



WINTER 2006

Bulletin

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AMERICAN ACADEMY
OF ARTS & SCIENCES

Thursday,
February 9, 2006

Stated Meeting – Cambridge

“Tax Reform: Current Problems, Possible Solutions, and Unresolved Questions”

Speaker: James Poterba, MIT

Introduction and Response: Michael J. Graetz, Yale University

Location: House of the Academy

Time: 6:00 p.m.

Wednesday,
February 15, 2006

Regional Meeting – Chicago

“America’s Greatest Lawyer: Abraham Lincoln in Private Practice and Public Life”

Speaker: Walter E. Dellinger, Duke University

Introduction: Saul Levmore, University of Chicago Law School

Location: University of Chicago Law School

Time: 5:00 p.m.

Tuesday,
February 28, 2006

Special Evening – Cambridge

“When There Are No Good Choices: Lyndon Johnson and the Vietnam/ Great Society Connection”

Speaker: Francis M. Bator, Harvard University

Introduction: Ernest R. May, Harvard University

Location: House of the Academy

Time: 5:15 p.m.

Wednesday,
March 8, 2006

Stated Meeting – Cambridge

“Preparing for Pandemics”

Moderator: Joseph Martin, Harvard Medical School

Speakers: Barry R. Bloom and Howard Koh, both, Harvard School of Public Health

Location: House of the Academy

Time: 6:00 p.m.

Saturday,
March 18, 2006

Stated Meeting – San Francisco

“Innovation: The Creative Blending of Art and Science”

Speaker: George Lucas, Lucasfilm Ltd.

Introduction: F. Warren Hellman, Hellman & Friedman, LLC

Location: Letterman Digital Arts Center, The Presidio of San Francisco

Time: 5:00 p.m.

Tuesday,
April 4, 2006

Stated Meeting and Joint Meeting with the Boston Athenæum – Boston

“Great Scientific Discoveries of the Twentieth Century”

Speaker: Alan Lightman, MIT

Location: Boston Athenæum

Time: 6:00 p.m.

Friday,
April 21, 2006

Concert – Cambridge

Location: House of the Academy

Time: 5:30 p.m.

Wednesday,
May 10, 2006

Stated and Annual Meeting – Cambridge

Speakers: Ronald George, Supreme Court of California, and Margaret Marshall, Massachusetts Supreme Judicial Court

Location: House of the Academy

Time: 6:00 p.m.

For information and reservations, contact the Events Office (phone: 617-576-5032; email: mevents@amacad.org).

Academy News

American Academy Inducts 225th Class of Members

Speaking to the over 500 members and guests assembled for the 2005 Induction Ceremony, new Fellow **Elena Kagan**, Dean of the Harvard Law School, pointed to the Academy's historic mission to bring together scholars and practitioners dedicated to the public good. "This must be," she noted, "because the Academy thinks that each can learn from the other, that those who think about the world and those who run the world both should want to make it better. And that the chances of doing so depend on the strength of their desires and the scope of their opportunities to work together."

The vision of the Academy's founders and its realization over 225 years was one of the principal themes of the Ceremony that honored 197 new Fellows and 17 Foreign Honorary Members from 26 states and 10 foreign countries. They included scholars, scientists, and artists as well as civic, corporate, and philanthropic leaders (see pages 42 – 56 for descriptors of the new members).

The daylong series of events began with an orientation session providing new members with an overview of Academy studies, the Visiting Scholars Program, and activities across the country. In welcoming remarks, President **Patricia Meyer Spacks** emphasized that the Academy looks to its members for new ideas and perspectives and urged the group to take an active part in the research program, governance, and election process. Introducing the leaders of current Academy projects, Chief Executive Officer **Leslie C. Berlowitz** noted: "Today, as 225 years ago, the Academy focuses its attention on those issues that are of deep concern to the intel-

Continued on page 2



New members Daniel Boyarin (University of California, Berkeley) and Alice Kessler-Harris (Columbia University)

New Mellon Grant for Humanities Indicators

For over 30 years, scientists have relied on the National Science Foundation's *Science and Engineering Indicators* for comprehensive statistics and information on science, engineering, and technology in the United States. Now, thanks to a generous grant of \$701,000 from the Mellon Foundation, the Academy will produce *Humanities Indicators*, an initial effort to create a comparable picture of the state of the humanities.

The *Humanities Indicators* will bring together empirical data on all aspects of the humanities, from primary and secondary education, to university teaching and research activities, to the libraries, museums, and historical societies where so many children and adults receive significant exposure to the humanities. It will include essays describing the trends and challenges revealed by this data. The *Indicators* will be made available on the Academy website. Academy Fellow **Norman Bradburn**, a nationally recognized researcher on survey methodology at the National Opinion Research Center and the University of Chicago, is overseeing data collection and analysis. Academy President **Patricia Meyer Spacks** is the codirector of the *Humanities Indicators* Project.

"The nation lacks a broad-based, quantitative analysis of the state of the humanities in the United States," noted Chief Executive Officer **Leslie C. Berlowitz** in acknowledging the award. "We don't have sufficient empirical data about what is being taught in the humanities, how they're funded, the size of the work force, and public attitudes toward the field. This is a key goal of the Academy's humanities program. The *Indicators* Project will be an important step in closing that fundamental knowledge gap for the benefit of scholars, policymakers, and the public at large."

This grant brings to fruition several years of preliminary work on humanities data. This work, which was supported by the Rockefeller and Hewlett Foundations, included planning meetings, conferences, surveys of data resources, and two Occasional Papers, *Making the Humanities Count: The Importance of Data* (2002) and *Tracking Changes in the Humanities: Essays on Finance and Education* (2006).

Exhibit from the Academy's Archives



Every newly elected member of the Academy is asked to write a letter of acceptance. The thousands of such letters received over the past 225 years are one of the Academy's most important collections of documents. Now, visitors to the Academy's House in Cambridge can view a selection of these letters in a new exhibit in the atrium. Among the seventy-

five documents on display are the acceptance letters of Charles Darwin, Washington Irving, Mary Leakey, Martin Luther King, Jr., Marion Anderson, Willa Cather, John F. Kennedy, Abba Eban, John Cage, and Igor Stravinsky. The letters show the progress of technology, from handwritten notes to email, with telegrams, typewriters, and word

processors in between. Despite the changes in forms of communication, they are remarkably consistent in revealing how honored the new members feel and how committed they are to advancing the Academy's goals. From George Washington's acceptance, dated March 22, 1781, to the responses of recent inductees, members express their enthusiasm for the Academy's role in the life of the nation and the importance of its work to the world.

Written from a field camp during the Revolutionary War, Washington's letter states: "The Arts & Sciences essential to the prosperity of the State & to the ornament & happiness of human life have a primary claim to the encouragement of

every lover of his Country & mankind." Fifty years later, British mathematician Charles Babbage's August 1832 letter has a similar theme: "I beg you will assure the Academy how much I feel gratified at being thus connected with an institution which having for its object the discovery of truth, must have for its supporters all those who wish well to the interests of mankind." Nearly 200 years later, writing from California using a technology made possible by Babbage's work on computing machines, Quincy Jones echoes his predecessors: "The significant accomplishments and innovative approaches of the Academy are compatible with my own visions of global peace and prosperity." Silvio Micali pulls all of these sentiments together in his rousing 2003 response: "Long Live Art and Science!" ■

Induction

Continued from page 1

lectual community and society. If the original Fellows studied subjects ranging from 'the various soils of the country' to the commerce of America, the Academy now provides analyses of security on the Internet, corporate responsibility, and the place of the humanities in the university and beyond. The goal is to advance scholarship and inform public debate." (The orientation remarks appear on pages 15 – 22.)

During the orientation, attendees also had the opportunity to view a new exhibit featuring a selection from the thousands of letters of acceptance written by Fellows and Foreign Honorary Members over the years.

At the afternoon Induction Ceremony, held at Harvard's Sanders Theatre, the Academy

acknowledged the individual accomplishments of the newly elected members. Representatives of various disciplines spoke about the challenges of contemporary society and reflected on important issues facing American science and scholarship. The natural disasters of the past year were much on the minds of those who spoke. In a series of readings, poet Susan Stewart of Princeton University reminded the audience that "in this time of extreme weather we are closer than ever to the universal claims that water and wind and fire inevitably make on our fragile human worlds." The speakers included physicist and Nobel Laureate Eric Cornell (Class I), genetics researcher Nancy Wexler (Class II), Harvard Law School Dean Elena Kagan (Class III), historian and University of Chicago Provost Richard Saller (Class



John Anderson (Case Western Reserve University) and Nicholas Donofrio (International Business Machines)

IV), and television journalist Tom Brokaw (Class V). (The full text of the speakers' presentations is printed on pages 7 – 14.)

Concluding the ceremony, President Spacks observed: "Throughout its 225-year history, members of the Academy

have worked together to advance intellectual thought and constructive action. We are confident that our newest group of members will help us fulfill that mission in new and significant ways." Given the success of the day's events, they are off to a good start. ■

Letter of Acceptance from Thomas Jefferson

Sir

Philadelphia Dec. 22. 1791.

