

Welcome Back Harvard ROTC: Forty Years of Political, Legal, and Cultural Conflict

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Abstract

This article concerns the repeal of a United States law which banned homosexuals from openly serving in its military and the subsequent return of military training at Harvard University. It contends that the standoff between the U.S. military and Harvard was more than a single policy dispute, but a cross-cultural conflict lasting decades. Credit for the recent progress in relations is attributed to new leadership in both administrations.

Keywords: DADT, Harvard ROTC, cross-cultural conflict, conflict theory

1. Introduction

The year 2011 marked the end of a law banning homosexuals from openly serving in the United States military (Note 1). In an unusually active lame duck session at the end of 2010, the Democratic-controlled U.S. Congress, about to be replaced by a newly elected Republican majority, repealed Don't Ask, Don't Tell (DADT) (Note 2). Two days shy of a seventeen-year existence, DADT was the result of a compromise between former President Bill Clinton and the Department of Defense (Note 3). Immediately upon repeal, Harvard University announced that Reserve Officers Training Corps (ROTC) would be welcomed back on campus (Note 4).

In retrospect, it is easy to view the standoff between Harvard and the military as only a combination of law and politics. In other words, each side merely held opposite stances on the justifications for and the legality of a matter of public policy. Not only has much of the media framed the standoff this way, but even Harvard's post-announcement actions seem to make this statement (Note 5).

However tempting it may be to construe the standoff between Harvard and the military as only political and legal, extenuating circumstances suggest there was more at play (Note 6). For instance, ROTC was part of the privatization era of the 1990's, and since that time has not even been operated by the U.S. military (Note 7). Nothing is more indicative of a deeper conflict, however, than the sheer fact that Harvard ROTC was welcomed back due to the repeal of DADT, yet booted off campus due to protest of the Vietnam War (Note 8). While it may be easiest to describe along political terms, "liberal" academia versus "conservative" armed forces, the conflict between one of the world's most elite universities and one of the world's most elite militaries should also be remembered as cross-cultural.

2. Brief History of a Forty-Year Standoff

2.1 All about War

The four decades of ROTC's official absence from Harvard's campus may best be described as a "standoff" because at no point was there much direct negotiation between the parties. The most direct communication in years only occurred recently when Harvard University's current president, Drew Gilpin Faust, welcomed ROTC back, (Note 9) and Admiral Mike Mullen, then outgoing chairman of the Joint Chiefs of Staff, promised in response to help ensure its return (Note 10). Yet, 1969 and 2011 are not the appropriate bookends to explain this standoff in terms of a cultural conflict. For that, one needs to go back much further.

On July 3, 1775, George Washington took command of the first national fighting force, the Continental Army, in Cambridge Common—a beautiful park bordered by Harvard Yard on the southeast, Harvard Law School on the northeast, and Radcliffe College (now part of Harvard) to the southwest (Note 11). During the Civil War, 136 Harvard men lost their lives fighting for the Union, prompting the university to dedicate a building, Memorial

Hall, to their sacrifice (Note 12). In 1916, the same year ROTC was established by the U.S. government, (Note 13) Harvard became one of the first to open such a program, with over 1,000 students joining and subsequently parading “through Boston in a show of national ‘preparedness.’” (Note 14).

In total, about 11,000 Harvard men would serve in World War I, this time prompting the building of Memorial Chapel (Note 15). Countless others, men and women affiliated with Harvard, would go on to serve in World War II, Korea, Vietnam, Kuwait, Afghanistan, Iraq and smaller but equally dangerous and deadly battlefields around the globe. In fact, no school except the military academies themselves has produced more Medal of Honor recipients than Harvard University (Note 16).

Yet, in the midst of unprecedented personal service, there was a forty-year standoff between two of the most powerful institutions in the world. Writing for the Harvard student newspaper in 1968, David Bruck, now a law professor at Washington & Lee University, predicted:

Although a large-scale move by American colleges to abolish ROTC is extremely unlikely, it is possible that many colleges will adopt a policy of dissociation [sic] similar to the one approved by [Boston University] faulty this winter. This possibility arises partly from the increased sensitivity to the military presence on the campuses since the beginning of the Vietnam war. But that is not the most important factor, and even without the war it is quite conceivable that many colleges would soon be trying to reduce the official status enjoyed by ROTC on their campuses (Note 17).

