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OPINION | COMMENTARY

Triggered by Weinstein's Harvard Lawyer

A law professor agrees to represent an unpopular client, and undergrads say they're traumatized.

By Heather Mac Donald

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Harvard law professor Ronald Sullivan Jr. at the state Supreme Court in New York, Jan. 25. PHOTO: JULIO CORTEZ/ASSOCIATED PRESS

Harvard has opened an investigation into law professor Ronald Sullivan, who earlier this year joined Harvey Weinstein's criminal-defense team. Some undergraduates complained that Mr. Sullivan's decision to represent Mr. Weinstein, who is charged with rape in New York, puts them at risk. By taking the complaint seriously, Harvard puts its commitment to identity politics above the core tenets of due process.

Student backlash was immediate when the New York Post reported in late January that Mr. Sullivan would be representing Mr. Weinstein. A visual and environmental studies major started an online petition to remove Mr. Sullivan from his position as faculty dean of Winthrop House, one of Harvard's 12 undergraduate residential houses. Mr. Sullivan's choice of client was "deeply trauma-inducing," and shows that Mr. Sullivan doesn't "value the safety of students," the petition announced. Would Winthrop residents "really want to one day accept [a] Diploma," the petition asked, from someone who "believes it is okay to defend" Mr. Weinstein?

Six Harvard dorms held "listening sessions" attended by emissaries from the university's Office for Sexual Assault Prevention and Response, whose website urged traumatized students to seek mental-health services and other help from Harvard's massive Title IX bureaucracy. Harvard's dean of students and its lead Title IX coordinator attended a student protest outside the main administration building, where the ubiquitous Office for Sexual Assault Prevention and Response doled out hot chocolate.

Still-unidentified vandals spray-painted #MeToo slogans such as "your silence is violence" on Winthrop House. The record reveals no condemnation from Harvard officials and requests for comment were not returned at press time. The Association of Black Harvard Women complained that Mr. Sullivan (who is black) had "failed" female African-Americans at Harvard and had compromised his ability to support "survivors . . . as they deal with their trauma."

This student agitation could have been an opportunity for a lesson in the values of Western democracy. Harvard's administrators could have explained that a lawyer who defends someone accused of a crime doesn't thereby condone crime. Rather, he is upholding the principles that all defendants, even guilty ones, have a right to legal representation and that the state may criminally punish someone only after proving his guilt in a rigorously contested adversarial process.

History shows that without such a requirement, state power slides toward tyranny, Harvard's adults could have said. Mr. Sullivan's representation of Mr. Weinstein embodies the highest ideals of the law—that every accused person, no matter how reviled, is entitled to a defense in court.

Instead, the administration kowtowed to hysterical students. Rakesh Khurana, dean of Harvard College and a business school professor, launched a review of "concerns about the community's

overall climate” at Winthrop House. As part of the investigation, Harvard’s Office of Institutional Research would administer an anonymous survey, and a former freshman dean would speak privately with Winthrop House residents.

The fact of the climate review is bad enough. It validates the idea that there is something to investigate in Mr. Sullivan’s decision to represent an unpopular client. And the administration’s rhetoric smacks of a re-education camp. The Harvard Crimson reported that Mr. Khurana was “actively” communicating to Mr. Sullivan what he was hearing from “members of the community and what they’re describing their needs [sic] so that Professor Sullivan can adjust to those needs.” Mr. Khurana said he has also “communicated that the College believes that more work must be done to uphold our commitment to the well-being of our students.” In reality, Mr. Sullivan has done nothing to jeopardize the well-being of Harvard’s students.

The dean of Harvard’s Faculty of Arts and Sciences, Claudine Gay, was ominously noncommittal regarding Mr. Sullivan’s ability to rehabilitate himself. Mr. Sullivan’s efforts to date to reassure the community about his commitment to its safety have been “insufficient,” said Ms. Gay, who is also a government and African-American studies professor. Echoing Mr. Khurana, Ms. Gay asserted that “there’s more work that needs to be done,” and hopes for a conversion: “I am hopeful that Professor Sullivan is prepared to be a partner in that work.”

The anonymous climate survey arrived in Winthrop House members’ email boxes this month. Predictably, it asked if the house was “racist” or “homophobic” and whether it has a “strong commitment to diversity, equity, and inclusion.” Harvard might as well close up shop if there is any doubt in 2019 that the answers to these questions are no and yes, respectively. And what do racism and homophobia have to do with the Weinstein case anyway?

In a twist of identity-politics delirium, Mr. Sullivan is now playing the race card against the administration. In a New Yorker interview, he said of the climate survey: “It’s absolutely never happened before, and I do not believe that it would happen again to any non-minority faculty dean.” That racism allegation is as preposterous as the claim that Winthrop House residents are unsafe because of Mr. Sullivan’s criminal-defense work.

The victimhood ideology Harvard is stoking is inimical to education. The zealotry of the Believe Survivors movement, the insistence that identity-based victims uniquely possess the truth, the claim that testing such truth in the marketplace of ideas or a court of law constitutes further victimization—all work against the so-called critical thinking that colleges such as Harvard pride themselves in fostering.

The Sullivan episode represents the toxic union of identity politics with the consumerist model

of education, whereby the student is a customer and therefore is always right. Even if Mr. Sullivan ultimately keeps his job at Winthrop House—or at Harvard—Harvard’s graduates will carry with them into the world a profound ignorance of the principles that safeguard American liberties. As they assume positions of power and influence, that will put everyone’s freedom at risk.

Ms. Mac Donald is a fellow at the Manhattan Institute and author of “The Diversity Delusion: How Race and Gender Pandering Corrupt the University and Undermine Our Culture.”

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