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Diversity distortion, getting to green, iron workers

HABEAS CORPUS

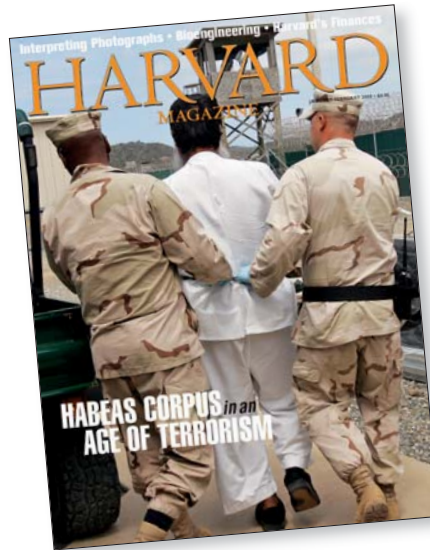
AS JONATHAN SHAW'S thoughtful article observes ("The War and the Writ," January-February, page 24), the courts and Congress recognize that the Constitution allows for the suspension of habeas corpus "in Cases of Rebellion or Invasion." But Shaw does not explicitly distinguish these limited situations from what the article variously refers to as "war," "terrorism," "times of crisis," "armed conflict," "periods of crisis" and "hostilities."

There are meaningful distinctions between this nation's distinguishable security activities at home and in such foreign countries as Iraq, Pakistan, and Afghanistan. Unfortunately, the Bush administration shielded these various activities from scrutiny by placing them under the broad protective screen of a "war on terrorism." But the courts, the Congress, and the public need to make distinctions if the judicial and political processes are to work.

A war is not necessarily a war for legal purposes because the president and arguably even the Congress choose to name it as such. We should not suspend the writ, congressional inquiry, or common sense every time a political leader runs up a "war" banner.

ROBERT H. SAND '58, J.D. '61
Brooklyn

IN HIS BRILLIANT study of twenty-first century terrorism and our response, *vel non*, thereto, Philip Bobbitt (*Terror and Consent*, 2008) notes at the outset that "among well-informed persons, a number of dubious propositions about twenty-first century terrorism and the Wars against Terror are widely and tenaciously held." He then lists 22 of these, more or less all of



which are reflected in the opinions and proposals voiced by the "well-informed persons" quoted in Shaw's article. They all might be better informed, and better able to offer credible contributions to the dialogue revolving around this subject, if they first read his book.

JOHN RICHARDSON, LL.B. '60
Orford, N.H.

TWO HUNDRED and fifty men held without trial at Guantánamo: this is a drop in the bucket considering that there are thousands of dangerous terrorists in Pakistan, Afghanistan, and Iraq, to say nothing of those in Palestine, Lebanon, even Europe. Let them go: send them back to their countries of origin except for those whose countries of origin are dangerous for them. They won't make much difference in the "War on Terror." Even if every one of the Guantánamo detainees is dangerous, they will simply disappear into the sea of terrorists. The Bush administration was not really afraid of these men; they have no magical powers. But they

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LETTERS

might testify against the United States in the information war for status and respect in the world.

MARY M. SMITH '61
South Portland, Me.

PHILIP HEYMANN'S description of Guantánamo as "only a small-scale detention problem" may be true, but only if one views Guantánamo as *sui generis*. In fact, however, the United States holds hundreds more prisoners at Bagram Air Force Base in Afghanistan and thousands more in a variety of prisons in Iraq, not to mention the unknown number still held in black sites around the world. None of these groups have captured the attention of the media or the public as have the prisoners held in Guantánamo, but all share the same denial of habeas corpus rights (and those held in other locations lack even the meager rights that have been tenaciously won for the Guantánamo prisoners by courageous lawyers).

David Remes asserts that anyone who "threw a grenade at an American soldier or shot at an American convoy" has clearly "attacked the United States." But that's only true if the American soldier or convoy was legally present in the country where the attack occurred. Since U.S. forces invaded both Afghanistan and Iraq illegally, surely anyone in those countries, be they members of the armed forces or civilians, has the legitimate right of self-defense. Describing such actions as an "attack on the United States" is akin to a rapist demanding "justice" after being stabbed by a woman he had assaulted.

STEVEN PATT, PH.D. '75
Cupertino, Calif.

I WRITE IN APPRECIATION of Jonathan Shaw's article on detention without criminal charges and offer a supportive footnote. At the time of the American Revolution, leaders of the independence movement were aware that the conservative British jurist Lord Mansfield had decided in 1772 that an African slave purchased in Virginia, bound for Jamaica, but temporarily detained in British territorial waters, must be set free.