This student article may be the first documentation that the standoff between Harvard University and the U.S. military was more than a political dispute. Still, one year later in 1969, Harvard students protesting the Vietnam War invaded University Hall and set fire to the Marine Corps classroom, prompting the administration’s decision to ban ROTC (Note 18). When the war ended, ROTC did not return to campus.

2.2 All about Gay Rights

As a sign that the war issue never entirely went away, in 2009, Faust gave each graduating ROTC cadet a copy of Michael Wlazer’s book, *Just and Unjust Wars* (Note 19). However, there was a vast shift in the Harvard ROTC standoff from war policy to the policy against homosexuals in the military. Although it is not known exactly when this shift occurred, it is clear that it predated DADT.

Having been promoted to university president only two years after the violent 1969 protests, Derek Bok was instrumental in the decision to allow Harvard students to participate in the cross-town ROTC program at the Massachusetts Institute of Technology (MIT) (Note 20). Yet, in 1990, Bok wrote to Defense Secretary Dick Cheney, “to protest the policy of excluding homosexuals from the Reserve Officers Training Corps.” (Note 21). Bok was outraged at a situation where a Harvard student was dismissed from the MIT program and ordered to pay back his ROTC scholarship simply because he had said he was gay (Note 22). In a *Harvard Law Review* note five years prior, which argued that “courts should recognize homosexuality as a suspect classification under the equal protection clause,” reference was made to a case where ‘I am a lesbian’ without proof of conduct was not adequate grounds for dismissal of an ROTC cadet (Note 23).

In 1992, a writer for the MIT student newspaper proclaimed, “Clinton’s victory on Tuesday may render moot the controversy over the ban on gays in the Reserve Officers Training Corps (ROTC), a Department of Defense policy which conflicts with MIT’s nondiscrimination policy.” (Note 24). Having signed up for ROTC at the University of Arkansas prior to leaving for England as a Rhodes Scholar, President Clinton had some first-hand knowledge of the program (Note 25). However, despite campaign promises to end sexual orientation discrimination in the military, Clinton reluctantly accepted DADT in 1993 (Note 26).

Larry Summers, who served under President Clinton as Secretary of Treasury, became president of Harvard in 2001 (Note 27). In that position, Summers openly advocated for the recognition of ROTC (Note 28). For the first time in a long time students were allowed to list ROTC as an activity in their yearbook, and Summers not only allowed a Harvard Yard commissioning ceremony for graduating ROTC cadets but also addressed them each May as keynote speaker (Note 29). The fact his tenure was cut short by faculty strife, probably acknowledges two reasons why Harvard’s ROTC ban was not lifted on Summers’ watch. As observed by Paul Mawn, a retired Navy officer and chair of the Advocates for Harvard ROTC, during “the 1970’s, it was the undergraduates who got everything started. Now, it’s flipped. It’s the tenured faculty who are very vocal.” (Note 30).

Indeed, besides shifting from the Vietnam War to Gay Rights, there was a shift in the second half of this standoff from student to faculty opposition. Between Harvard presidents Bok and Summers, there was Neil Rudenstine. Before entering academia, Rudenstine had been an Army officer who obtained his commission through the ROTC program at Princeton. When asked what he thought of the newly enacted DADT policy and its

consequences for Harvard ROTC, Rudenstine responded, "I have a view. I just think I really ought not to preempt the faculty." (Note 31).

3. Characteristic of a Cultural Conflict

Not long after the passage of DADT, Congress passed the Solomon Amendment, threatening schools which deny access to military recruiters with the loss of federal funding (Note 32). Before being confirmed to the Supreme Court, recall that former dean of Harvard Law School, Elena Kagan, faced some of her toughest questioning on this exact issue (Note 33). Indeed, opposition to the Solomon Amendment seems to have been strongest among the legal academy, with some even noting a cultural element beyond its "policy and politics." (Note 34). Yet, the underlying reason for the Solomon Amendment, schools which were denying access to the military, highlights the existence of a cross-cultural conflict.