I am to acknowledge the receipt of your favor of July 4th. covering a copy of Judge Lowell's eulogy on the late worthy President of The Academy of Arts & Sciences. I sincerely wish that my situation in life permitted me to contribute my mite to the labours of the society for the advancement of science, and to justify the honor they did me in placing my name on their roll. but however wedded by affection to the objects of their pursuit, I am obliged ~~to~~ to unremitting attentions to others less acceptable to my mind, & much less attaching. I read with pleasure whatever comes from the society, and am happy in the occasion given me of assuring them of my respect & attachment & yourself of the sentiments of esteem with which I have the honor to be Sir

Your most obedient humble servt



Mr. Pearson

Philadelphia Dec. 22, 1791

Sir

I am to acknowledge the receipt of your favor of July 4th covering a copy of Judge Lowell's eulogy on the late worthy President of the Academy of arts & sciences. I sincerely wish that my situation in life permitted me to contribute my mite to the labours of the society for the advancement of science, and to justify the honor they did me in placing my name on their roll, but however wedded by affection to the objects of their pursuit, I am obliged to unremitting attentions to others less acceptable to my mind, & much less attaching. I read with pleasure whatever comes from the society, and am happy in the occasion given me of assuring them of my respect & attachment & yourself of the sentiments of esteem with which I have the honor to be Sir

Your most obedient humble servt

Th. Jefferson

Mr. Pearson

Induction 2005



Linda Preiss Rothschild and M. Salah Baouendi (University of California, San Diego)



Sheila Fitzpatrick (University of Chicago), Pierre Ramond (University of Florida), and Madeleine Jouille (University of Pennsylvania)



F. Warren Hellman (Hellman & Friedman, LLC) and Brewster Kahle (Internet Archive)



Councilor Jerome Kagan (Harvard University) and John Cogan (Pioneer Investment Management USA, Inc.)



Some of the newly elected members from Columbia University: Robert Legvold, Alice Kessler-Harris, Lynn Garafola, Zvi Galil, Victoria De Grazia, and Nancy Wexler



Eugene Garfield (Institute for Scientific Information) and Ajit Varki (University of California, San Diego)



Kenneth Kennedy (Rice University), CISS cochair Carl Kaysen (Massachusetts Institute of Technology), and John Gibbons (Resource Strategies)



Councilor Randy Schekman (University of California, Berkeley) and Hiroshi Nikaido (University of California, Berkeley)



Gerhard Loewenberg (University of Iowa) and Niels Hansen (Risø National Laboratory)

Stephen Walt (Harvard University) and John Coatsworth (Harvard University)



Induction 2005



Oscar Tang (Reich and Tang Asset Management)



Susan Goldin-Meadow (University of Chicago) and Richard Brilliant (Columbia University)



Secretary Jerrold Meinwald (Cornell University), Chief Executive Officer Leslie Berlowitz, Trust member Emilio Bizzi (Massachusetts Institute of Technology), President Patricia Meyer Spacks (University of Virginia), Vice President Jesse Choper (University of California, Berkeley), and Vice President Geoffrey Stone (University of Chicago)

Induction Ceremony

Challenges Facing the Intellectual Community

On October 8, 2005, the American Academy of Arts and Sciences welcomed its 225th class of members at an Induction Ceremony in Cambridge, Massachusetts. The ceremony began with a reading by poet Susan Stewart. Physicist Eric Cornell, neuropsychologist Nancy Wexler, law professor Elena Kagan, historian Richard Saller, and journalist Tom Brokaw also addressed the audience. Their remarks appear below.



Susan Stewart

The great eighteenth-century Neapolitan philosopher of history Giambattista Vico believed that poetry was the earliest form of human culture – one that came before history, philosophy, and every other system of knowledge. Reasoning backwards, he imagined how the first humans must have found themselves in a violent thunderstorm and pictured the sky as a great animated body, one they called Jove or some other name and then connected, by means of metaphor, to myths and beliefs that helped them overcome their fear of such powerful forces of nature. Vico wrote: “Thus they began to exercise that natural curiosity which is the daughter of ignorance and the mother of knowledge, and which, opening the mind of man, gives birth to wonder.”

To be an American poet is to acknowledge nature in her most extreme forms, the utter wilderness that has been with us from the start. “A mythology reflects its region,” wrote Wallace Stevens in one of his late poems, and each of us writes from our differing circumstances of woodlands, meadows, deserts, prairies, seas, and rivers. We

are all regional poets, and yet, in this time of natural disasters of extreme weather, we are closer than ever to Vico’s sense of the conditions of our human founding, closer than ever to the universal claims that water and wind and fire inevitably make on our fragile human worlds. What we receive in exchange, though we must make them ourselves, is a language of myth and a sense of wonder.

I would like to read two poems from my own region of Pennsylvania and New Jersey that keep an eye on this truth. Each was written in times of man-made disasters of war and environmental destruction. The first is Stevens’s “A Completely New Set of Objects” from the mid-1940s. You will hear him mention some tributaries of the Delaware River: Philadelphia’s majestic Schuylkill River, the nearby Tinicum Creek, and New Jersey’s little Cohansey River.

“A Completely New Set of Objects”

From a Schuylkill in mid-earth there came emerging
Flotillas, willed and wanted, bearing in them

Shadows of friends, of those he knew,
each bringing
From the water in which he believed and out of desire

Things made by mid-terrestrial, mid-human
Makers without knowing, or intending, uses.

These figures verdant with time’s buried verdure
Came paddling their canoes, a thousand thousand,

Carrying such shapes, of such alleviation,
That the beholder knew their subtle purpose,

Knew well the shapes were the exactest
shaping
Of a vast people old in meditation. . .

Under Tinicum or small Cohansey,
The fathers of the makers may lie and weather.

The second poem is my own:

“The Forest”

You should lie down now and remember the forest, for it is disappearing – no, the truth is it is gone now and so what details you can bring back might have a kind of life.

Not the one you had hoped for, but a life – you should lie down now and remember the forest – nonetheless, you might call it “in the forest,”
no the truth is, it is gone now,
starting somewhere near the beginning, that edge,

Or instead the first layer, the place you remember (not the one you had hoped for, but a life) as if it were firm, underfoot, for that place is a sea, nonetheless, you might call it “in the forest,” which we can never drift above, we were there or we were not,

No surface, skimming. And blank in life, too,
or instead the first layer, the place you remember, as layers fold in time, black humus there, as if it were firm, underfoot, for that place is a sea, like a light left hand descending, always on the same keys.

The flecked birds of the forest sing behind and before
no surface, skimming. And blank in life, too,

sing without a music where there cannot
be an order,
as layers fold in time, black humus there,
where wide swatches of light slice
between gray trunks,

Where the air has a texture of drying moss,
the flecked birds of the forest sing behind
and before:

a musk from the mushrooms and scal-
loped molds.
They sing without a music where there
cannot be an order,
though high in the dry leaves something
does fall,

Nothing comes down to us here.
Where the air has a texture of drying
moss,

(in that place where I was raised) the
forest was tangled,
a musk from the mushrooms and
scalloped molds,
tangled with brambles, soft-starred and
moving, ferns

And the marred twines of cinquefoil, false
strawberry, sumac –
nothing comes down to us here,
stained. A low branch swinging above a
brook

in that place where I was raised, the forest
was tangled,
and a cave just the width of shoulder blades.

You can understand what I am doing when
I think of the entry –
and the marred twines of cinquefoil, false
strawberry, sumac –
as a kind of limit. Sometimes I imagine us
walking there,
(. . . pokeberry, *stained*. A low branch
swinging above a brook)
in a place that is something like a forest,

But perhaps the other kind, where the
ground is covered
(you can understand what I am doing
when I think of the entry)
by pliant green needles, there below the
piney fronds,
a kind of limit. Sometimes I imagine us
walking there.
And thickening below lie the sharp brown
blades,

The disfiguring blackness, then the bulbed
phosphorescence of the roots,
But perhaps the other kind, where the
ground is covered,
so strangely alike and yet singular, too,
below
the pliant green needles, the piney fronds.
Once we were lost in the forest, *so
strangely alike and yet singular, too*,
but the truth is, it is, lost to us now.



Eric Cornell

I was asked to give a brief “call to action” to the Academy. I *will* sound a call to action, but also one to *inaction*. My years of scientific research have made me a renowned expert on my topic today: God.

Just kidding. Or mostly just kidding. First let me pose you a question, not about God, but about the heavens: “Why is the sky blue?” I offer *two* answers: 1) The sky is blue because of the wavelength dependence of Rayleigh scattering. 2) The sky is blue because blue is the color God wants it to be.

My own scientific research has been in areas connected to optical phenomena, and I can tell you a lot about the Rayleigh-scattering answer.

Neither I nor any other scientist has anything scientific to say about answer number 2, the God answer. Not to say that the God answer is “unscientific,” just that the methods of science don’t speak to that answer.

On a historical note, we didn’t always know as much about how sunlight passes through air as we do today. Before we understood Rayleigh scattering, there was no scientifically satisfactory explanation for the sky’s blueness. The idea that “the sky is blue because God wants it to be blue” existed before scientists came to understand Rayleigh scattering, and it continues to exist today, not in the least undermined by our advance in scientific understanding. The *religious* explanation has been *supplemented* and not *supplanted* by advances in scientific knowledge. These days we may, if we care to, think of Rayleigh scattering as the *method* God has chosen to implement His color scheme.

This week there is a trial in Dover, Pennsylvania, on Intelligent Design. The central idea of Intelligent Design is that nature is the way nature is because God wants it to be that way.

This is not an assertion that can be tested in a scientific way, but, studied in the *right context*, it is a very interesting notion! Certainly as a *theological* idea, Intelligent Design is, in fact, very exciting. Listen: If nature is the way nature is because God wants it to be that way, then, by looking at nature, one can learn what it is that God wants! The microscope and the telescope are no longer merely scientific instruments; they are windows into the mind of God!