Remarkably, in its recent decisions to the effect that so-called "enemy combatants" at Guantánamo Bay could use the writ of habeas corpus to protest their indefinite detention without charges, the justices of the U.S. Supreme Court turned

HARVARD MAGAZINE

Dear Readers,

For many years, alumni like you have supported publication of *Harvard Magazine* by making small donations. These contributions—along with advertising sales and a University subsidy—have enabled the magazine to keep you in touch with the community, prepare intellectually engaging articles, and provide objective coverage of Harvard today.

The rapid decline in advertising (historically the magazine's largest source of revenue) and rising pressure on other funding sources during the past six months now force us to make many adjustments, even as our staff continues to work as hard as possible on your behalf.

The most significant change you will notice, beginning with this issue, is a smaller publication: fewer pages translate into immediate, urgently needed savings on paper, printing, and postage—the principal costs in delivering your magazine. (Internally, we have cut costs across the board, including compensation.)

We will complement the printed *Harvard Magazine* by posting even more content on our website, www.harvardmagazine.com (see page 6). There you will find regularly updated news about the University and its people, multimedia materials accompanying articles, and carefully selected reports about alumni and developments affecting Harvard from around the world. The website maintains the same rigorous editorial standards and the same focus on serving you that have been at the core of the magazine's mission for more than 100 years.

Now more than ever, publishing a *Harvard Magazine* of the highest quality—and keeping you informed about the University at a truly turbulent moment—depend on gifts of any size. In the past, we have asked for such support annually. Now we are making an extraordinary appeal for your contribution; it will be put to immediate good use. Please make a secure donation online at www.harvardmagazine.com/donate or use the envelope in this magazine.

We welcome your comments and thank you for your support during challenging times for all of us.

Catherine A. Chute
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John S. Rosenberg
Editor

For a full report on *Harvard Magazine* finances, visit www.harvardmagazine.com/report.

LETTERS

historian and twice cited the more than 230-year-old decision by Lord Mansfield. *Sommersett v. Stewart*, 10 How. St. Tr. 1, 79-82 (K.B. 1772), cited in *Rasul, et al. v. Bush, et al.*, 542 U.S. 466, 481, n.11 (2004), and again—this time in the text, not in a footnote—cited in *Boumediene, et al. v. Bush, et al.*, 128 S.Ct. 2229, 2248 (2008) (“a petitioner’s status as an alien was not a categorical bar to habeas corpus relief”).

The writ of habeas corpus, originating at Runnymede in 1215, strengthened and made more explicit during the English Civil War of the seventeenth century, is the foundation of criminal law in Great Britain and the United States. As my Harvard classmate Robert Bellah has demonstrated, Harvard played an inglorious role during the McCarthy years after World War II. It would warm the hearts of many old alums if Harvard and its magazine were to step forward and stand fast in defense of the writ of habeas corpus.

STAUGHTON LYND '50, PH.D., J.D.
Niles, Ohio

I WAS DEEPLY SHOCKED by the article on habeas corpus—not shocked by its contents but by the date of its publication. Why has this article not appeared years ago? Why does *Harvard Magazine* have to wait safely until after the election of Barack Obama, when it can be sure to be with the tide of mass public opinion, to produce an article on such an important moral issue? Is this intellectual timidity, conformity, or both?

ANN GODFREY, M.D.S. '96
Palo Alto, Calif.

Editor's note: We first assigned coverage of this subject in 2006, but did not receive a publishable article then, nor during a subsequent attempt in 2007. This article was published as soon as it was completed by a staff writer. Related issues were raised in “Understanding Terrorism” (January-February 2002), which dis-

SPEAK UP, PLEASE

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cussed concerns about tribunals, privacy, information-gathering, and civil liberties.

I HAVE CONTEMPLATED with growing horror the abuses of basic human rights and violations of international law that our government has been perpetrating in the prisons of Guantánamo, but have felt that eventually our legal system would deal with the issue. I would like to state that I do not want torture techniques, such as “waterboarding,” done to prisoners in my name, even for the protection of the United States. The one sure way that our enemies can destroy us is to get us to descend to their level of barbarity.

But I take issue with the statement of Anthony Lewis. The Taliban can in no way be considered a legitimate government, given the abuses it perpetrated upon most of its hapless citizens. But treating their soldiers as “agents of terror” because they were opposing us on the battlefield is nonsense. As in most wars, most of them are just grunts, with no control over their situation.

HOWARD TOBUREN '60
Lynnwood, Wash.