Dennis Jacobs, Chief Judge for the U.S. Court of Appeals for the Second Circuit, has noted that "banishment of ROTC from campuses has a counterpart in the longstanding effective ban on recruiting in the law schools." (Note 35). In a harsh rebuke recently delivered at Cornell Law School for what he termed the "legal elite" and their longstanding and unappreciative ways towards the military, Judge Jacobs observed:

No doubt, many people feel strongly about the policy called 'Don't Ask, Don't Tell.' But the cultural alienation I am talking about long pre-dates that Clinton-era policy. It has been said that if you remember the Sixties, you weren't there. But I was there, and I can tell you. This aversion to the military became a strong current in liberal and academic feeling during the Vietnam War; since then it has not abated - or even developed. Young people who have been indoctrinated to feel revulsion for all things military have been taught to attribute that reflex to the policy on gays. As a feeling, it is no doubt sincere, and opposition to the policy is fairly argued, and unresolved. But... [t]he policy on gays in the military is an Act of Congress, and compliance by the military is required by the principle of civilian control. Hostility to the military itself on the ground of its compliance with this Act of Congress is (especially on the part of lawyers) simply ignorant (Note 36).

Richard Posner, the influential Judge for the U.S. Court of Appeals for the Seventh Circuit, has also addressed the issue of elite law schools shunning military recruiters (Note 37). Posner described an amicus brief justifying this practice, and filed in the U.S. Supreme Court on behalf of Harvard Law School professors, as bordering on "absurd" (Note 38) and "frivolous." (Note 39). Posner also noted "the possibility that by discouraging military recruiters the schools are helping to perpetuate a conservative military culture." (Note 40).

Whether one agrees with Judge Jacobs or Judge Posner, these views represent ones which are difficult to find in academic literature—which is exactly the point (Note 41). Moreover, despite framing it as being about the Vietnam War, then Gay Rights, parties on both sides of the Harvard ROTC standoff have described it as "complex" (Note 42) and "complicated." (Note 43). Such comments might be expected in a cross-cultural conflict, a situation often steered by biases based on both quantifiable and unquantifiable differences.

3.1 Actual Differences

Clearly there are real differences between a school and a military, but measuring those observations are much harder. Using the work of Geert Hofstede, a prominent cross-cultural expert, might provide the most promising guide (Note 44). Both Hofstede's indexes for High & Low Uncertainty Avoidance (UAI) and High & Low Power Distance (PDI) may be used to represent individual or institutional modes of functioning.

A key question in determining tolerance for uncertainty, contended Hofstede, is whether that individual or institution believes rules can be broken (Note 45). Other traits for High UAI, include: "More emotional resistance to change... Hierarchical structures of organizations should be clear and respected... Company rules should not be broken." (Note 46). Traits for Low UAI, include: "Less emotional resistance to change... Hierarchical structures of organizations can be by-passed for pragmatic reasons... Rules may be broken for pragmatic reasons." (Note 47).

While most organizations have a chain of command, none is probably more hierarchical or rule adherent than an armed force. As Judge Jacobs noted, strict hierarchy exists because, "military culture has evolved for reasons indispensable to its role and mission: to prevail in conflict, at risk of life." (Note 48). Yet, while clear differences exist in Uncertainty Avoidance, the cultural difference between Harvard University and the U.S. military may be even clearer in Hofstede's Power Distance Index (Note 49).

Geert Hofstede defined High PDI and Low PDI as "syndromes," in part, to indicate the "undesirability" of being at either extreme (Note 50). For Low PDI, Hofstede noted: "Inequality in society should be minimized." (Note

51). For High PDI, Hofstede noted: “There should be an order of inequality in this world in which everyone has his rightful place; high and low are protected by this order.” (Note 52). Equally telling is what Hofstede contended about methods of social change. Low PDI players believe: “The way to change a social system is by redistributing power.” (Note 53). High PDI players believe: “The way to change a social system is by dethroning those in power.” (Note 54).

