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An Activist at Harvard Law School

AN ACTIVIST AT HARVARD LAW SCHOOL

PETER M. CICCHINO*

At twenty-nine, I was one of the “older” students in my class when I entered Harvard Law School. My ostensible purpose in going to law school was to obtain a law degree. But my strongest intention, I now believe, was to live as an openly gay man and immerse myself in the struggle for the civil rights of lesbian and gay people. That prospect—of being what for lack of a better term might be called a “gay activist”—caused me a great deal of excitement and a certain amount of anxiety. I was no stranger to advocating for unpopular causes, but the rights of lesbian and gay people had never been one of them.

Entering Harvard Law School, I fully expected to encounter opposition, maybe even ridicule, for the project of public advocacy I was determined to undertake. It did not occur to me that I would find tremendous amounts of affirmation and acceptance as an openly gay man at the law school. That is, however, precisely what I found. The irony of my time at the law school was that the issues that got me into most trouble were not, in the minds of most people, “gay-related.” Understanding that irony, however, requires me to say a little more about the time between my graduation from college and my entering law school.

For six of the seven years between graduating from college and entering law school in 1989, I had been a member of the Society of Jesus, a Roman Catholic religious order better known as the Jesuits. As an undergraduate, I had attended a small, conservative, Roman Catholic college in Scranton, Pennsylvania. Two months after

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graduating, I entered the Jesuits. Almost from the start, I struggled with the issue of being gay and what that meant for my life. My religious superiors knew of my sexual identity and were generally supportive of me. There are an enormous number of gay Jesuits, among them some saints and some sinners. Given the prevailing moral theology of Roman Catholicism, however, something closely akin to a “don’t ask, don’t tell” policy operated within the order. As long as one did not publicly advocate for gay rights or publicly self-identify as gay, one could live within the church. Of course, one’s vow of celibacy retained its full force and by one’s silence one was forced into complicity with the homophobia of the hierarchical church.

This led to many crises of conscience for me. In January of 1983, about five months after entering the Jesuits, I almost left over the issue of being gay. A year later, in an eight day retreat prior to my taking vows, the issue forcefully re-emerged. The master of novices, the priest in charge of preparing new Jesuits for life in the order, suggested I do a “fantasy” exercise in which I imagined an alternative life for myself—what would I do were I not a Jesuit? My fantasy? To go to Harvard Law School, become involved in a long term relationship with a man, and devote myself to lesbian and gay civil rights.

Regrettably, I was too weak, too immature, too confined in courage and imagination to act upon the images which conscience urged upon me. Accordingly, the idea of living as an openly gay man was pushed out of my mind time and time again. It is difficult to explain, but although I self-identified as a gay man, although I had many gay Jesuit friends, although I increasingly came out to non-Jesuits, still, I was consumed by other issues, peace and poverty foremost among them. True, the Jesuits were a closet, but a very *large* closet, one, I used to say, that would do Imelda Marcos proud. The very size of that closet made its confines somewhat less oppressive, diminishing the incentive for and prolonging the process of fully coming out.

It would be wrong, however, for me to be entirely negative about my time in the Jesuits. In saying that, I am reminded of the greenhouse that stood on the grounds of our novitiate—the place where Jesuits live during their noviceship or first two years of training.

During my noviceship the greenhouse was restored. We brought plants into the greenhouse in the hopes that, in the spring, we could remove them to the cloister garden. The greenhouse was a place where living things could survive during the harsh winter. There, protected from the cold and wind, plants could be preserved until the season changed. Then those living things, nurtured in the greenhouse, could be transplanted to a more receptive soil, to a

2001]

GAY ACTIVIST

553

climate more conducive to growth. In this way, flowers that otherwise would have died were allowed to blossom.

The Jesuits were like a greenhouse for me: protective, insular, a barrier against the harsh realities of the outside world, affording an extraordinary climate for growth. Undoubtedly, my vow of celibacy had the unforeseen effect of ensuring that I would emerge free of HIV-disease from the early 1980s, arguably the worst years for transmission of the AIDS plague within the gay male community, the years when the Reagan administration, in an awesome act of criminal neglect, did nothing as a generation of gay men was being lost.