DIVERSITY DEFICIENCY

THE CHART showing the Crimson contingent in the upcoming Congress (“Crimson in Congress,” January-February, page 60) should not be a comfort to the College leadership. It displays very graphically how Harvard and other Ivy League institutions have contributed to and perhaps even caused the toxic political polarization of this country. How can an institution which proclaims as its goals leadership, excellence, and diversity have 93 percent participation in one party in a country balanced between two parties? Surely half of America will come to despise institutions which appear willfully to have created such polarization.

BRUCE P. SHIELDS '61
Wolcott, Vt.

GETTING TO GREEN

PRESIDENT FAUST is right when she reminds listeners that the world’s current turmoil represents a systematic crisis that has arisen from a failure of “wider vision” (“Educating Professionals,” January-February, page 58). Connect the dots. Al Gore asks his audience (“Gore Boosts a Greener Harvard,” page 58) to substitute renewable energy for carbon-based ener-

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LETTERS

gy in order to control global warming. Turn to page 61 for Elizabeth Gudrais's report on the development of heating, lighting, and plumbing in low-cost homes in Latin America ("For Santiago's Poor, Housing with Dignity"). Astute readers may spot the great dilemma of the twenty-first century. How can nations reduce the use of carbon-based fuels while lifting the poor out of poverty? When leaders combine a social-justice agenda with their environmental-protection concerns, there's hope for humanity. When the desire to save "Mother Earth" overrides human-rights concerns, brace yourself for a time of troubles.

ROBERT F. MURPHY, M.Div. '95
Falmouth, Mass.

I DETECTED no note of irony in the reporting that "The consciousness-raising during Harvard's Sustainability Celebration included lots of giveaways..." (page 58). Do Harvard students need stickers to remind them to reduce food waste? Are they generally without T-shirts? When are we going to recognize that sustainability means "less stuff" and that self-styled "green" swag is actually not "green" at all?

HELENE S. YORK '83
San Francisco

SECRETARY PERKINS

YOUR EXCELLENT profile of Frances Perkins (Vita, by Adam Cohen, January-February, page 32) was accompanied by a stock photo of her with "steelworkers constructing the Golden Gate Bridge." Ms. Perkins, a friend of organized labor, would have known they were "iron workers." Steel workers make steel, iron workers erect steel buildings and bridges. This would be trivial, except that it kills a little history. The first metal buildings and bridges were built of iron, often small pieces of cast iron. Those iron workers adapted to the new steel technology, moving from low-rises to skyscrapers (the Empire State Building, et al.), but they kept their hard-won and proudly spoken union name. So, for another example, do the Teamsters who now drive a team of cylinders, not horses. And you and I are not "automobilists," as we first were known, but we have reverted and become "drivers," like our predecessors on stage coaches and buggies.

M.R. MONTGOMERY, M.A.T. '65, NF '84
Lincoln, Mass.
(please turn to page 69)

"I was interested in helping to make Harvard affordable for students because I received financial aid. But I also needed to be sure I had enough money for retirement."

K. DANIEL RIEW, M.D. AB '80

SAMPLE DEFERRED
GIFT ANNUITY RATES

AGE	AGE PAYMENTS BEGIN	ANNUITY RATE
50	65	9.5%
55	65	8.5
55	70	12.5
60	65	7.0
60	70	10.5

SAMPLE IMMEDIATE
GIFT ANNUITY RATES

AGE	ANNUITY RATE
65	5.9%
70	6.2
75	6.9
80	8.0
85	9.0

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Get the latest news. We monitor diverse news sources to bring you stories about Harvard alumni, the University's faculty and administration, and higher education. We highlight a mix of the important, the interesting, and the downright quirky.

Try your hand at solving puzzles created by contributing editor John de Cuevas '52 just for *Harvard Magazine*. We post a new one on the Web with the publication of each issue.

Look for this icon throughout the magazine. It alerts you to additional online content that complements print articles.

The screenshot shows the Harvard Magazine website with the following content:

