Law School Locale

Harvard Law School (HLS) is carefully weighing the pros and cons of building a new campus for itself in Allston. A “locational options” committee of seven faculty members and one administrator is considering all the factors that could affect such a decision. The committee’s chair, professor of law Elena Kagan, said in December, “We are still early on in our discussions and fact-finding,” but noted that the group’s aim was to finish its work by the end of the academic year. “We will not be making a recommendation,” she said, but will instead “develop arguments” for and against a move to Allston.

Two and a half years ago, the school’s faculty voted overwhelmingly against such a relocation. But since that time, HLS has completed a strategic plan outlining academic priorities that include expanding the faculty and transforming the student experience—moves that will require substantial new space (see “The Law School Looks Ahead,” September-October 2001, page 64).

Dean Robert C. Clark presented the plan to the Harvard Corporation in November 2000, along with a strategy for accommodating most, if not all, of the school’s physical growth in Cambridge.

“Our immediate space needs,” he said then, are “extremely pressing”—on the order of 114,000 gross square feet, by one estimate. A restructuring of the first-year class into smaller sections, each organized as a “law college,” and plans to hire 15 additional faculty members would generate the need for even more space, he said. By redeveloping an area between Pound Hall and Everett Street, the school could gain almost 238,000 square feet. “We projected the plan would take care of our needs for 20 years, but perhaps just for 10, by a short estimate,” Clark said in a recent interview. “What would happen after that time? Probably a lot of trouble.” That is one of the arguments for Allston, he notes. “It gives you more than a 100- or even 200-year time horizon, rather than a couple of decades.”

President Lawrence H. Summers spoke to the school’s faculty last fall about the importance of Allston to the University as a whole. “The Corporation has made it clear that the decisions on future physical planning are going to be made on a University-wide basis, recognizing the interests of each of the schools and [all] the possibilities that might unfold,” Summers said in an interview. “So I have discussed with the law school faculty, in the context of their strategic plan and plans for expansion, how important it is for them to recognize, alongside anything they want to do in Cambridge, the possibility of a number of different configurations down the road in Allston. One is allowing the law school the enormous intellectual advantage of a new campus, configured to reflect not historical accumulation, but what is most desirable for contemporary academic life. Allston is an enormous opportunity,” he reiterated. “We are the only urban university in the United States with the capacity for substantial academic expansion. That creates potentially important intellectual opportunities and a great capacity to strengthen the entire University.”

Clark has been speaking to HLS alumni about the possibility of an Allston move, and says that “preliminary soundings are pretty encouraging—most are fairly pragmatic about it and think that the pros and cons of a move should be explored carefully. While there are some who feel very nostalgic, they are a distinct minority.”

Kagan’s committee will look at a host of issues surrounding the school’s future needs. “The strategic-planning
When the election of a president appeared to hang in the balance, the media came knocking at Heather Gerken’s door. An assistant professor at Harvard Law School, Gerken “ended up on television last year because all the famous people here were litigating Bush v. Gore,” she says, laughing. The truth is, she is an expert on election law and had joined the faculty just a few months before the controversy began. In her role as pundit, she took pains to be “objective and neutral,” but says the Supreme Court majority’s claim that they had to take the case was “incorrect—even after they had taken the case, they could have left the decision to democratic institutions.” Of their equal protection argument, she says, “If the Supreme Court wants us to work to defend its legitimacy, it needs to give us something to work with. The right way to remedy the violation they identified would have been to have a recount under a uniform standard—you don’t say, ‘We’re not going to count at all.’” Gerken became interested in election law when, as editor in chief of the Michigan Law Review, she published the first symposium on the 1993 racial gerrymander case Shaw v. Reno and realized how many unexplored intellectual puzzles were involved. After a Supreme Court clerkship for Justice David Souter, Gerken joined a Washington, D.C., firm specializing in such law. During her student years, weighing the pros and cons of Cantabrigia, Gerken twice turned down Harvard offers of admission, first to the College and then to the Law School. But when Harvard asked for a recount in 2000, Gerken reconsidered. “The third time,” she says, “proved to be the charm.”
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Consultants will help the University committee answer a series of questions about the three models. First, what are the “opportunity benefits” in Cambridge of the various scenarios? “The objective is not just to make a beautiful campus in Allston,” says Thompson. “It is to help make the Cambridge campus better than it is now for those who remain.” A second goal will be to clarify the academic benefits of each option. “Why might it be intellectually productive for the law school, the business school and the Kennedy School to be closer together? What would be the academic benefits,” Thompson asks, “of re-locating scientific research in Allston?”

One of the greatest challenges, he says, is thinking about development as a phased process. “Even if we knew today that 20 years from now there would be a campus bringing all of the major professional schools together, that wouldn’t answer the question of what we should do two years from now, or five years from now,” says Thompson. “If we begin by moving museums and building housing, we want to make sure that we don’t put those structures in places that would make an academic campus less desirable. The challenge is to make decisions about each of the stages on the way to the end state when we don’t know what the end state is.”

Thompson hopes to have the consultants’ reports in a year, but says that it will be “two years at best before we will have an answer to the question of who, if anyone, will move.”

Says the Law school’s Clark, “This is a University-wide issue that will be decided with everything in view, with all of the pros and cons, for the the good of the whole. I don’t think it is right for any school to have a veto, but I am very optimistic that we will reach a good decision.” And who will ultimately decide? Says Summers, “Any decision so fundamental will have to be made by the Harvard Corporation.”

First Fellow’s Farewell

Concluding 27 years of service as a member of the Harvard Corporation, Robert G. Stone Jr. ’45 will step down as a Fellow of Harvard College at the end of the academic year. Stone has been Senior Fellow of the University’s executive governing board since 1995, when his classmate Charles P. Slichter ’45, Ph.D. ’49, L.L.D. ’60, retired from the Corporation. Having previously served as national cochair of the $2.6-billion University Campaign through its conclusion in 1999, Stone then chaired the search leading to the appointment of Lawrence H. Summers as Harvard’s twenty-seventh president.

Stone, who graduated from the College in 1947 following service in the U.S. Army during World War II, combined the study of economics with a passion for rowing; in his senior year, he captained the heavyweight crew team that set a world record for the 2,000 meters. He has sustained that interest in various ways: as a trustee of the National Rowing Foundation; through the participation of his children R. Gregg Stone III ’75, J.D. ’79, and Jennifer P. Stone ’80, M.D.

President Summers hailed Stone as “a tremendous colleague and friend—spirited and wise, with an infectious enthusiasm for everything he does” and with “constant concern that Harvard always strive to improve itself.” President emeritus Neil L. Rudenstine cited Stone’s “instinctive, deep understanding of the University and its values. He cares about students and staff, as well as about the academic strength of Harvard’s departments and schools.” Stone himself cited Derek Bok, Rudenstine, and Summers, whose “leadership qualities across the decades have made Harvard an institution I have long been proud to consider my home away from home.”

Though he keeps his counsel as a Corporation member scrupulously private, Stone has become widely known as a prodigious fundraiser. In fact, he has done more than any other individual to furnish and refurbish that “home away from home” throughout the decades, co-leading both the University Campaign and its predecessor, the $358-million Harvard Campaign, which ran from 1979 to 1984. In a May 2000 address celebrating the University Campaign, Rudenstine reported, “Bob Stone’s long and large shadow quickly became one of the icons of the fund drive: instantly recognizable far in the distance, it allowed plenty of time for people to dive off their respective boulevards into the sur-