But as exciting as Intelligent Design is in theology, it is a boring idea in science. Science isn’t *about* knowing the mind of God; it’s about understanding nature and about understanding the reasons for things. The thrilling thing about being a scientist these days is that our ignorance exceeds our

My call to action is, work to ensure that the Intelligent Design hypothesis is taught where it can contribute to the vitality of a field (as it could perhaps in theology class) and not in science class, where it would suck the excitement out of one of humankind’s great adventures.

knowledge. And it’s the stuff science doesn’t understand yet that is the exciting part, the part we are working to get to next. If you want to see science progress, if you want to recruit the future generation of scientists, you don’t tell young people that all the exciting stuff is off the table. You don’t draw a box around all our scientific understanding to date and say, “Everything outside this box we can explain only by invoking God’s will.” Back in 1855, no one told the future Lord Rayleigh that the *scientific* reason for the

sky's blueness is that God wants it that way. Or if someone did tell him that, we can all be happy that the youth was plucky enough to ignore them. For science, Intelligent Design is a dead-end idea. It's boring. Boring is okay if boring is where your data take you, but for an untestable idea brought whole cloth from theology into science, boring is a big mistake.

My call to action for the members of this Academy is, work to ensure that the Intelligent Design hypothesis is taught where it can *contribute* to the vitality of a field (as it could perhaps in theology class) and not in science class, where it would suck the excitement out of one of humankind's great adventures.

Now for my call to *inaction*: Most scientists will concede that as powerful as the methods of science are, they can teach us nothing about values, ethics, morals, or, for that matter, God. My call to inaction is, don't go about pretending otherwise! Science *can* work, for example, on explaining what consequences human action may have on climate change, but science *can't* tell us whether those consequences would be good or bad.

Should scientists, as humans, make judgments on ethics, morals, values, and religion? Absolutely. Should we act on these judgments, in an effort to do good? You bet. Should we even make use of the prestige or goodwill we might have accumulated through our scientific achievements to help us do good? I don't see why not. I am not making a *sweeping* call to inaction, but a narrowly focused one. I am asking only that you don't claim that your science tells you what is good or what is God.

So act: go out and fight to keep Intelligent Design out of science classrooms! So don't act: do not say that science disproves Intelligent Design. Instead stick with the plainest truth – science can't say anything about Intelligent Design, and Intelligent Design brings nothing to science; so Intelligent Design should be taught in religion or theology classes, not in science classes.

My personal *value* judgment is that progress in science will continue to be *good* for humanity. My remarks this afternoon are offered in the spirit of trying to preserve science from its foes, but also from its friends.*

*A condensed version of these comments appeared, shortly after the Induction Ceremony, in the *Time* magazine issue of November 17, 2005.



Nancy Wexler

Milton Wexler, my father, was unsentimental about birthdays. So it was out of character when, in 1968, he asked my sister and me to come home to Los Angeles to celebrate his sixtieth birthday. I was 21; Alice, three years older, was in graduate school.

Dad sat us down, looking grim. We huddled close together on the bed. "Your mother is sick," he began gently. "Your mother was crossing the street on her way to jury duty at 8 a.m. in downtown L.A., when a policeman yelled at her, 'Hey, lady, aren't you ashamed of being drunk so early in the morning?'"

Mom froze and called Dad in a panic. She must have been weaving and knew what that meant. She was 53-years-old.

"It's called Huntington's disease," Dad continued. "It's very serious. It causes uncontrollable movements in all parts of her body. She'll lose her capacity to think and remember. And the disease can cause severe emotional problems – depression, suicide, hallucinations, delusions, obsessive-compulsive disorders. There's no treatment. And after ten to twenty years without remission, she will die."

My sister and I gasped in disbelief. "How could this be? Impossible!" Dad kept on speaking, "When your mother was 6-years-old, her father went to a psychiatric hospital. She was 15 when he died. She overheard her mother and his doctor calling his disease 'Huntington's chorea.'"

Mom went to the library and was appalled to read, "fatal, hereditary disease of men."

She had three older brothers whom she adored. Mother was the only college graduate. She earned an M.A. in biology – learning about fruit flies and genetics – seeking a cure for her brothers in the Morgan fly room at Columbia University.

My father had been unaware of this devastating legacy until 1951. Our family was living in Topeka, Kansas, where my father worked at the Menninger Clinic. My mother received a call from New York. All three brothers were diagnosed with Huntington's disease in a single visit – each one at a different stage in the trajectory toward death. Our parents then made the shocking discovery that women could also get Huntington's.

Dad explained, "Since your mother has the abnormal Huntington's disease gene, each of you has a one-in-two chance of inheriting it. This gene is so potent that if you inherit it, sooner or later you will develop symptoms and die. We have no way of knowing if it will be one of you, both of you, or neither of you." "And our children?" we asked. "If you inherit the gene, your children will have your same risk."

We had to remember to breathe. The irrevocability of it knocked the wind out of us. Dad told us we said, "50 percent isn't bad" – and he was relieved. Alice and I can't remember saying anything. All we numbly realized was that our mother was dying, we could be dying, and our children could die – ALL by random flips of genetic roulette. One minute the future was open, optimistic, inviting. The next minute three generations wiped out simultaneously. In that millisecond, everything changed forever. We lost our innocence and never could revoke the information; denial was impossible. We were passive victims witnessing our own execution.

There was one lifeline out of the void. Dad told us he had started the Hereditary Disease Foundation (HDF) to look for a cure for our mother, ourselves, and our children. We would recruit the brightest, most imaginative, creative, cutting-edge young and experienced scientists. Dad began small, interdisciplinary workshops that are the hallmark of our foundation and our success in enticing scientists to learn about Huntington's disease.

In 1979 we held a workshop organized by Dr. David Housman, an MIT professor and an

Academy member, on the use of DNA markers to find the HD gene. DNA markers are tiny variations in DNA that sit in specific locales on chromosomes, just like genes. They are so numerous that some sit close to any gene you want to find. The marker is inherited together with its neighboring gene. Almost everyone who learned about our aspirations thought we had lost our scientific reason. But we persisted.

I first went to the Lake Maracaibo region of Venezuela in 1979 to search for a DNA marker linked to the HD gene. This marker would guide us to the chromosomal locale of the HD gene. Once in the right neighborhood, we could focus on finding the gene, because only by understanding the nature of its mistake could we hope to develop rational treatments and cures. Curing HD is our ultimate goal. For me, searching for the cure is the only medicine for this poisonous feeling of passivity – of waiting for my genetic fate to overtake me and being unable to fight back.

We need research more than ever and federal and private support of science. When the tarot card reader selects the death card, we cannot be paralyzed hopelessly in limbo between prediction and prevention.

Our team has gone to Venezuela annually for twenty-three years. The HD families have been extraordinarily loving, warm, responsive, collaborative, and understanding. We've developed a pedigree that comprises over eighteen thousand people. Almost all are descendants of a woman with Huntington's disease who lived in the early 1800s in a stilt village, appropriately named Maria Concepcion. We have clinical data on thousands of family members with HD. The Venezuelan HD kindreds represent the largest concentration of families with HD globally and the longest prospective study.

Astonishingly, in 1983, we found a DNA marker tightly linked to the HD gene in these Venezuelan families. This marker localized the gene to the top of chromosome 4. The world shared our amazement! If we could find the HD gene, the same strategies could work to find other genes. Finding the HD gene using these techniques was a launching pad for the Human Genome Project.

The HDF convened another workshop of investigators with novel strategies for wading through chromosomes. The group of about a hundred scientists collaborated for an arduous decade before publishing, in 1993, the isolation of the HD gene called *huntingtin*. Its mutation is an expansion of a stretch of DNA that causes too many glutamine amino acids in a row.

With the HD gene in hand, we can tell, with complete accuracy, if a person has the normal or abnormal version. When we couldn't predict our fate, there was nothing we craved so ferociously as knowing. But there is still no treatment or cure. An HD diagnostic test can be used *in utero*. But diagnosing the fetus also diagnoses the parent, who may not want this information.

Would you want to know – with virtually 100 percent certainty – that you will die of Huntington's disease? When it was not possible, we were avid to know. But now, with no therapeutic interventions, fewer than 20 percent of people worldwide have taken the test. It may be unusual to have a test so highly predictive coupled with so dramatic and devastating a disease, but familial forms of Alzheimer's disease and ALS (Lou Gehrig's disease) are two others. Cancer testing introduces entire families into excruciatingly complex dilemmas. Finding a mutation in one family member may immediately diagnose hundreds of others – possibly without their permission or knowledge. Genetic testing has reverberations everywhere.

Legislation is required to ensure genetic nondiscrimination and genetic privacy and that guidelines for test accuracy and genetic counseling are followed. People should not lose their insurance or become uninsurable just because random chance dealt them an unfair turn of the genetic dice. We need “no-fault insurance” for our genes as well as for our automobiles.

Our most urgent need is for research to find treatments and cures for all these disorders.

We need biology more than ever and federal and private support of science. When the tarot card reader selects the death card, what next? We cannot be paralyzed hopelessly in limbo between prediction and prevention. I know how that feels, and it is unacceptable.

So I leave you with this question: Would you like to know – when you are young and healthy – that you will certainly die of a dreaded disease that stalks your family? We will all face these questions. How do we change the future so we are not in the vise-like grip of fate?



Elena Kagan

It is an honor to represent the new Fellows of Class III and especially its Section 4. An honor but also a challenge because Section 4 is a peculiarly diverse group of people.