Although the military clearly has a higher Power Distance Index than Harvard, Hofstede never suggested either mode is inherently stronger or weaker. Both sides of the Harvard ROTC standoff, for example, included some of the most powerful parties in the world—institutional and individual. In fact, a key to understanding the conflict’s present truce may be recent overlap of some of these influential parties (Note 55).

3.2 Perceived Differences

As much as the forty-year Harvard ROTC standoff included parties who were different, it also included parties who likely thought of themselves as even more different (Note 56). According to two recent Harvard alumni who participated in ROTC at MIT, for no elective credit towards their degree and at the expense of anonymous donors, “the student handbook caution[ed] students against joining ROTC, remarking that the program is ‘inconsistent with Harvard’s values.’” (Note 57). Since the early 1970’s, when ROTC lost its official presence at Harvard, it has been observed that academia, particularly elite institutions, lean greater to the left (Note 58). Still, elite institutions may not be as liberal as many might assume.

On September 11, 2008, Barack Obama, former editor-in-chief of the *Harvard Law Review* in his campaign to become commander-in-chief of the U.S. military, said that ROTC should be welcomed back (Note 59). The crowd at Columbia University cheered (Note 60). In 2009, *The Washington Times* reported a similar sentiment: “Polls conducted on campus by Advocates for Harvard ROTC show the majority of students support ROTC and also feel pride in seeing fellow students in uniform.” (Note 61). Additionally, as Judge Posner suggested while critiquing opposition to military recruiters at Harvard Law School, “[t]he vast majority of the students at the elite law schools become corporate lawyers and defend the mores and values of giant corporations. Revolutionaries they are not.” (Note 62).

In the same light, today’s military is more progressive than many likely presume. For instance, it has been argued that the U.S. Supreme Court “was powerfully influenced” by an amicus brief regarding similar military policy when it decided to uphold affirmative action at the University of Michigan Law School (Note 63). Moreover, while three Air Force professors recently argued DADT only existed because a “culture has been created and defended by a military hierarchy increasingly out of touch with majority American culture,” (Note 64) few lobbied harder in recent years to repeal DADT than the military itself. As reported by *The Washington Post*, repeal only “came after an exhaustive Pentagon review found that allowing gays to serve openly posed a ‘low risk’ of disruption and that a large majority of troops expected that it would have little or no effect on their units.” (Note 65). Indeed, with the end of DADT also comes the recognition that the U.S. military accepted homosexuals long before the overwhelming majority of American states (Note 66).

4. Conclusion

In the “vigorous” dissent to the U.S. Supreme Court case *Romer v. Evans*, authored by Justice Scalia and joined by Justices Rehnquist and Thomas, it was argued that gay rights is a “cultural debate” for which the “Court has no business...” (Note 67). At least one legal scholar vehemently agreed (Note 68). Yet *United States v. Virginia*, decided the same year as *Romer* and ordering Virginia Military Institute to accept women (the last military school in the U.S. which had not), clearly demonstrates that conflicts may be political, legal, and cultural (Note 69). The fact that some at Harvard still refuse to welcome back ROTC, post Vietnam and DADT, only furthers this reality (Note 70).

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Notes

Note 1. "Don't Ask, Don't Tell" (1993).

Note 2. O'Keefe (2010).

Note 3. O'Keefe (2010).

Note 4. Jan (2010); Lindsay (2011). Harvard was not the only university to ever ban ROTC, but it was the first to make an "about-face" after the repeal of DADT.

Note 5. Carmichael (2011). After announcing the return of ROTC, Harvard still waited nine months until the exact day DADT became ineffective to officially welcome back the first ROTC unit.

Note 6. Harden (2010). Harden concluded, sarcastically, "Of course, we all know Harvard's ban has nothing to do with the sanctimonious anti-militarism of the liberal elite who run the place."

Note 7. Dickinson (2006) 392.

Note 8. Kristol & West (2009).

Note 9. Jan (2010).

Note 10. Groll *et al.* (2010).

Note 11. Young (1972) 3.

Note 12. Faust (2008).

