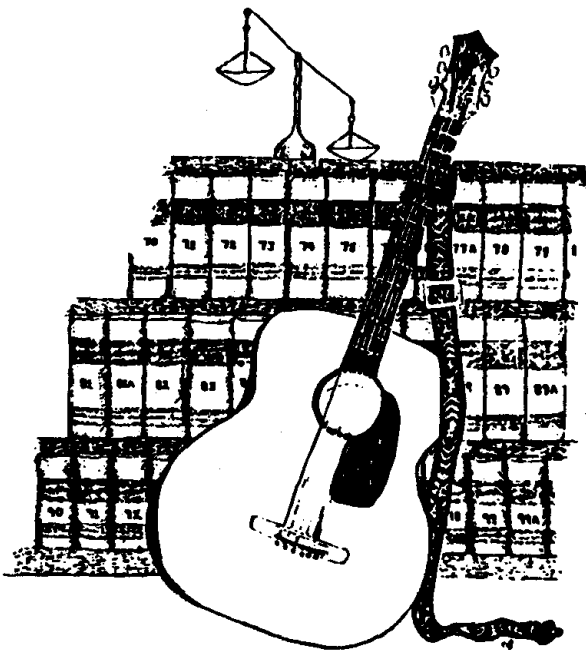
But what, I wondered, could I do that would give action to my voice? I recognized, as only those who have studied it can, the powerlessness of the press. Did I really want to spend my life reporting the actions of others rather than taking actions myself?

It was then that an idea I had toyed with in high school flashed to the forefront of my thoughts. Law school. With a law degree I could do something. I could take actions more overt than any previous training had prepared me for. The reason I had discarded the idea years ago was that people like me just did not go to law school—that was left to the rich kid down the block. But why not try it? The most I would lose in applying would be a few 15 cent stamps and some money in application fees, a small price for a change in life's direction.

That was settled—I would apply.

The blade in my razor cut my upper lip deeply. The opening stung as the blood mixed with the rich white suds.

I have never liked doing anything halfway, and consequently during the next several months I started to explore the profession I had chosen. One attorney tried to talk me into considering criminal trial work. There is little time to do much research, he admitted, and less time for trial preparation, but that hardly mattered. After all, if the accused has gotten to trial he is guilty anyway—it doesn't matter whether you win or lose. Another attorney, a faculty member in an undergraduate department, spoke with great favor about open meetings for public bodies until he realized I was interested in discovering how I could get faculty



meetings open to members of a student press. A woman friend and I decided to talk to a third attorney we had taken a class under together. He left me sitting in his office lobby and took her to his office. My friend said he did not make a pass at her, but she still does not know what he wanted.

I started watching old television shows and movies. Perry Mason and The Defenders lasted for years; shows I vaguely remembered being about upstart young activists bombed in a matter of weeks.

I coincidentally served in a jury pool during this time, but learned nothing from it. I was never chosen for the panel and, even if I had been, would not have made it to the jury. The only other person in the pool with hair my length was quickly eliminated from the panel.

From these experiences a role model coalesced. I could do nothing about my age or the fact that I've always looked five years younger than I am. But the hair could go, as could the cut-offs, t-shirts, leather caps. I already had my share of

by David Kirby

# Me?

eccentricities; there was no need to pick up more. My political beliefs certainly would have to change; after all, maybe Spiro was right. My work habits went from meticulous to sloppy—no one else was ever prepared, so why should I be? Big business began to look better and deregulation more favorable. Politicians, after all, were elected by people such as I had been; corporations were run by people such as I wanted to be.

And women. . . . Perhaps I had not been more wrong about anything than I had been about women. As bright as we men are? As capable? Oh, there were exceptions, I realized, women who were competent. But surely it was no accident that women bore children and men protected them both. I was not gaining any biases, but looking again at reality.

I changed during those few months between my decision to apply to law school and my actual entrance. The world became more stark, more defined, like the first time one tries on a new eyeglass prescription after wearing another for years. The mass of green that had topped the trees suddenly resolves into individual leaves. For me, however, the change was in the opposite direction. People and things that had been individual—and beautiful in that individuality—became part of a clump that surrounded me, a not altogether pleasant clump.

Late in August of '78 I started law school. A rather unspectacular start it was, too. One-third of my classmates were women, and, although tokenism may have its place, I felt that someone was carrying the joke a bit too far. At the end of the first semester, when the rumor spread that the person in my class with the highest g.p.a. was a woman, I knew the prank had continued for too long a time. Equal opportunity is one thing, desecration is another.

The situation worsened as the year continued. It was clear that a woman would be taking over as editor of the law review; ten years ago the school refused to let another woman have the position even though it then traditionally went to the person with the highest g.p.a. and that person happened to be a woman. She became instead probably the only "Literary Editor" in the history of law reviews.

The most successful event of the spring semester was sponsored by a women's group, the Mary and William Women's Law Society annual conference on women and the



law. I became involved solely as a gesture of solicitude—the women needed someone who could string sentences together in a press release. I attended the conference out of curiosity and was pleased to see that only two other of my fellow male law students attended.

My new found conservatism in this most conservative of professions was tested over and over during the later months of that first academic year. Everywhere I turned these new old-values were challenged.

Someone had the idea of running a woman as president of the Student Bar Association. She beat not just one but two males for the position.

One of the legal fraternities—fraternities, mind you—elected a woman to head it. I was pleased to see that in the closing moments of the election, after two women and two men had been elected to four of the

five officer positions, a man was chosen for the fifth position after another man shouted out that we could not let a majority of the offices be held by women.

Women popped up everywhere. They were elected to head the Supreme Court Historical Society, chair an honorary legal fraternity, serve in representative positions in the student government, and take over key positions on the student newspaper. They were chosen to head the judicial council, this magazine, committee after committee. Everywhere I looked a woman's name or face appeared in a position of authority. If it was proper for a man to cry, this would have been ample justification.

My second year in law school began with the announcement that the faculty had hired a second woman for a teaching position. What

was this brave new world coming to?

To make matters worse, some of my best friends in law school were women. I tried to rationalize it. The women, I told myself, were as a rule older than the men. It was only natural that I should have more in common with them than I did with many of my male classmates. But I recognized the rationalizations for what they were. This oldest of U.S. law schools seemed to be fast losing its grip as a steady, stolid member of the legal community. Even Virginia's governor had agreed to negotiate with the Department of Health, Education, and Welfare about the affirmative action plans in state schools.

My bank, that traditional bastion where men were men and women were tellers, began to sprout signs within its glass-enclosed cages: The Best Man for the Job May Be a Woman.

Was there no end to this upsurge? Believe me, the Navy had never been like this.

I come to the end of this entry with a single thought: The world is changing in a direction opposite the one I have chosen to pursue. Before long the country may see many women governors and cabinet members, women heading law firms. And we, in my chosen profession, continue to react rather than act. We are a slow-moving lot, we lawyers. Our calling, our entire system of justice, demands that we be. We don't lead any charges; instead, we mop up behind the movers of society, sweeping all the loose particles under the fabric of America. Perhaps this school, in a particular time at a particular place, is reflecting that change more quickly than is comfortable for most of our profession, although not more quickly than most of society. My newly outfitted, three-piece, buttoned-down body and mind would agree with this.

My former image, now shorn of rainbows and slogans, could not agree.

Love,  
David