

Dear Harvard,

Just two weeks ago, President Faust and Dean Khurana finally agreed to reconsider Harvard's decision to institute an official blacklist that would punish members of sororities, fraternities, and final clubs.

A new committee, this time composed of students, faculty, and administrators, will have a chance to reevaluate the policy and recommend changes. To do that, the committee and the Harvard community must understand Harvard's lamentable history when it comes to freedom of association. After all, as Harvard's own George Santayana wrote in 1905, "Those who cannot remember the past are condemned to repeat it."

At least twice before, Harvard has succumbed to the temptation to punish students for their purportedly undesirable associations. When making such determinations, there are only two real choices: interrogation behind closed doors, and embarrassing public inquisitions. Harvard's history includes both.

In 1920, Harvard President Abbott Lawrence Lowell empaneled the "Secret Court" of four administrators and a lone professor. Its task: to interrogate students behind closed doors about whether they were homosexual or associated with those who were. Students were forced to turn on their friends and "name names" of others known to associate with gay men.

In the end, eight students were expelled from Harvard for allegedly engaging in gay sex or associating with those who did. Alumni Placement Services was prevented from "making any statement that would indicate confidence in these men" without first informing inquirers about their alleged crimes. Shortly after this ordeal, one of the eight committed suicide.

The disgraceful truth of Harvard's actions was only exposed in 2002, when the *Crimson* stumbled over the Secret Court's records in the Harvard Archives, where they remain today. As then-Harvard President Lawrence Summers said at the time, "These reports of events long ago are extremely disturbing. They are part of a past that we have rightly left behind."

Three decades later, facing pressure from Senator Joseph McCarthy (who called Harvard the "Kremlin on the Charles"), Harvard began to cooperate with McCarthyism. The Harvard Corporation interrogated faculty and graduate students accused of Communist sympathies and charged them with misconduct when they refused to name names in front of the House Un-American Activities Committee (HUAC).

McGeorge Bundy, the Dean of the Faculty of Arts and Sciences—allegedly acting in cooperation with the FBI—

pressured Harvard faculty and graduate students to answer to HUAC, or else face consequences.

Of those whose former Communist associations became known to Harvard, one graduate student lost his teaching fellowship after being charged with misconduct by the Harvard Corporation, one professor was placed on three years' probation for "grave misconduct," one Harvard Ph.D. recipient had his candidacy for an administrative and tutoring position pulled, and one Ph.D. recipient refused to take a teaching position given on the stipulation that he name names to HUAC.

In the 1920s and 50s, Harvard boasted many of our nation's most intelligent and eminent figures among its faculty and administration, just as it does today. President Lowell, Dean Bundy, the Harvard Corporation, and those who went along with their decisions understood freedom of association. They simply believed that some associations were too unsavory to tolerate—just as some are convinced that association with single-sex clubs should be placed beyond the pale today.

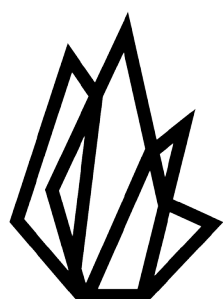
Which is more likely: that Harvard has finally found an association so undesirable that a blacklist is appropriate, or that abandoning the principle of freedom of association is always a mistake?

Is there any meaningful way to determine a student's "unsavory" associations that's unlikely to take on the sinister aspect of Harvard's clandestine Secret Court, or resemble the all-too-public humiliations delivered by Senator McCarthy? If there is, why was the implementation of Harvard's plan being developed in secret?

We now recognize that the Harvard of the 1920s and the 1950s was tragically wrong. Will Harvard risk making such a mistake again, or will it learn from the lessons of the past?

If Dean Khurana and Harvard are serious about rigorously reevaluating the policy, they must include faculty and student critics of the policy on the committee. The committee must also do its work transparently so that the Harvard community has a chance to comment while the plan is being developed and changes are still possible.

Whatever is decided, the Foundation for Individual Rights in Education (FIRE) assures the Harvard community that as long as students are threatened with punishment for exercising their right to freedom of association, FIRE will continue to advocate for the return of this fundamental American value to Harvard's campus. The painful lessons of history—both Harvard's and our nation's—demand no less.



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