Although all Jesuits take a vow of poverty, the degree of economic security members of the order enjoy is simply inconceivable to most working people. That economic security allowed me to take part in a number of extraordinary experiences living and working with poor and marginalized people in soup kitchens, jails, hospitals, orphanages, and shelters. The security provided by the Jesuits also afforded me the freedom to engage, for the first time, in more radical acts of protest against American militarism. For the first time, I found myself being arrested in acts of nonviolent civil disobedience.

It should be clear, however, that my solidarity with poor and oppressed people was always limited by my status as an educated, white, middle class man. In 1985, when I worked at a women's shelter in New York City, during the day the women with whom I stayed at the shelter at night would wander the streets as homeless people. I would sit in a comfortable classroom at Fordham University as a graduate student in philosophy. If I was a radical during that time, and I regarded myself as one, then I was a radical of a distinctly bourgeois variety. I had been an interloper among the poor: someone who visits, observes, tries to help, but ultimately retains the ability to leave—*and* to return.

All that changed with my decision to leave the Jesuits and live my life as an openly gay man. I have sometimes thought that, relative to leaving the Jesuits and living as an openly gay man, all the so-called courage I showed in engaging in civil disobedience was small, very small, by comparison. When I was working in shelters and soup kitchens, when I was being jailed for protesting nuclear arms or the funding of the *contras* in Nicaragua, no matter how much people may have disagreed with me, there was still an aura of pure altruism about what I did. I was, after all, a white, middle-class, educated man advocating for people of color, poor people, uneducated and dispossessed people. When I left the closet to advocate for gay rights, I became one of the dispossessed fighting for the rights of my kind. One can be proud and even abstract fighting other people's battles. There is

something humbling and terribly concrete about fighting one's own battles.

But for the year between my leaving the Jesuits and entering law school, I maintained a "quietly" gay existence. In many respects, my first year outside the Jesuits was a replication of my existence inside the order. I worked at a shelter for elderly homeless people, taught a course in the Peace & Justice Studies Program at Fordham University, and continued to engage in civilly disobedient protests against American military policy.

Upon entering the law school, one of my first acts was to seek out the gay community, then organized under the uncouth acronym of "COGLLI"—the Committee on Gay and Lesbian Legal Issues. (Later, the name was changed to the even less pleasant-sounding "COGBLLI" in order to accommodate bisexuals.) Although in 1989 the undergraduate gay community had been active for some years, the openly gay community at the law school was fairly small and had been organized for only a few years.

Harvard has one of the largest law schools in the country. Most years, the law school admits five hundred and forty students for the juris doctor or J.D.—the basic law degree. Each entering class is divided into four "sections." The members of a section, about 135 first year students or "1L's", take all their required first year courses together. Sections quickly take on the dynamics of small towns, replete with local gossip, hometown romances, community leaders, and, even at Harvard Law School, village idiots. Initially, I was one of two openly gay students in my section. The other open student, Bruce Deming, soon became my closest friend at the law school. Over time, another seven members of my section would self-identify as gay or lesbian at the law school. By the time of our commencement in June 1992, twenty-three members of our class had come out of the closet.

At my first COGLLI meeting, during our first week at the law school, seven men and one woman gathered in a classroom with a seating capacity of one hundred and twenty-five. Though we seemed quite small, I remember leaving the meeting with a distinct sense of excitement and optimism. During my first two years at the law school, our primary goal was visibility. After our first semester, my friend Bruce Deming, along with another 1L, Kirstin Dodge, took over the leadership of COGLLI. A newsletter was established, we began having more regular and better organized meetings, and gradually our membership grew.

It was during that first year that the law school agreed to introduce a course on sexual orientation and the law into its curriculum. That

decision marked a real victory for the gay and lesbian community on campus. The victory came not only in the actual result, but in the process from which that result emerged. In trying to persuade the law school to introduce the course, members of COGLLI conducted a petition drive to gather signatures showing support for a course on sexual orientation issues. An inescapable effect of the petition drive was that it required people to be more public about being gay. For myself, although I had publicly self-identified from my first day of orientation at the law school, standing before the members of my class and asking for their support for the course was the first time I had addressed a public gathering, as an openly gay man, on a gay related issue.

The course turned out to be a tremendous success, as popular with straight students as it was with gay students. Taught by Bill Rubenstein, director of the A.C.L.U.'s Gay & Lesbian Rights Project, the course also offered an opportunity for gay and lesbian students at the law school to further their process of coming out by learning about the history of other gay and lesbian people. In many ways, the course became a community building experience for gay and lesbian people at the law school.

