

## BUFFALOES AND A STRAW MAN

*Paul D. Carrington\**

I am grateful to the Editors for allowing me space to comment on the article of my colleague, Jerome Culp. Alas, I have little to say.

I recognize the utility of the "straw man" as an intellectual device. But I feel aggrieved that my friend has chosen to put my name on one that he has created. I do not associate myself with the opinions that he has inferred from my writings on the subjects he addresses, and am therefore unable to join issue with him. Should there be any readers who for some reason are curious to know what my views actually are, I can do no more than suggest that they read parts or all of my two articles.<sup>1</sup>

I am obliged to demur to Professor Culp's selective recitation of facts regarding events antecedent to the admission of black students to our school 33 years ago. That recitation is unjust to the memory of Elvin Latty, who did what he could to achieve desegregation at Duke in 1960.<sup>2</sup>

With respect to Professor Culp's account of events occurring at our law school since his arrival, I find it also to be selective and partially at odds with my recollections. His account seems to me unjust to myself and to our colleagues. However, I see no useful purpose to be served by trying to reconstruct in the pages of a law review the alleged events and conversations amongst us and the circumstances in which

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\* Chadwick Professor of Law, Duke University.

1. Paul D. Carrington, *Diversity!*, 1992 UTAH L. REV. 1105; Paul D. Carrington, *One Law: The Role of Legal Education in the Opening of the Legal Profession Since 1776*, 44 FLA. L. REV. 591 (1993). Succinctly, the first argues in favor of affirmative action, but in opposition to compulsory preferences that must necessarily operate as quotas, and expresses opposition also to compensation as the basis for affirmative action. The second argues that the American past is not, as some would seem to prefer to believe, an unbroken series of oppressions and that those active in teaching law have generally if not always been ahead of the culture in their efforts to open the profession to women and minorities.

2. I have no direct knowledge of the events of 1961 or their antecedents, but believe that Dean Latty was an advocate for equal opportunity for black students. It is my impression that our black alumni of the 1960s are uniformly loyal to his memory. An accurate account of those events will in time be published by Professor Melvin Shimm.

they did or did not occur. I therefore limit myself to asking readers to believe that my account would be different from his.