That there's something odd about this section is evident in its title. Section 4 is for “law, including the practice of law.” Now suppose the Academy had a section for “physics, including the practice of physics.” Wouldn't someone ask what the practice of physics is other than just “physics”? Or from the opposite perspective, suppose the Academy had a section for “journalism, including the practice of journalism.” Wouldn't someone ask what journalism includes other than its practice? But no one has any real difficulty with Section 4's title (except, I suppose, those who think the title should be “law, including the study of law”), because that title reflects a reality: that

there's an academic study of law and there's a real-world practice of law, and the two have discrete identities.

Just last week, I had two conversations that highlighted this separation for me.

The first was with a colleague on the Harvard Law faculty. She had just taken part in writing a brief on a matter of great interest to the school. She described to me the drafting process, with all its puzzles and challenges. She said: "It was so much fun, this being a lawyer." She might have said: "It was so much fun because it was so different from what I do as a scholar."

The second discussion was with a Supreme Court Justice. This Justice had just gone to a conference attended by some of the world's foremost scholars of constitutional law. And he told me that the conference had been interesting . . . but that he had no idea what the people there were talking about. Or rather, he said, he had no idea why the people there were talking about what they were talking about. Because, he said, what they were talking about bore no relation to the issues the courts had to resolve.

There's some overstatement in these anecdotes, but there's a point as well, and this point is getting ever sharper. The practice of law and the study of law are growing farther apart, to their mutual misfortune. Fewer law professors understand what it means to be a practicing lawyer or what issues lawyers are confronting. And fewer judges and lawyers look to scholars for insight or guidance. Less and less does practice inform scholarship, nor does scholarship improve practice.

Why this has happened is a complex story, involving changes in both law schools and law practice.

On the academic side, the story relates to something this Academy rightly cherishes, which is interdisciplinarity. As law schools reached out more to other parts of the university – as law professors worked more with economists and historians – the legal academy's ties to the legal profession diminished. The law professors' interests changed; their very language shifted. It was as if they couldn't keep two audiences in mind at the same time, or as if making a new friend required giving up an old one. Too many legal scholars forgot that in addition to being members of universities, they were members of a profession – a profession whose

We've never needed good legal rules and processes more. And that means we've never before so needed collaboration between those who primarily practice law and those who primarily think about it.

claim to recognition and respect arises from its practical efforts to strengthen the rule of law, promote justice, and so advance human welfare.

On the practice side, the story also has to do with the decline of professional values. It used to be that the great lawyers all did something beyond serving clients and generating profits. They concerned themselves with critical public policy issues; they worked to provide legal services across society; they created or managed the institutions by which governance was accomplished. And it was in these capacities, above all, that lawyers searched for big ideas and so found common ground with legal scholars. But legal practice doesn't well accommodate this now; few leading lawyers have careers of this nature. And judges too have become narrower – because of the increased complexity of their dockets, the more rigorous rules limiting outside activities, and the more frequent incursions on judicial independence.

Whatever its causes, the effects of this rift between scholarship and practice are deeply harmful.

Think of some legal issues we face: How to help in creating free and democratic societies abroad. How to reconcile at home our need for security and civil liberties. How to strengthen accountability in a range of important institutions. How to think about property and privacy in a time of technological revolution.

We've never needed good legal rules and processes more. And that means we've never before so needed collaboration between those who primarily practice law and

those who primarily think about it. We require the experience and groundedness, the technical competence and practical wisdom, that come from work in the field. And we require the disinterested perspective, opportunity for reflection, and insight from other disciplines that's associated with work in scholarly settings. Most of all, we need dialogue and interaction between the two if we're to solve our most pressing legal problems. And so we need settings to facilitate these efforts.

This is why I'm especially honored to join this Academy. By insisting that Duncan Kennedy and the late William Rehnquist belong in the same box, this Academy is adopting an idea of professionalism in law that is appropriately, even if sometimes uncomfortably, comprehensive. And although in one sense, Class III, Section 4 is unusual in the Academy for its inclusion of practitioners and scholars, in another, the section is emblematic. For the Academy as a whole – across its classes – covers both and has throughout its history. And this must be because the Academy thinks that each can learn from the other. That those who think about the world and those who run the world both should want to make it better. And that their chances of doing so depend on the strength of their desires and the scope of their opportunities to work together.



Richard Saller

As a Roman historian turned administrator, I would like this afternoon to contemplate what lessons administrators can learn from the fates of the Roman emperors. Now, as a professional historian, I generally recoil when asked about “lessons” from Roman history, such as what the United States should learn from the fall of the Roman Empire. History doesn’t repeat itself, and the lessons usually turn out to be superficial. Which is not to say that historians’ own experiences have no relationship to the periods and subjects they think about. My own scholarly trajectory started as a graduate student desperate to understand the power of patronage. I next turned to the study of the Roman family and the limits of patriarchy, as a young father confronted with the incorrigible behavior of my small children. More recently as a dean and provost, I have focused on the economy of the Roman Empire and the nature of human capital. Since in the five minutes allotted, superficiality is more or less guaranteed, let me offer a few reflections about what a university administrator might learn from the Roman experience.

The first lesson is that despite the constant sense of lack of sufficient resources, we are living in the golden era in which higher education in the United States holds a privileged position. This is a time when the value of education and research is appreciated as never before. In the United States today more than 2 percent of GDP goes to higher education. My annual budget as provost of the University of Chicago stands at about

\$1.5 billion. As a Roman historian, I inevitably look to the Roman Empire for a sense of proportion. Calculated in bushels of wheat or tons of silver, I note that the Roman emperor’s budget for the whole imperial apparatus was only a fraction the size of mine. And his costs included not merely an administration, but three hundred thousand soldiers. This raises an obvious question: Why don’t I feel as powerful as a Roman emperor? The most obvious answer is that I can’t throw faculty to the lions just because they disagree with me. But the truth is that the emperors who refrained from using their ultimate power were more likely to avoid assassination and rebellion.

So the second lesson is that if, even in Rome, successful emperors had to restrain their use of coercive power, the scope for coercive administrative authority in an institution of tenured faculty is practically nil. In my experience, the faculty sometimes believe that the president or provost has more freedom

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in decision making than I have felt. The example of the first and long-lived emperor Augustus offers a good example for imitation of how to lead among peers. Though in his rise to power he had the reputation of being ruthless, once established he learned (on the advice of his wife Livia) that the way to maintain his power was to co-opt his senatorial competitors. The modern-day campus equivalent is to put those dissenting faculty on committees.

The third lesson is that there is a delicate art to saying “no” while maintaining a reputation for being supportive. As by far the wealthiest man in the Empire, the emperor was expected to be the great patron and benefactor. By one logic, if my provostial resources are multiples larger, then I ought to have the capacity to be an even greater benefactor. And, indeed, faculty sometimes think that final budget authority carries with it wide discretion to approve requests. But, in fact, the degree of discretion that I had my first year as provost amounted to 0.01 percent of the university’s spending, forcing me to disappoint many petitioners. But I can learn from Titus, who, in 81 C.E., died the most popular emperor. As Suetonius tells us, it was his fixed rule not to let any petitioner go away from an interview with his emperor utterly without hope or dispirited. Titus showed that one can convey respect and support at the same time as the answer may have to be “no.”

The final lesson is that the talk or gossip about people perceived to hold power is not generally aimed to convey a nuanced sense of the truth but to amuse and to influence behavior. The anecdotes told about the emperors generally contained few verifiable facts; rather, they were told to assert values and to establish the standards for virtue and vice in the hope of influencing the emperor’s behavior. I try to remember that stories imputing dubious motives to me as provost go with the job, and I can only hope that the stories that stick will not depict me as fiddling while the university burned.



Tom Brokaw

I want to take a few moments to talk about something that defines all of us. Whatever we do in our lives, whatever our interests are, whatever our ideology is, wherever we live in this country, I want to offer some observations on the current condition of the American political arena, the central nervous system of this great democratic republic.

It is, I worry, in a troubled condition, a frayed construct rewired to short-circuit the general welfare while diverting power and influence to special interests. Moreover, at the national level, it has become a system closed to all except those who are encoded with a specific DNA.

Hyperbole? Not entirely.

Consider the current shorthand for describing the vital signs of the national political culture. Red state. Blue state. Separate and unequal.

The operating strategy in both parties is to divide and conquer, to alienate and belittle the beliefs of the other, to suppress any discussion of common ground or common purpose, to conduct campaigns that are heavy on character assassination and light on authenticity or unconventional thinking or iconoclastic candidates.

Membership at the highest levels is determined by a rigid set of litmus tests. Republicans MUST be absolutely anti-abortion; Democrats MUST be only pro-choice. Democrats must support all gay rights; Republi-

cans must oppose them. Republicans must be anti-tax, whatever the fiscal reality; Democrats must attack the wealthy. Democrats must support all gun-control laws; Republicans must oppose them.

Education, health care, national security – whatever the issue, the national party leaders, their well-organized and well-financed special-interest groups, and especially the hired guns who run the campaigns create fears and then exploit them: Play by our rules or stay home.

I am not naïve. I've been at this for more than forty years – from the rural precincts of South Dakota to the conservative instincts of Nebraska to the Dixiecrat sensibilities of the South to the new age liberalism of California; from the age of JFK and LBJ to the age of Ronald Reagan; from the near impeachment and resignation of Richard Nixon to the impeachment trial and resurrection of Bill Clinton; through one Carter and two Bushes.

Politics has always been a rough trade. But the place and influence of narrowly cast single-interest organizations; the amount of money available (almost \$2 billion spent in the last Presidential election); the cold-blooded, take-no-prisoners attitudes of the mercenaries who run the campaigns; the food-fight culture of cable news; the insulation of those at the top from those at the bottom and even in the middle – all of that has made the political arena a closed shop, a kind of Partisan, Inc., where the best and brightest of our society may wonder: This is a noble calling?