In reflecting on the course, I realize how civil, how reasonable, how utterly non-threatening, most of our "activism" on behalf of gay rights really was. We sponsored films and lectures on gay-related themes, put up gay-positive posters, handed out countless "pink-triangle" buttons, and talked with anyone willing to listen. It is important to state that those activities achieved some significant results. Largely through COGLLI's efforts the protocol of the law school health center on notification from AIDS testing was changed; the law school recognized, for the first time, the same-sex partner of a gay student for housing purposes; the orientation of first year students was expanded to include information on gay student groups; and law firms that recruited at the law school were asked to commit themselves to a policy of non-discrimination based upon sexual orientation. And, of course, we had parties—social events that always drew far more gay and lesbian people than the films, lectures, or panel discussions.

Those were some of the substantive changes effected by the efforts of the gay and lesbian community at the law school. More important, however, were the intangible effects—the sense that there *were* gay people at the law school, gay people open and happy about their sexual orientation. As witness to that realization, gay people started turning up everywhere—a panel on the stress that law school places on married couples had a gay couple for the first time, a seminar on minority recruiting included specifically gay-related issues and included openly

gay speakers, training for resident assistants (Harvard is one of the few law schools to maintain a significant residential dormitory system) now incorporated a talk, by an openly gay student, on dealing with sexual orientation issues in residence halls. By my third year, when I had become co-chair of COGLLI, our membership had grown to about seventy people.

Much of that growth of the gay community at the law school, in actual membership and in visibility, stemmed, I am convinced, from an alliance with other minority groups on campus that was formed in 1989. That alliance was organized as the Coalition on Civil Rights and included members from seven "status" minorities: the Women's Law Association, the Black Law Students Association, the Asian-American Law Students Association, the Native American Law Students Association, Students for Disability Rights, La Alianza (the Latino Law Students group), and COGLLI. The Coalition had as its primary focus the diversification of the law school faculty on the bases of gender, race, sexual orientation, and the inclusion of people with disabilities. Most concretely, from 1989 to 1992, the Coalition focused its efforts on adding a woman of color to the faculty.

In those efforts, the Coalition entered into a struggle with the newly appointed law school dean, Robert Clark. In order to understand that struggle, some explanation of the politics of Harvard Law School would be necessary. Unfortunately, those politics are so complex that an adequate explanation is impossible. Even the terms used to identify factions—"left, right, and center"—have only an attenuated connection to the way in which those terms are deployed in the world outside the law school, and are fully intelligible only in the broader context of American legal scholarship and narrower context of institutional politics at Harvard Law School. Moreover, there is no way to do justice to either side of the debate within the confines of an essay such as this one.

Maybe it will suffice to say that the law school faculty remains overwhelming white, male, and putatively heterosexual. That situation, members of the Coalition believed for well articulated reasons, was the result of a systemic, though perhaps unconscious, bias on the part of the law school's faculty and administration. The Coalition, citing years of complaints by women and minorities on campus about the lack of diversity in the faculty, and noting an equally long history of unfulfilled promises by the law school that every effort was being made to integrate the faculty with all deliberate speed, decided to escalate its protests in the years 1989 to 1992. That escalation took several forms, the most provocative of which was a campaign of direct action that included

large public rallies, silent vigils outside faculty meetings, overnight occupations of the law school's central administrative building, and sit-ins in the Dean's and selected faculty offices.

In April of 1992, the Coalition undertook what was then its most confrontational action to date. Early in 1991, Derek Bell, Harvard's first tenured black law professor, had begun a protest leave of absence. Bell had taken the action because of the faculty's rejection of several qualified women of color for tenure track positions. Under the terms of his protest, Bell would not return to the law school until some tangible progress were made toward hiring a woman of color.

Besides being an unprecedented act of solidarity with women and minority students, Bell's act of conscience came with a cost. Under Harvard University rules, no professor may take a leave of absence longer than two years. After two years, the faculty member on leave loses his or her tenured position. By April 1992, Bell had about half a year remaining before he was fired from the law school. The prospect of losing Professor Bell added to the frustration and urgency that women and minority students felt over the issue of faculty diversity.

