

Remarks by Harry Lewis, Gordon McKay professor of computer science

Harvard College shall not discipline, penalize, or otherwise sanction students for joining, or affiliating with, any lawful organization, political party, or social, political, or other affinity group.

This is a simple motion. It says Harvard College can't punish students for joining a club. It does NOT say that students who belong to clubs can't be punished for bad things they do. It does NOT take away any tool that has been used in the past to discipline students for their behavior. It would, however, block several social club policies that have been proposed over the past year and a half.

I cannot find a single case prior to May 2016 when Harvard said it would punish a student for joining any organization -- a club or anything else. To the contrary, when Harvard barred ROTC from campus, we explicitly rejected the idea of punishing ROTC students for joining a discriminatory organization. And in the 1950s, when Senator McCarthy called on Harvard to fire one of us, Wendell Furry of the Physics Department, for being a member of the Communist Party, President Pusey refused on principle, in spite of enormous political pressure and his own anti-communist sentiments. Harvard today holds the moral high ground. We would give it up if we were to adopt any policy that would punish students for joining a club.

Some who are concerned about my motion have asked me, "but what if a student joins X"—and then name some particularly odious national

organization. Well, we have survived a long time without any rules against joining hated organizations. This is not the time to institute such a rule in order to crush some off-campus sorority.

Students should not give up their rights peaceably to assemble off campus when they enroll here, any more than they give up their rights to read, write, and say what they wish. Indeed, by becoming students they do not give up their right to have private lives. All these freedoms are fundamental to our educational mission.

In a Faculty meeting last year, I teasingly referred to the possibility of an Index of Prohibited Organizations, like the Index of Prohibited Books of the medieval Church. Little did I expect that the Clark-Khurana Committee would publish exactly such an Index—in fact a list that was expanded beyond what had been proposed before the committee reviewed the policy. Let's not go down the path of trying to maintain a list of the sort that even the Roman Church eventually realized was a bad idea.

If we can't remember history, at least let's look to the future. Suppose we publish a list of clubs and punish their members. What will we do when government officials again demand that we punish members of some allegedly un-American group? In the year of the Muslim ban, would anyone be surprised if the government tried to put us to the test? Would we say, "Oh no. At Harvard, we suspend civil liberties **only** for organizations that threaten our deepest values, like the Bee and the Owl, not the ones **you** think are bad for the nation."

I am grateful for the hard work of the committees that have worked on this difficult task, but I must note how little is said in their reports about the social structures they seek to destroy. The caricature of off-campus clubs as bastions of privilege, full of the stock of the Puritans learning to discriminate against other people, is not based in fact, certainly not in any facts presented in the report. Indeed, the report contains almost no facts of any kind. It does not even mention that more women than men are members of affected clubs. There is no data showing how many incidents have been reported at which clubs. That data might have shown that most of the trouble is caused by only a handful of the clubs, including only a few of the men's and coed clubs and none of the women's clubs. That would suggest that a narrower remedy made more sense than the broader ones that are proposed.

Data may be hard to come by, but then how will the College know who is in these private organizations? The report doesn't say. Will we encourage students to turn each other in?

It is not true that everything else has been tried to combat bad behavior at the problematic clubs. There is no right to **unpeaceable** assembly; we should call in the police when students break the law. And we should tell students which clubs are dangerous places, and why. When muggings occur in Cambridge, we don't just say, "there is crime in Cambridge, so students must stay on campus." We tell them where they shouldn't go, explain why, and expect them to protect themselves. To the extent that Harvard's legal liability is driving any of this, or

indeed to the extent that we are worried about student safety, education would be more effective as well as more appropriate.

I urge you to read Jason Mitchell's superb minority report. From the beginning this has been an attempt to kill the men's final clubs without much concern for the collateral damage from making a much broader rule. Let's be clear what problem we are trying to solve and then go straight after it. Strengthening the Houses does not require punishing students for hanging out off campus sometimes. Opening "networks of power" to women does not require destroying the networks they have created for themselves.

And there is no silver bullet in Professor Allen's astonishingly sweeping motion either. To "establish policies that protect individual freedoms while upholding the educational mission of the College" is exactly what committees have been trying to do for a year; it is time for a statement of principle from the faculty, not a *carte blanche* handoff to the administration. As the Clark-Khurana committee notes, the Allen motion raises but does not answer the question of what to do if the clubs do not cooperate. Punishing their members is not the right answer.

I beg you, this is not a trivial matter. Students engaged in unlawful or violent behavior should pay a price for what they do. But nobody should be punished just for joining a club. Not us, and not our students. Thank you.