Moreover, I would suggest all of this is happening just at a time when the challenges of the country require more common ground, not less.

The natural disasters along the Gulf Coast laid bare the culture of blame that has been allowed to replace the culture of accountability in public life. While politicians from both parties, from the bottom up and top down, blamed each other, people suffered, turned on each other, and died.

Public service is not simply an honorific. It is a responsibility. Politics, after all, is a two-stroke election: win the election and then govern. Victory is a due bill that should be paid in full by governing for all, not just a

select few. And governing requires more than winning candidates, however large or slim the margin. It also requires a climate attractive to those who have the skills and the calling to serve their nation, not just those who need a job.

There was a time not so long ago in a setting such as this when the informal discussion would have been about the noble call of public service. When academicians, entrepreneurs, lawyers, scientists, specialists in a variety of fields, all at the top of their professions, would have routinely served or considered serving their country. Do those discussions go on now in classrooms, ivory towers, boardrooms, laboratories, law offices? If they do, the dialogue is faint and short.

How did this happen?

First, the DNA of both parties underwent profound changes in the 1960s and 1970s. The Democratic Party became more closely identified with its activist parts than with its working-class whole. The Republican Party lost its voice in the Northeast and in the middle of the political spectrum.

Single-interest, “my way or the highway” organizations from left to right and back again took on an ever larger and more critical role in campaigns ever more dependent on ever larger stacks of cash used to slash and burn the opposition. Civility and dialogue gave way to rigidity and revenge. In both parties, prominent office holders walked away, saying, “It’s never been worse.” Al Simpson, Fred Thompson, Bob Kerry, Sam Nunn, and Bill Bradley are just a few who left the Senate at the peak of their power and expertise.

Simultaneously, our national election system, the means by which we elect someone to the most powerful office in the world, more closely resembles public transportation in the Third World than the centerpiece of a great republic.

These cancerous conditions are primarily confined to the national arena. Public servants at the state level are at once in touch and in reach of their constituents. As a result, pragmatism and progress are much more in evidence.

Four very red states in national elections – Kansas, Arizona, Wyoming, and Montana –

all have Democratic governors. Our two most blue states – New York and Massachusetts – have Republican governors.

The country wants solutions. It longs to be involved in a meaningful way in its own destiny.

I believe that it's time for all of us – whatever we do, whatever we believe – to reenlist as citizens, to reclaim the American political system from the zealotry of the entrenched.

Throughout our long, distinguished history, the genius of this immigrant nation has always been that we know how to find our center. Furthermore, we now have at our disposal the vast and rapidly expanding resources of information and communication technology that should only enrich our capacity to govern, to educate, to discover, to debate in a new and far-reaching fashion the hopes and policies of everyone everywhere.

We're living through, as we are witness to here today, a golden age of scientific discovery and global economic opportunity. There is so much more political freedom in the world than existed just a half century ago. Why should our national political arena not keep pace? If we are to portray ourselves as the patrons of democratic principles and political freedoms abroad, it is incumbent upon us to be the stewards of those virtues at home. I have written about the World War II generation, and I think what impresses me about them more than almost anything else is that when the war was over they did not simply lay down their arms and say, "I've done my share; I'm going to worry only about me." They came home and built the country that we have today by getting involved in their community affairs at every level – running for the school board or mayor or governor or the state legislature or the Senate or the Presidency. They went to Washington to serve even in secondary positions if they felt that they could help their

country. Therefore, I believe that it's time for all of us – whatever we do, whatever we believe – to reenlist as citizens, to reclaim the American political system from the zealotry of the entrenched. It is time to ignite a citizens' crusade against too much money, too many narrow interests, too little common ground, too much exclusion in America. It's time to take back our own cherished way of electing our public officials. ■

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Projects and Studies

At a morning orientation program for new members, held on October 8, 2005, leaders of current Academy projects presented updates on their work. Their remarks appear below.

Congress and the Court

Linda Greenhouse

*Supreme Court Correspondent,
The New York Times*

Those of you who watched, or read about, the confirmation hearings for the new Chief Justice of the United States may have noted the very testy and interesting exchange between Senator Arlen Specter, Chairman of the Judiciary Committee, and John Roberts, the nominee, about a series of Supreme Court decisions that have ques-

tioned congressional actions in a rather arresting fashion – a series of decisions dating back about ten years. It was apparent from the tone of Senator Specter’s questions that Congress

It was clear to all of us that the relations between Congress and the federal judiciary were at an unfortunate pass.

was being besieged at the hands of the Court. This is the tip of the iceberg that we, in the Academy’s Congress and the Court committee, confronted when we

first met some four years ago. At that point, it was clear to all of us that the relations between Congress and the federal judiciary were at an unfortunate pass. There was obviously a lack of institutional understanding, one to the other. Using the Academy’s good offices, we developed a series of off-the-record conversations bringing together Supreme Court Justices, congressional leaders, and scholars as well as more formal lectures, panel discussions, and scholarly papers in an effort to address some of the issues underlying the growing tension between these two branches of government.

Robert C. Post

*David Boies Professor of Law,
Yale Law School*

As Linda has said, the impetus that led to the Academy’s Committee on Congress and the Court was the deteriorating relationship between Congress and the federal judiciary. In 1995, five Justices, appointed by Republican presidents, sought to reassert the value of federalism by limiting the power of Congress under the Commerce Clause, which had been viewed as virtually plenary ever since the era of the New Deal. The potential implications were extraordinary, particularly in areas like environmental law, for the



Selected leaders of current Academy projects: front (left to right): Jay Lorsch (Harvard Business School), President Patricia Meyer Spacks (University of Virginia), Secretary Jerrold Meinwald (Cornell University); back (left to right): Geoffrey Stone (University of Chicago), Linda Greenhouse (New York Times), Robert C. Post (Yale Law School), David Clark (Massachusetts Institute of Technology), Steven Miller (Kennedy School of Government, Harvard University), Neal Lane (Rice University), and David Bloom (Harvard School of Public Health)

Court's new jurisprudence meant that Congress could be prevented from enacting legislation that it deemed necessary to meet national needs. The Supreme Court also sharply constrained Congress's powers under Section 5 of the Fourteenth Amendment. At the same time, growing controversy over issues like abortion made the judicial confirmation process, for both Supreme Court Justices and for judges in the lower federal courts, more contentious than at any time in recent memory.

It is plain that the relationship between Congress and the Court has grown more, rather than less, contentious.

Jesse Choper (University of California, Berkeley) and I thought that the Academy would be a superb venue in which to undertake an independent analysis of this increasingly contentious relationship between Congress and the Court. The members of the committee now include Linda Greenhouse (*New York Times*), Abner Mikva (University of Chicago Law School), Nelson Polsby (University of California, Berkeley), and Judith Resnik (Yale Law School). We pursued a number of distinct strategies, always seeking to bring an interdisciplinary perspective to this important issue. One approach was to convene off-the-record meetings involving federal judges, members of the House judiciary committee, legal scholars, and political scientists. There were frank and fascinating discussions about possible improvements in the relationship between the two branches. By 2003, however, it was clear that tensions were running so high that this strategy had become ineffective.

We have attempted to commission scholarly studies of some of the issues that emerged from these discussions, including an analysis of the career path of federal judges. Unlike the professionalized federal judiciary of Europe, American judges have tended to come from private practice or from careers in public law. Judicial salaries have so rapidly diminished, due in part to inflation, that many worry whether federal judges can still be recruited from among the first rank of lawyers. We need to understand how congressional decisions relating to compensation, benefits, and the confirmation process affect who is willing to become a federal judge, and we also need to understand how the staffing of the federal judiciary affects the kind of federal law that these judges decree.

Our committee has also organized several Stated Meetings on issues dividing Congress and the Court. We have sponsored programs on the independence of the federal judiciary as well as on the criteria that the Senate ought to use in the confirmation of federal judges. We have recently broadened our focus to consider new challenges to constitutional forms of government. During the past year, at meetings in New York City, Palo Alto, and Washington, D.C., we considered how long-established and emerging democracies are seeking to preserve civil liberties in the face of rising national security concerns (see pages 26 – 41).

When we began this study, the Court had taken the offensive against Congress. Now Congress has acquired a new confidence in seeking to control the judicial branch. Legislation pending in Congress would limit the ability of federal judges to travel as well as prohibit them from citing foreign law. It is plain that the relationship between Congress and the Court has grown more, rather

than less, contentious. We hope that in these circumstances the Academy's unique capacity to inspire interdisciplinary research and to serve as an honest broker can accomplish useful public service.

Corporate Responsibility

Jay Lorsch

Louis Kirstein Professor of Human Relations, Harvard Business School

I want to talk about the Academy's project on corporate responsibility and our book, *Restoring Trust in American Business*. The project grew out of a concern between myself and corporate lawyers Martin Lipton and Larry Sonsini about the scandals at Enron, Worldcom, Tyco, and other companies. We were interested in exploring the role of what we call the "gatekeepers" – the various professional firms and institutions that are intended to oversee America's corporations. We were particularly concerned about evidence suggesting that certain gatekeepers – auditors, lawyers, investment bankers, corporate directors, regulators, and business journalists – had not lived up to their professional obligations.

To test this proposition, we first created a steering committee of distinguished practitioners and academics, and we met in New York for an exploratory meeting. We then commissioned a series of papers on the gatekeepers and subsequently asked a few additional authors to contribute essays to what became this edited volume. The group's consensus was that there had, in fact, been a failure on the part of these various gatekeepers that was a serious and significant con-

We were interested in exploring the role of what we call the "gatekeepers" – the various professional firms and institutions that are intended to oversee America's corporations.

tributing factor to the corporate scandals.