Further heightening the tension on campus, the faculty, in March of 1992, had voted to offer tenure positions to four ostensibly straight, white men. For a law school to hire four tenured professors at one time is an extraordinary event. Members of the Coalition, as well as many faculty and staff, believed that at least one of those hired would be a woman or minority. When the appointment of the four white men was announced, the pent up anger of three years of negotiations, protests, public fora, and broken promises was unleashed. Women and minority students perceived the appointments as a direct affront: a clear statement by the tenured law school faculty that it had no intention of changing its composition: at that time, fifty-eight white males, five white women, and three African-American men (including Derek Bell). From a psychological standpoint, the appointment of the four "pale males" brought the conflict between the Dean and the Coalition to a climax.

On April 7, 1992, nine students staged a nonviolent blockade of the Dean's office. The nine students, seven women and two men, included the heads of four status minority groups: the Black Law Students Association, La Alianza (the Latino Law Students Association), the Women's Law Association, and the Asian-American Law Students Association. In fact, the protest amounted to little more than a conventional sit-in. The students sat in a row, in a hallway, in front of the door to the Dean's office suite. More specifically, the students sat in front of a door two offices removed from the Dean's office. The

blockade was almost entirely symbolic—with little effort people could (and did) step over the protestors. The Dean, perhaps already feeling under siege, wildly overreacted. Police were called in, the hallway in which the students sat was sealed off, the protestors were denied access to food, water, or toilet facilities, forcing the protestors to use a bucket in a closet for a bathroom. Only after intervention by sympathetic members of the law school faculty, were the students allowed to speak with legal counsel.

Outside the Dean's office, about a hundred students gathered in support. After slightly more than twenty-four tense hours, the students decided that they had made their point and, among wild cheers from their supporters, quit the Dean's office. Almost immediately, the Dean initiated disciplinary proceedings to have the students suspended. Armed guards were posted at the entrances to the hallway leading into the Dean's suite of offices. The doors to that hallway were kept locked and access could be gained only after having announced oneself to the Dean's secretary and gained approval for admittance.

Though gay students were actively involved in supporting the protestors, no gay student was among the protestors themselves. For myself, by the time of the protest, I had become involved with a clinical course offering legal assistance to indigent defendants in Roxbury, a poor, predominantly African-American neighborhood of Boston. On the day of the protest, I was in court. Although I had been asked to participate in the protest, I had declined, convinced that my obligations to my clients took precedence. Adding to that decision was a sense that I was moving on. For three years I had been active in campus political issues, as a member of COGLLI and as a gay representative to the Coalition. Now, only a couple of months before graduation, I thought the time had come to pass on the torch.

That sense of closure, of bringing things to an end, was heightened by a rally COGLLI sponsored two days after the sit-in at the Dean's office. The rally was held to mark "Bisexual, Gay, and Lesbian Awareness Days" or B-Glad week. In January of 1992, my term as COGLLI co-chair had ended and two second-year students assumed leadership of the group. When we met, in late March, to plan activities for B-GLAD week, different members of the group offered to take responsibility for a variety of gay-related activities. My suggestion was that we hold a rally in support of the gay community on campus. As a site for the rally, I suggested the front of the Harkness Commons, or "the Hark," the student center for the law school. The front of the Hark was a traditional place for student rallies, the site of the largest rallies held by the Coalition. My hope was that the rally would

2001]

GAY ACTIVIST

559

demonstrate as well as celebrate the law school's commitment to the dignity and equality of gay and lesbian people.

Initially, my suggestion was met with hesitation. Someone pointed out that given the demographics of the law school, such a rally would depend on the willingness of straight students to attend. If only gay people showed up, the crowd would look very small, and the whole point of the rally—to demonstrate the whole law school's support of gay and lesbian people—would be defeated. Those fears struck me as entirely justified. Nonetheless, I was confident that the rally could be a success. In an act that was equal parts altruism and egotism, I volunteered to take responsibility for the rally, to make it my personal project to secure a large turnout for the event. Overcoming its reservations, the group gave me approval.

In organizing the rally, I set about to call in every favor that was owed me, to invoke every friendship I had formed. I have always taken the goodwill of other people, and matters of good reputation generally, as a kind of interpersonal capital. Over my three years at Harvard Law School, working with COGLLI and the Coalition, dealing with administrators and faculty, getting to know other students, I had been lucky enough to amass a great deal of such capital. My intent was to spend every cent that remained of that capital on the rally.