- RECENTLY POSTED**
 - Zellweger Gets Her Pudding Pot** (February 5, 2009 • BREAKING NEWS) - Traffic came to a stop in Harvard Square today for a parade with Renée Zellweger, the Hasty Pudding "woman of the year."
 - A Death in the Harvard Family: John Updike '54, Litt.D. '92** (January 27, 2009 • ALUMNI IN THE NEWS) - Noted author John Updike '54, Litt.D. '92, died of lung cancer on January 27 at the age of 76.
 - More Than 29,000 Seek to Join the Class of 2013** (January 22, 2009 • HARVARD IN THE NEWS) - The College once again attracts a record-breaking number of applicants.
 - Howell Jackson Acting Dean-Designate of Harvard Law School** (January 15, 2009 • BREAKING NEWS) - Howell Jackson will become acting dean of Harvard Law School, subject to the confirmation of Elena Kagan as U.S. Solicitor General.
 - March-April Puzzle** (January 15, 2009 • CRYPTIC PUZZLES) - Solve the most recent creation of puzzlemaker John de Cuevas '52.
 - Barney Frank: "The Most Outspoken Man in the House"** (January 13, 2009 • ALUMNI IN THE NEWS) - Jeffrey Toobin profiles Congressman Barney Frank, the most important figure in the House of Representatives involved in legislating solutions to the financial crisis.
 - Inaugural Addresses Then and Now** (January 13, 2009 • ALUMNI WRITERS) - An archival look at presidential inaugural talks, and a contemporary, amusing historian's take on the often-clunky, but increasingly populist, first-day rhetoric.
 - Up Next: The Harvard Center for Gastrophysics?** (December 19, 2008 • EXTRAS) - With his creative cuisine, Ferran Adrià probes the intersection of science and cooking. On a visit to campus last week, the world-renowned chef taught undergraduates, visited science labs, and signed an agreement for an ongoing collaboration with Harvard.
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LETTERS

(continued from page 5)

KARENNA GORE SCHIFF '95 concludes her biography of Frances Perkins—a section of *Lighting the Way: Nine Women Who Changed Modern America*—with the following words that should make us humble followers of Perkins for the rest of our days. She writes that upon Perkins's death, Willard Wirtz, then Secretary of Labor, paid her tribute: "Every man and woman who works at a living wage, under safe conditions, for reasonable hours, or who is protected by unemployment insurance or social security, is her debtor."

JO FANNIN, M.Div. '95
Red Wing, Minn.

ADAM COHEN'S book is the first I have read that places Frances Perkins where she rightfully belongs: front and center in the New Deal. Her policy and managerial accomplishments were incredible; that she succeeded while facing overt misogyny—as well as financial and family difficulties—makes them even more astounding.

Harvard also played a part in a new biography of Perkins that will be released in early March, *The Woman Behind the New Deal* (Random House). Its author, former *Washington Post* reporter Kirstin Downey, began researching her subject while a Nieman Fellow at Harvard (2000-2001).

To learn more about Frances Perkins and her legacy, I invite readers to visit FrancesPerkinsCenter.org.

BARBARA BURT, M.Ed. '92
Executive Director, *The Frances Perkins Center*,
Newcastle, Me.

VIOLENCE IN THE STREETS

THE STORY ON Teny Gross ("Taking It to the Streets," January-February, page 72) was refreshing because it marked the first time, I believe, in which a young Harvardian is shown attempting to penetrate the dark world of crime. Gross is determined to stem what he calls America's newest drug: violence. He and an urban policeman are quoted as finding violence all around them and their charges—children. Witness Hollywood's grim gun-toting output, and mainstream media stories in boldface caps on homicide in the communities.

Ask any dinner partner how many Americans are killed annually by guns

and you will either get an "I dunno" or a wild guess from 500 to 500,000. The correct figure is an average of 34,000 citizens murdered annually by guns, compared, for example, to 33,000 battle deaths in three years of the Korean War and "only" 5,000 in five years of Iraq's disaster.

What does the federal government do about it? Nothing. Loopholes for getting guns by the wrong people are rampant. This is a subject that demands more attention by the new administration. It is crucial for voters to understand that in the last 30 years we've killed more citizens between the oceans than in all U.S. foreign wars combined. I hope your story gets more than passing attention.

LEWIS S. DABNEY '43
Chestnut Hill, Mass.

DON'T ASK, DON'T TELL

HARVARD UNIVERSITY and *Harvard Magazine* continue to display ignorance regarding the "don't ask, don't tell" policy ("Anthony Woods: Taking a Stand," January-February, page 74).

This policy is cited as the reason to keep ROTC off the campus because the opponents wrongly believe that this is a military policy. However, it is a law passed by a Democratic-controlled Congress and signed by President Clinton in 1993, and subsequently followed by the military. A military policy, such as haircut and uniform regulations or involvement in outside political activity, is written by individual branches of the military or the Department of Defense, and can be changed internally. The "don't ask, don't tell" law cannot be changed by the leadership of the military, but instead by Congress and the president.

I note that Harvard has demanded neither a boycott of the Democratic Party or Congress, nor of visits by President Clinton. Instead, the animosity is directed inappropriately at students desiring to become officers in the armed forces of the United States and at current members of the U.S. Army, Navy, Air Force, and Marines.

I look forward to Harvard University allowing the return of ROTC to the campus following the recommendations of President Barack Obama as stated at the September 11, 2008, community-service conference at Columbia University.

KENNETH WELLS '84
Honolulu

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