What is distinctive about this project is the nature of the group we were able to gather together – academics like myself, together with distinguished practitioners like my two cochairs – to look at these issues and to talk to each other frankly and openly. Among those who contributed to the project was a Nobel Prize – winning economist, a union leader, a preeminent investment banker, a renowned journalistic scholar, and a former chancellor of the Delaware Court of Chancery. I know of no other organization that could so easily put together such a diverse group. And there are now several new projects emerging from this initial study, including one on professional conduct in investment banking, and a second on how well the media serves the public. The continuing dialogue between scholars and practitioners on some of the country's critical issues reflects the Academy's unique contribution.

Academic Freedom

Geoffrey Stone

Harry Kalven, Jr. Distinguished
Service Professor of Law,
University of Chicago

The Academy's initiative on academic freedom is in its very early stages. Those of us involved in planning this study have a sense that we are living at a time when it is critical that we think carefully about what academic freedom is, why we have it, why it's important, what its boundaries may be, and how we can justify it to the larger society.

This issue has arisen periodically throughout American history. In the 1890s, trustees and industrialists pressured universities about the types of research and teaching that were appropriate for these institutions. During World War I, questions were raised about freedom of thought, freedom of teaching, and freedom of expression. During the McCarthy era, of course, there were very serious issues about the autonomy and judgment of universities and faculty members. Recent papers by Jonathan Cole (Columbia University), Lee Bollinger (Columbia University), and Robert C. Post (Yale Law School) have helped set the agenda for an examination of the contemporary questions surrounding academic freedom.

The current challenge to academic freedom ranges across a broad spectrum, from the provisions of the Patriot Act and federal restrictions on the participation of foreign researchers in certain types of research to the possibility of new government constraints on universities with respect to teaching, research, and the dissemination of scientific and scholarly findings. In

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addition, foundations have increasingly put certain conditions on grants that may be seen as problematic.

When, why, and to what extent is it legitimate for universities to resist these restrictions? Legislatures have recently been considering statutes that would require academic institutions to act under something akin to a fairness doctrine, requiring that all sides of issues be addressed – a very interesting problem for universities in terms of deciding what is meant by “all sides” and who determines what the sides are. But do legislatures have the right to intrude in such issues? There are further questions involving such matters as stem cell research, speech codes, political correctness, and “who watches the watchmen.”

Within and beyond the university, the meaning of academic freedom is under debate. One conception of academic freedom is that it is analogous to freedom of speech in society as a whole: anyone is entitled to say pretty much whatever he or she

chooses, without regard to any institutional restriction. But there is also an institutional governance conception of academic freedom, which holds that universities are not comparable to the larger society. Each student and faculty member is not free to say or to write whatever he or she pleases. Rather, decisions regarding promotion, tenure, and course performance invariably involve judgments about good or bad ideas and the worth of one's thinking. In that sense, the core of academic freedom is really self-governance by the faculty according to professional standards that determine the nature of appropriate scholarship and teaching. Another set of issues centers on the rights of students. To what extent can students define the boundaries of their academic freedom, and to what extent are those boundaries set by faculty, trustees, administrators, alumni, legislators, and the like?

With all of these conflicting views and interpretations, the Academy study group has set two objectives. The *first* is a clearer understanding of the reasons for claiming a right to academic freedom and an assessment of its limits. A case currently before the Supreme Court poses this question. A number of law schools are challenging the Solomon Amendment, which denies research funds to universities that exclude the military from interviewing students on their campuses. At issue is the question of whether this legislation intrudes upon the academic freedom of these institutions. Is academic freedom limited to the classroom? Is it limited to the laboratory? Does it extend to decisions about who may enter the premises of an institution in order to interview students, or is that pushing the limits of academic freedom too far? To address these questions, we need

to take a fresh look at what academic freedom means, what it protects, and what its limits are.

Assuming we can reach a general consensus on how we define academic freedom, our *second* step is to explore what universities contribute to society and why they believe that academic freedom is essential to their ability to make these contributions.

Finally, returning to the notion of who watches the watchmen, there is considerable concern about whether universities themselves are making decisions about their faculty on the basis of professional standards or according to political judgments. When the public reads that 90 percent of faculty members at major research universities support a Democratic rather than a Republican candidate, that statistic raises questions as to whether these institutions are, in fact, acting professionally in decisions about scholarship and teaching, or whether political preferences are corrupting these judgments. Some alumni, trustees, and legislators assert that faculties are not trustworthy. How do we deal with that issue if, in fact, it turns out to be a fair condemnation?

Taken together, all of these matters deserve the thoughtful, interdisciplinary analysis the Academy can provide. It is time that we give them serious consideration.

Universal Basic and Secondary Education

David Bloom

Clarence James Gamble Professor of Economics and Demography, Department of Population and International Health, Harvard School of Public Health

Fifteen years ago, delegates from 155 countries met in Jomtien, Thailand, and pledged to achieve universal primary education by the year 2000.

Respectable educational advances were made in the 1990s, but it was absolutely clear by 2000 that the goal of universal primary education was nowhere close to being achieved. So the global community very kindly granted itself a no-cost extension in the form of the second Millennium Development Goal: it made a new pledge to achieve universal primary education by 2015.

Now we're in 2005, and there continue to be good, bad, and ugly parts to this story.

The good news is that the world has continued to make progress on the educational access front.

The bad news is that it is becoming increasingly apparent that we will not meet the 2015 deadline. Even if education continues to expand at the pace it did between 1990 and 2000, an estimated 118 million primary-school-age children – 16 percent of the primary-school-age population – will not be enrolled in school in 2015.

And secondary education has been noticeably absent from global education initiatives, despite growing recognition of its economic and social importance. An estimated 217 million children of secondary-school

age are projected not to be enrolled in secondary school in 2015. That's 30 percent of the relevant age group worldwide.

The aim of this rather ambitious project is to explore the rationale, the means, and the consequences of providing basic and secondary education of quality to all the world's children.

The ugly news is in the educational disparities – disparities involving educational access between the wealthy industrial countries at one extreme and countries in sub-Saharan Africa and South Asia at the other; disparities involving educational quality between those same countries; and disparities between female and male children.

In recognition of both the challenge and the promise of providing a quality education to all the world's children, the Academy began the UBASE project – Universal Basic and Secondary Education – four years ago. The aim of this rather ambitious project is to explore the rationale, the means, and the consequences of providing basic and secondary education of quality to all the world's children.

I have been working on this project with Academy Fellow Joel Cohen, who has a base at both Rockefeller University and Columbia University. We have had the encouragement and support of Leslie Berlowitz, the Academy's Chief Executive Officer, and the outstanding assistance of Martin Malin and Helen Curry, who are on the Academy staff. The project has received financial support from the Academy, the William and

Flora Hewlett Foundation, and a number of generous individuals. From the start, our focus has been not on advocacy or implementation, but rather on taking careful and critical stock of what we already know and what we still need to know, and blending it with as much fresh and out-of-the-box thinking as possible.

We began by deconstructing our task into somewhat more manageable pieces, and we recruited experts to lead research efforts in a number of areas. We surrounded the authors with working groups that included people from a wide range of geographic, institutional, and professional backgrounds to review and comment on their work.

The project has seven key components:

- *Basic facts and data*: What is known about the state of education around the world? What new data and data systems are needed?
- *Intellectual and programmatic history*: How, where, and when did ideas of universal education originate? What lessons does the past offer us today?
- *Consequences*: What would be the demographic, social, political, and economic effects of educating every child well?
- *Goals and assessment*: What constitutes a high-quality education? How do we measure progress toward that goal?
- *Politics of and obstacles to implementation*: What is involved in mobilizing the political will to move a grand idea like UBASE from dream to reality?
- *Cost and finance*: What would it cost to achieve UBASE, under various alternative models of education?
- *Means*: What pragmatic measures are necessary for actually delivering universal education?

The American Academy is an ideal venue for this project. It enables us to convene outstanding working groups – with representation from across disciplines and professions. It provides neutral territory for discussion, and an integrity and independence that adds to the gravity of what we produce. And it is a great meeting venue.

Write-ups of our thinking and conclusions have begun to find their way into print in both academic and popular outlets in a wide range of languages. Revisions of the core essays prepared for this project are now being collected for publication in a pair of edited volumes.

But it is our hope that this project will lead to more than just publications, as the dominant issue changes from whether to do something in this arena to what to do and how.

What we now need, and what we plan to develop in the next stage of the project, is a blueprint for achieving universal basic and secondary education. A new phase of UBASE will consider how to meet the challenge of implementation, which is really a matter of design, leadership, management, and coordination. And for help with that we'll be turning to you!

The Humanities Initiative

Patricia Meyer Spacks

Edgar F. Shannon Professor of English, Emerita, University of Virginia

In 1998, the Academy organized a two-pronged Initiative in the Humanities. First, I will discuss the effort to create a set of humanities indicators, now at a very exciting stage of development, and then I will consider our histories of the humanities, which will be published in 2006.

Unlike scientists and engineers, humanists have never had available to them a single, dependable source of data about what's happening in their field. What may be even more significant is that to a very considerable extent, they have not realized that they needed such indicators. One of the accomplishments of the Academy project is that it has educated a large segment of the humanities community about the importance of having dependable data. The *Science and Engineering Indicators*, issued biennially by the National Science Foundation, provide information about education and employment over a considerable disciplinary range, but they do not include the humanities. Various professional organizations in the humanities have tried to assemble facts about developments within their disciplines, but data between fields are often not compatible since different organizations employ different means of gathering data and different ways of codifying them.