Accordingly, I went about asking favors of everyone I knew and many people I didn't know. I wrote a letter to each member of the law school community encouraging them to attend the rally. I visited faculty and administrators and impressed upon them how important their attendance at the rally would be. I went to the offices of every student group I could find, telling them about the rally and asking them to send someone to speak in celebration of the gay community on campus. And I called just about every friend I had at the law school, urging them, as a personal favor, to attend. In a few days, several faculty members, the dean of students (Dean Clark would have attended but was ill the day of the rally), the drama society, and almost every other student organization on campus had agreed to send speakers. Getting people to speak publicly in support of gay rights was not always easy, but, by and large, people responded generously.

The day of the rally the sun shone and the crowds turned out. More than four hundred law students attended—by law school standards a great crowd. The tone of the rally was extraordinarily good humored, as speaker after speaker rose to say how glad they were to have an open gay and lesbian community on campus and that gay and lesbian people were welcome in the speaker's respective organization. One of those speakers, Professor Philip Heymann, described the struggle for legal

equality for gay and lesbian people as the civil rights movement of the twenty-first century. Heymann would later become the second highest ranking official in the Justice Department, as deputy attorney general in the Clinton Administration.

By the end of the rally, representatives from organizations I had not contacted, or had earlier declined my invitation, were lining up to speak. The rally concluded with everyone taking a pledge against homophobia. Part serious, mostly camp, the pledge was inspired by the Boy Scout Oath (an organization that excludes openly people) and read:

I pledge to resist homophobia in all its manifestations. I will do my best to support and affirm any family member, friend, coworker, or associate who comes out to me. And I will do what I can to further the struggle for legal and social equality of lesbian, gay, and bisexual people.

Those present then signed the pledge and turned copies in to the COGLLI office.

For me, the rally was the most affirming experience I had had, as an openly gay man, at the law school. In the days that followed, people who had participated approached me to tell me how much they had enjoyed and been moved by the rally. One woman, a member of my class at the law school, told me that the rally had inspired her to confront her boyfriend about homophobic remarks he would regularly make. The woman had always objected to the remarks but, desiring to avoid conflict in the relationship, had not raised the issue. Apparently, the night after the rally, the woman and her boyfriend had been on a date down in the Back Bay area of Boston. A gay male couple had passed them on the street and her boyfriend made a disparaging comment. The woman told me that at that point she remembered her pledge and decided that she had to take her promise seriously. Accordingly, she confronted her boyfriend who, fortunately, was quite apologetic. Like many seemingly homophobic people, his prejudice ran a mile wide and an inch deep. Once forced to examine that prejudice, particularly in the light of the principled opposition of someone he loved, the irrationality of the prejudice became painfully obvious.

In going on at such length about the rally, I am trying to convey some sense of my state of mind in that first week of April 1992. I remember thinking at the time that if I had "retired" from campus politics then, I would leave the law school certainly not liked by everyone, but at least respected as an outspoken, though reasonable and amiable, advocate for my community. That fate, however, was not to be mine.

2001]

GAY ACTIVIST

561

The day after the rally I received a call from one of the coordinators of the Coalition. In a long conversation, she related to me her perception that the group of students who had committed civil disobedience had fallen into disarray. The group had been given the moniker "the Griswold 9" after the building in which the Dean's office, the site of their civil disobedience, was located. Apparently some of the students had thought that the worst that would happen would be arrest for trespass. When disciplinary proceedings were initiated, and suspension from law school loomed large, some of the students understandably panicked. Leaders of the Coalition feared that the Griswold 9 might fall apart, with members of the 9 entering the equivalent of separate plea bargains with the law school's disciplinary body, the Administrative Board. The break-up of the group, under pressure from the Dean, would have been a political disaster for the Coalition. To avert that disaster, a meeting had been called to meet with the 9 and try to coordinate a plan of defense. I was asked to attend. For a number of reasons I don't fully understand, some perhaps having to do with the pastoral role I once exercised as a Jesuit, it was thought that I might have a calming effect on the Griswold 9.

I agreed to attend the meeting, but only as a facilitator. My fear was that a pattern was replicating itself in my life, a pattern in which every major period of my life concluded with a public controversy centered around some sort of trial. As an undergraduate, in the last weeks before graduation I had defended a student accused of throwing a bottle at a group of resident assistants. In my last month as a graduate student, I represented a group of students who had done civil disobedience to protest recruiting by the Central Intelligence Agency on campus. And my departure from the Jesuits had been precipitated by my defense of one of my students who, for his senior art exam, had painted a picture that school administrators found offensive.