Note 13. Bruck (1968).

Note 14. Faust (2008); Kristol & West (2009).

Note 15. Faust (2008).

Note 16. MacQuarrie (2010).

Note 17. Bruck (1968).

Note 18. Kristol & West (2009).

Note 19. Faust (2009).

Note 20. O'Connor (2009) A17. Derek Bok was Dean of Harvard Law School from 1968 until 1971, when he then became university president for the first time (serving in that capacity again on an interim basis between Summers and Faust). In 1973, Harvard College accepted Chuck DePriest, great-grandson of Oscar DePriest (born in Florence, Alabama, but moved to Chicago, Illinois, where he became the first black elected to Congress post-Reconstruction). DePriest wanted to participate in ROTC, but this option no longer existed for Harvard students. As told in an essay by a fellow Harvard student also denied the ability to participate in ROTC, DePriest eventually won the support of President Bok, who "quietly approved the MIT arrangement."

Note 21. Lewin (1990) A17.

Note 22. Lewin (1990) A17.

Note 23. Harvard Law Review Association (1985) 1287, 1295-96.

Note 24. Kim (1992).

Note 25. Bill Clinton's Draft Letter (1992).

Note 26. Alexander (2003-4) 408-9.

Note 27. English (2007).

Note 28. English (2007).

Note 29. English (2007).

Note 30. English (2007).

Note 31. Gammill (1993).

Note 32. "Solomon Amendment" (1996).

Note 33. Oliphant (2010).

Note 34. Arriola (2005) 151.

Note 35. Jacobs (2009) 207.

Note 36. Jacons (2009) 207.

Note 37. Posner (2006).

Note 38. Posner (2006) 50.

Note 39. Posner (2006) 52.

Note 40. Posner (2006) 57.

Note 41. Glazer (1996) 487-8. Following a lengthy discussion of a Harvard faculty report opposing ROTC based on DADT, Glazer a long-time Harvard professor concluded: "Only one faculty member, Harvey Mansfield, made a lengthy and reasoned presentation in opposition to the report, and two others spoke against parts of the report. Where were the others?, one wondered."

Note 42. Guehenno (2007).

Note 43. cjm13 (2010).

Note 44. Hofstede (1984).

Note 45. Hofstede (1984) 118-9.

Note 46. Hofstede (1984) 132.

Note 47. Hofstede (1984) 132.

Note 48. Jacobs (2009) 206.

Note 49. Hofstede (1984) 65.

Note 50. Hofstede (1984) 93.

Note 51. Hofstede (1984) 93.

Note 52. Hofstede (1984) 93.

Note 53. Same as Note 50.

Note 54. Same as above.

Note 55. English (2007); Service Nation Presidential Forum (2008). Larry Summers arrived at Harvard via the White House administration which created DADT, only to return to the White House under the administration which ended DADT. Indeed, while they have not received much credit in the press, Harvard men Summers and Obama were clearly as instrumental in finally ending the Harvard ROTC standoff as any other two individuals.

Note 56. Secretary of the Navy Public Affairs (2011). Alluding to the issue of biases, Navy Secretary Ray Mabus contended: "Together, we have made a decision to enrich the experience open to Harvard's undergraduates, make the military better, and our nation stronger. Because with exposure comes understanding, and through understanding comes strength".

Note 57. Kristol & West (2009).

Note 58. Glazer (1996) 483.

Note 59. Service Nation Presidential Forum (2008) 88.

Note 60. Service Nation Presidential Forum (2008) 88.

Note 61. Hurley (2009).

Note 62. Posner (2006) 56.

Note 63. Lee (2004) 2303-4.

Note 64. Allsep *et al.* (2011).

Note 65. O'Keefe (2010).

Note 66. Keyes (2011).

Note 67. 517 U.S. 620 (1996) 636; Polikoff (2003) 228. While slow to classify the ROTC debate as such, some liberal academics have also described the debate over homosexual rights as a "cultural war."

Note 68. Rabkin (1998) 105.

Note 69. 518 U.S. 515 (1996); de Vise (2009).

Note 70. Coffin (2012).