The American Academy has set out to facilitate the inauguration of a comprehensive system for accumulating and organizing basic information about education and employment in the hu-

The American Academy has set out to facilitate the inauguration of a comprehensive system for accumulating and organizing basic information about education and employment in the humanistic disciplines.

manistic disciplines. How many people major in these fields? How many take courses? What courses do they take? How many get advanced degrees? What happens to those with Ph.D.s in the humanities? What do they do for a living? You can't assume nowadays that they get jobs in universities. How much teaching in the humanistic areas is done by part-time faculty? These are the sorts of questions we have in mind.

To accomplish our aim turned out to be unimaginably complicated as well as unimaginably expensive. The enterprise involves figuring out how to make use of existing data as well as how to gather new information. First, it entails deciding exactly what questions to ask, and that's a very difficult matter. It has required the collaboration of men and women from many disciplines – statisticians, social scientists, and humanists – and of many organizations, including the learned societies under the aegis of the American Council of Learned Societies.

But it is actually happening, thanks to foundation support and to the leadership of Norman Bradburn, who recently left the National Science Foundation to rejoin the National Opinion Research Center at the University of Chicago, along with medieval historian Francis Oakley (Williams College) and statistician

Stephen Raudenbush (University of Chicago). I mention their professional identifications in order to emphasize how wide-ranging the collaboration is. Thanks to the cooperation of many individuals and organizations, a working committee has agreed upon a core set of questions of interest to all of the relevant learned societies. We are moving toward a national survey of humanities departments to generate basic information about faculty and staffing trends and about teaching loads.

The project to create histories of the humanities is even closer to my heart, since I cochair it with Steven Marcus (Columbia University). I have been responsible for one of the two volumes currently near publication. Both of these studies explore, from different points of view, the changes that have shaped the humanities over the past century.

My volume, *Considering the Humanities*, contains essays that cover individually seven humanistic disciplines. They tell, as you would expect, the stories of seven different fields, but with provocative convergences. All record histories of great vitality, with each discipline's governing assumptions in constant flux and with new consensus repeatedly generated out of controversy. According to their historians, several disciplines – comparative literature, philosophy, and law – show unexpected convergence with science. I have to say it was something of a shock to me, as it will be perhaps to you, to learn that in its early days, comparative literature aspired to the status of a science. The finished volume, to be published as the Spring 2006 issue of *Daedalus*, will remind its readers how fundamentally the humanities have participated in the life of this country, engaging in various terms the issues that perplexed a nation and reflecting in

their internal conflicts larger dilemmas of meaning.

It was essential to the Humanities Initiative from the start that the Academy sponsor multiple histories to emphasize that every set of facts can generate different stories, and that the story told often depends on who is telling it. Academy Fellow David Hollinger, an historian from the University of California, Berkeley, has edited another volume offering histories of the humanities disciplines from a specific point of view. His book, *The Humanities and the Dynamics of Inclusion since World War II*, explores the social and cultural determinants that have helped shape a distinctly American version of the humanities in the twentieth century. Its essays, also of multiple authorship, argue that the role played by the academic humanities in embracing diversity of subject matter and of ideas has not been fully appreciated. They examine the rise of area studies, the emergence of American studies and other interdisciplinary programs, and the growth of American higher education as the opportunity to attend colleges and universities expanded in the postwar era. Hollinger and his authors show that the humanities have played a vital role in the engagement of the United States with the wider world, and that they continue to serve a crucial purpose as a means of incorporating America's ethnic and cultural diversity.

Both these volumes will appear early next year, coinciding with the observance of the Academy's 225th anniversary. Together, and in conjunction with the effort to create comprehensive, accurate data for the humanities, they will help to elucidate the specific functions, the specific condition, and the specific importance of humanistic knowledge in the United States.

Initiative for Science

Neal Lane

Senior Fellow, James A. Baker III
Institute for Public Policy, Malcolm
Gillis University Professor, Professor
of Physics and Astronomy, Rice
University

My involvement in the Academy's new Initiative for Science stems from my participation in the work of the Committee on International Security Studies, led by Carl Kaysen (MIT) and John Steinbruner (University of Maryland), particularly in its study on the Rules of Space. George Abbey, my colleague at the Baker Institute, Rice University, and I hosted several joint American Academy–Rice workshops on contentious issues in space policy.

One of the barriers currently facing the U.S. civilian space program is a set of federal export control regulations that require companies to apply for a license to sell, or share with a foreign country, information or technologies that the federal government wishes to control. To fully understand the impact of export controls, we needed to bring industry to the table, but representatives of industry had no interest in becoming involved in a public forum. They did, however, agree to participate in these closed workshops that also included international security experts and scientists. The result was an open and frank discussion focused on some of the issues that George and I were addressing in a paper we were writing on "United States Space Policy: Challenges and Opportunities." Taking into account some of the perspectives offered at that meeting, the report has now been published as part of the Academy's Occasional Paper series.

The varied perspectives and expertise the Academy can bring to the future of science and technology in this country is unmatched, and we look forward to formulating and implementing a program of discussion and research that will make a major contribution to scientific research and science education.

The Initiative for Science and Technology, to be chaired by Charles Vest, former President of MIT, and myself, will deal with equally contentious issues but on a much broader scale. Let me mention two, in particular.

The first is science funding and regulation. Beginning with the Manhattan Project, the federal government has been a major player in funding research and development activities in universities and laboratories and, to some extent, in industry, often leading to difficult policy dilemmas. How does this funding affect the direction of research? What constraints are placed on the freedom of scientific exploration? What research gets published? How much funding is enough? Some of these questions interface with other Academy studies, including the discussions of academic freedom. Workshops that further interdisciplinary discussion, coupled with the commissioning of papers and preparation of reports, can provide the basis for informed action in this area.

However, a different approach may be more appropriate for a second set of issues concerning science policymaking. How do elected representatives in the

executive and legislative branches, on the federal and state level, determine what are appropriate science policies with respect to such matters as climate change, stem cell research, and the teaching of science in K-12 classrooms? In this instance, some of the questions are so contentious and politically charged that the Academy may be most effective by serving as an honest broker – by bringing together those with opposing views for preliminary explorations in off-the-record discussions. Of course, publications may result, but, first, it is essential that we establish a basis for mutual understanding of the challenges that lie ahead.

These are only two of the issues on the Initiative's agenda. Related questions involve an examination of the science curriculum for nonscience majors and the importance of advancing scientific literacy, led by Jerrold Meinwald (Cornell University) and John Hildebrand (University of Arizona). Donald Kennedy (Stanford University) and Geneva Overholser (University of Missouri) will chair a new study on science and the media. The varied perspectives and expertise the Academy can bring to the future of science and technology in this country is unmatched, and we look forward to formulating and implementing a program of discussion and research that will make a major contribution to scientific research and science education.

Securing the Internet as Public Space

David Clark

Senior Research Scientist, Laboratory
for Computer Science, Massachusetts
Institute of Technology

The Academy's project on Securing the Internet as Public Space grew out of a series of questions posed by Tom Leighton (MIT and Akamai Technologies) in his remarks at the Induction Ceremony two years ago.

If you ask people whether they feel safe when they enter that shared place called cyberspace, most will point to a number of serious problems. Spam is generally regarded as just a nuisance. Far more serious are the spyware programs that show up in your computer, capture all your keystrokes, and steal your passwords and send them to

The purpose of redesigning the Internet is not to fix a technical flaw but to deal with a public space that must accommodate different needs and interests.

nefarious people in places where we have no extradition treaties. The practice of "phishing" also threatens the confidentiality of your personal information. Here, you may receive what appears to be a legitimate email from an institution such as Citibank requesting that you go to a designated website and reenter your bank or credit card data, when, in fact, the website is not Citibank's. Then there are zombies – I must say that computer scientists pick colorful names for these problems.

Zombies are computers that hackers control without the knowledge of the owner. Hackers can command the zombie, for example, to relay an extortion threat that orders the operators of a website to leave \$10,000 in a brown paper bag on a street corner or else they will cripple the site with an influx of data, preventing legitimate users from gaining access.

How can such situations occur? Internet security problems can be sorted into two categories: a) stupid or b) not purely technical. You might say that the designers of the Internet developed a technically inferior system. If that were the case, there would be no need for an Academy study; you could simply hit computer scientists over the head until they produced more effective security protocols. Stupid problems such as software engineering failures are primarily simple, self-contained forms of exploitation. More serious issues arise when technical problems are mixed with social, economic, and policy considerations.

In the case of computers turning into zombies, it is possible that a computer can be infected if it has an “open door” that is not secured by a firewall, a net box, or the latest patch from a vendor of your choice. More likely, however, you have caused the problem yourself by accessing an unfamiliar email address or by clicking on a friend’s email that was already infected. You might also have thought that a particular website was a legitimate address because it said, “Click here for a free screen-saver.” You should never do that!

As these examples indicate, the Internet is not just a space filled with technical problems. It’s a space of deception and confidence men, a space of broken social conventions governed by

a Wild West mentality. As someone said, it’s like a Hobbesian village with masked people running around. To understand these threats to Internet security, it is helpful to focus on the issue of identity on the net. To what extent should your actions be traceable back to you, or to what extent should another person’s actions be traceable back to them? The original design of the Internet was based on freedom of action and a preference for anonymity over mandatory identification, which has perhaps contributed to the Wild West mentality. Those of us who were involved in the design could have done it differently. But it is no longer a question of what we could build; it is rather a question of what we should build.