In each case, the powers that be sought a more severe punishment than that ultimately meted out. Whether my advocacy for the accused in each case had anything to do with that result is still unclear to me. What is clear is that in each case the matter became a cause celebre within the small community in which I lived. Moreover, in each case I became part of a public controversy, canonized by some and vilified by others. Some of that vilification was deserved. My experience has been that resisting established institutional power is a difficult and wearying exercise, one in which my worst qualities—self-righteousness foremost among them—are invariably brought out. Now, at the end of my law school career, it appeared that I was being drawn into another public controversy centered around a trial.

The meeting of the Griswold 9 and the support group from the Coalition was held in the building that housed the COGLLI office. Located within that building were the office of both COGLLI and the Latino Students Association, La Alianza. At that meeting, I acted partly as a facilitator. More than anything else, however, I tried to allay fears, to build up courage, to be a source of consolation for the nine students facing the consequences of their acts of conscience. As the meeting drew on, people calmed down and a sense of unity began to emerge. Decisions were made for how to mount a defense—both in the public forum and through the disciplinary proceedings of the law school. Suddenly, the suggestion arose that I should defend the Griswold 9 before the Administrative Board. I forcefully declined, but agreed that I would help find a faculty member to act as the chief advocate for the students. By the time the evening ended, it was clear that I had become emotionally bound to the nine students. The practical question that was put to me was whether I would accept the role of coordinating the defense of the Griswold 9.

Those memories of past experiences haunted me. I worried that I was acting out some neurotic need, some pathological way of dealing with separation anxiety. I also realized what the controversy ahead would entail. Outright repression, like brute force, is often regarded as a show of strength by an existing regime. But in my experience that is rarely the case. A turn to obvious repression almost always represents a failure of control by established institutions. The very resort to such crude means of crushing internal dissent is evidence that those in power are feeling seriously threatened. It was clear to me that the very fact that the Dean's conflict with women and minority students had come to this—a public trial in which the suspension of those students would be at issue—meant that the usual restraints of civility no longer held. I fully expected to encounter the worst sort of institutional corruption and private failings in the ensuing conflict with the law school administration. My expectations were not left unfulfilled.

And, to confess to a significant bit of sheer cowardice on my part, I did not want to be hurt. I did not want to be angry for the last month of my time at the law school. I did not want to lose the public reputation of a "reasonable radical." I did not want to see the goodwill I thought I had built up among conservatives and centrist students, faculty, and staff evaporate in the ensuing conflict with the law school administration. And lastly, I did not want to put on public display my worst qualities, as I knew would surely happen in the conflict that was to unfold.

Facing those fears, however, were nine very good and very brave

people: people who had had the courage to risk what must have seemed to them everything for the sake of something in which they believed. Though I thought their confidence in me based upon an inaccurate assessment of my abilities, still I found it impossible to say no to them. More than anything else, gay and lesbian people are oppressed by the sense that we are the alone in the world. Most of the pain of being a gay adolescent flows from one source: the sense that you are the only one. It just seemed to me that it would be wrong to leave the Griswold 9 alone to face their fate. And so I agreed to coordinate their legal defense. Later, I would make a pledge to the Griswold 9 that if they were suspended—an outcome I found outrageously immoral—I would go to the Dean's office, chain myself to the doors, and be suspended myself.

The events of the next few weeks would fill a small book. Most briefly, we found a brilliant, young, and sympathetic faculty member named Terri Fisher to serve as lead counsel for the Griswold 9. I continued to serve as coordinator of their legal defense and acted as "second chair" at their trial. The trial itself was high theater. Set in the Ames Courtroom, the scene would have done any old Soviet-style show trial proud. Like judicial theater in the round, several hundred faculty, staff, and students surrounded eight long tables arranged as a square. The tables were draped with red cloths (Harvard's color is crimson) and microphones stood in front of each speaker. At the northern end of the square sat the members of the administrative board—the judges for the evening. On the western side of the square sat the prosecutor. Facing him, on the east, were Terri Fisher, myself, and the nine defendants. Finally, completing the square on the southern side were a lone chair and microphone—the witness seat.

The trial was preceded by rallies, dozens of meetings, hours of negotiations, and countless press releases. As the Dean remained mired in paranoid intransigence, his office in a state of psychological, if not literal, siege, the rhetoric from the Coalition (much of which came from my tongue and pen) escalated unchecked. More and more members of the faculty were drawn into the matter as professors from the center of the faculty tried to avert what they viewed as a public relations disaster for the law school. Calls for the Dean's resignation, one of which I authored, were made in the law school newspaper and seconded by *The Crimson*, the university paper. Making matters worse, right wing members of the Harvard Law Review published a vulgar, cruel, and entirely humorless "parody" disparaging the life of Mary Joe Frug, a feminist legal scholar and spouse of one of the Harvard law school faculty. Mary Joe had been brutally murdered just one year

prior to the verbal attack by the law review.

In the end, the trial and the public controversy that surrounded it resulted in all the worst things I had feared. The whole campus seemed consumed by the issue. The divisiveness and animosity at the law school became almost unbearable. People I formerly respected, primarily members of the faculty and administration, revealed a degree of duplicity, cowardice, and moral corruption that I can only describe as scandalous. For my part, a commitment to nonviolence—something I have long considered the very ground of my moral values—was lost amid the conflict. I found myself experiencing a level of anger I had not known in years, and frequently giving vent to that anger in public.

The most humiliating example of that anger came when, while cross-examining a witness at the trial of the *Griswold 9*, I lost my temper. I was, in a word, ruthless with the witness—an older, woman administrator. In a statement that captured the change in the perception of me by many people, a professor of mine approached me at a break after the cross-examination and said, “I never thought you had that kind of thing in you.” An assistant dean was more direct: “I guess we’ve seen the violence in your soul.”

From a lawyer’s standpoint, even worse than the breach of simple decency my loss of temper represented, it could have seriously injured the case of the defendants I was representing. In the end, due largely to Terri Fisher’s eloquent advocacy, the Administrative Board declined to suspend the students and instead imposed a reprimand that, upon graduation, was expunged from their records.

For my part, after the announcement of the verdict, things quieted considerably. Though the Dean did try to exact one last bit of revenge—when it was announced that I had been selected to be one of the three student speakers at Harvard’s commencement the Dean raised a strong objection with the marshall of the University—his efforts came to nothing.

The controversy in which I ended my time at Harvard Law School still leaves me feeling somewhat sheepish—at least around some members of the faculty and administration. Nevertheless, with all the mistakes I, at least, made—and there were many—I do not regret the decision to help defend the *Griswold 9*. If nothing else, it gave me an opportunity to grow to know and love a number of extraordinary people: the *Griswold 9*, the leaders of the Coalition that organized public support for the 9, and my lead counsel, Terri Fisher. Watching the 9 cope with their fear of having their legal careers ruined, seeing Terri Fisher stand by as his reputation as an eminently reasonable and prudent member of the progressive wing of the faculty apparently

2001]

GAY ACTIVIST

565

eroded, and being present as all those involved with the 9 tried to explain to family, friends, and colleagues just *why* they were investing so much energy in a matter of principle, made me think that maybe it was wrong for me to see people and issues as separated into rigid categories of “gay” and “non-gay.”

My experience with the Griswold 9 made me think that maybe everyone struggles, in one form or another, with coming out of the closet. For gay and lesbian people the walls of the closet are constructed by forces of homophobia. For law students who want to express their convictions, maybe the walls of the closet are made of other stuff—like anxiety about careers. For a tenured faculty member who becomes the advocate for a group of progressive students, maybe the walls of the closet are fear of losing the respect of colleagues, or losing the reputation as a prudent and reasonable person. Whatever the stuff of those walls, breaking them down usually begins when anger, or frustration, or a desire to stop telling lies, overcomes the fear of the consequences of telling the truth.

In the near future, at least, my work as a lawyer will focus specifically on gay people. But one of the many things my experience at Harvard Law School taught me was that the other people and concerns that have long been a part of my life will remain. And it may well be that advocating for those people—poor people, women, prisoners, people of color—may come to consume most of my time, energy, and commitment. Nevertheless, I am convinced that being an openly gay man has permanently changed the way in which I go about advocating for those people. Primarily because I no longer think in terms of “those people.” I think only in terms of “one of us.”