For example, we could change the email system so that you would need a certificate from the government stating your identity, which you would then use to sign all of your email. I know how to build that system. I think it would have very bad social consequences, but it would certainly mean that when you got an email, you would know who had sent it.

The question I am raising here is whether your identity should have forensic robustness. Technology cannot provide the answer. We must look to the broader issue of social choice in a multidimensional space. The Academy study, involving lawyers, economists, political scientists, humanists, and ethicists, will focus on the problems of the shared experience we have in the Internet. When the study was originally conceived, we believed that the emphasis should be on the analysis of existing information. However, as a result of a series of planning meetings over the past year, we have found that there is a strong need for original research and synthesis. We must conceptualize al-

ternative futures that are robust in the sense that technologists know how to build them, yet are open to analysis by individuals from different disciplines, some of whom may be uncomfortable with studying a situation that does not yet exist.

The direction of the project has also been influenced by the National Science Foundation’s (NSF) decision to examine the kind of communications network that could be in place ten to fifteen years from now. Instead of making incremental improvements in the Internet, the challenge is to envision an end objective and the steps needed to achieve it. NSF plans to ask the technical research community to address this question, but, in my view, this is exactly the kind of issue that needs to be deeply informed by experts from diverse disciplines. The purpose of redesigning the Internet is not to fix a technical flaw but to deal with a public space that must accommodate different needs and interests. In the coming months, we will attempt to construct a linkage between the NSF’s “challenge question” for technologists and the resources that the Academy can bring to such a study.

The Global Nuclear Future

Steven Miller

Director, International Security Program, Belfer Center for Science and International Affairs, Kennedy School of Government, Harvard University

The Academy and its Committee on International Security Studies (CISS) have a long-standing commitment to addressing various issues relating to the

development and control of nuclear weapons. Much of the truly formative work on both the theory and practice of arms control was sponsored by the Academy in the late 1950s and early 1960s. CISS continued that tradition with projects on strategic arms control and missile defense. In recent years, it has also broadened its mandate to include other threats to international security. In the 1990s, Carl Kaysen (MIT) and others examined how justifications for armed intervention by the international community have changed over time and how emerging norms of third-party interventions can be strengthened in circumstances ranging from acts of aggression to civil strife, environmental disasters, and violations of basic human rights. Robert Legvold (Columbia University) and his collaborators recently completed a multivolume study of international security concerns in the post-Soviet region – an area that encompasses much of northern Eurasia but has now splintered into fifteen different states. John Steinbruner (University of Maryland), Neal Lane (Rice University), and others are currently undertaking a study of competing scientific, commercial, and military interests in space.

Looking ahead, CISS is in the early stage of pursuing a broad assessment of where we are and where we may be headed in terms of the global nuclear order. We emerged from the Cold War in the early 1990s with a familiar nuclear reality that combined the established practices of the existing nuclear powers with a new set of methods, processes, procedures, rules, regulations, and institutions intended to govern the nuclear capabilities of the various nuclear-weapons states. With the end of the Cold War, there was a deep expectation that we would build on this order in ways that would mini-

mize the role of nuclear weapons and maximize the role of restraint and regulation. There was also widespread hope that a much more ambitious regulatory infrastructure would emerge to tame the nuclear danger and increase the legal, social, and political barriers against nuclear use and nuclear accident.

Yet looking back on it fifteen years later, we see that instead of taking the inherited infrastructure and building on it in desirable ways, we have experienced a very significant erosion of the global nuclear order. The number of nuclear weapons is still in the tens of thousands in the bilateral Russian-American context, within which most of the nuclear weapons on this planet exist. For the first time in half a century, we do not have an ongoing strategic nuclear arms control process nor are there plans to have any such negotiation. We have seen the dismantlement of a large part of the arms control inheritance left over from the Cold War. The strategic arms reduction process embodied in the START II treaty has been renounced, and the Anti-Ballistic Missile (ABM) treaty has been formally repudiated. Remarkably, to my mind, the foundational arms control agreement that provides the basis for regulation of twenty or thirty thousand nuclear weapons on this planet is the START I agreement. This agreement originated in the early 1980s during the first term of the Reagan administration and, in fact, arose out of a period that historians call the New Cold War. How can we imagine that this could be an appropriate instrument for governing today's nuclear postures in a world that was unimaginable twenty-five years ago?

In addition, in the nonproliferation realm, three states over the last half-dozen years – India,

Pakistan, and North Korea – have either openly demonstrated or proclaimed that they are now nuclear-weapons states. A large number of states from a variety of different perspectives, including prominently the United States, openly, actively, vigorously, and loudly question both the utility and effectiveness of the nonproliferation regime. In the summer of 2005, we witnessed a substantial failure of the latest nonproliferation-treaty

Our objective is to step back from the immediate crises and examine where we are headed, what is in our interest, and what other alternative futures we can define that would be preferable to the road we are now on.

review conference – a very acrimonious confrontation between the nuclear haves and the nuclear have-nots – with substantial differences of perception about what the treaty means, what it permits, and what kind of nuclear future lies ahead. As a parallel to all this, we have a complete paralysis of the accompanying multilateral arms control process that has been attempting to govern the world's nuclear affairs for many years. The Comprehensive Test Ban Treaty (CTBT) is dead. The Fissile Material Cutoff Treaty (FMCT), aimed at restricting the planet's ability to produce the material needed to build nuclear weapons, was stillborn, smothered by the combined opposition of the nuclear-weapons states that want to retain the option of acquiring new nuclear weapons.

In short, the existing regulatory regime we call arms control is

under significant pressure: the inherited legal regime governing nuclear weapons has deteriorated, even as the number of nuclear-weapons states has spread and even as the existing nuclear powers, or at least Russia and the United States, have with great enthusiasm proclaimed their recommitment to nuclear weapons in the post-Cold War environment. For the moment, I think one can safely say that arms control is dead.

Even if things didn't appear quite so dismal, we would need to question the role of arms control in the aftermath of the Cold War. How can we manage these terrible instruments of violence in prudent and sensible ways that enhance our security and reduce the exposure of the human race to truly cataclysmic outcomes? I think one can reasonably anticipate that if we stay on our present path, the world, ten or fifteen years from now, will have more nuclear weapons, more reliance on nuclear weapons, more nuclear-weapons states, more risk of purposeful or inadvertent use of nuclear weapons, more risk of access to and use by substate actors, and fewer regulations and institutions available to restrain the nuclear-arms policies and postures of the existing nuclear-weapons states.

We cannot deal with this issue by trying to solve small pieces of the nuclear picture – the problems in North Korea and Iran or the “loose nukes” in Russia each require urgent attention, but dealing with these important but discreet pieces does not necessarily give insight into the larger changes in the global nuclear order. At the Academy, we are planning to convene a group of people who, over recent decades, have thought imaginatively about how to control nuclear weapons. Our objective is to step back from the immediate crises and examine where we are

headed, what is in our interest, and what other alternative futures we can define that would be preferable to the road we are now on. The Academy did seminal work on these issues at a similarly consequential juncture in the late 1950s. Today, these issues once again deserve – indeed, require – the mobilization of the intellectual resources the Academy can offer. The stakes are high, the risks are great, and the impact on the future of international security will be enormous. Few issues on the global agenda are more consequential. ■

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Fellows at the October Induction Ceremony



Donald Lamb (University of Chicago), a Fellow since 2003, joins his brother Frederick Lamb (University of Illinois at Urbana-Champaign), a newly elected member of the Academy



E. J. Dionne, Jr. (Brookings Institution) and John C. Bogle (The Vanguard Group, Inc.)



Ralph Nuzzo (University of Illinois at Urbana-Champaign) and Anna Marie Pyle (Yale University)



New member Jack Balkin (Yale University) with Sanford Levinson (University of Texas at Austin), a Fellow of the Academy since 2001

John Felstiner (Stanford University) asking a question during the morning orientation program for new members



Visiting Scholars Program



Eight promising scholars, representing institutions in five states and the District of Columbia, have been awarded Visiting Scholar fellowships at the American Academy for the 2005 – 2006 academic year. They represent the fields of anthropology, history, English and comparative literature, American literature and culture, art history, social policy, and international relations. The Academy's Visiting Scholars Program (VSP) supports promising postdoctoral fellows and untenured junior faculty in the humanities, the social sciences, and policy studies.

During their year in residence in Cambridge, the scholars combine their independent research with participation in varied Academy activities, including lectures and panel presentations on a variety of subjects, and Friday Forums, which bring together members of the surrounding academic and cultural community for discussion of timely issues. At monthly seminars, the scholars present their research to colleagues in the program and to senior members in their own and related fields. Visiting Scholars also attend conferences and contribute

their ideas and perspectives to ongoing Academy projects. As the Chair of the Visiting Scholars Program, James Carroll, has noted: "The ability to interact with Academy Fellows, who bring an unparalleled wealth of knowledge from diverse scholarly and professional backgrounds, provides a unique intergenerational opportunity for Visiting Scholars."

The Harvard Humanities Center, led by Director Homi Bhabha (Anne F. Rothenberg Professor of English and American Literature and Languages) and Executive Director, Steven Biel (Senior Lecturer and Director of Studies in History and Literature), graciously provides access to Harvard's libraries and research facilities and works with the Academy to plan joint programs.

The program is funded, in large part, by a group of forty-eight colleges and universities that have become "University Affiliates" of the Academy. Their support sustains the work of an emerging generation of scholars as well as Academy studies on higher education and learning. Gifts and grants have also been received from the Annenberg Foun-

ation, the Cabot Family Charitable Trust, the Virginia Wellington Cabot Foundation, the Carl and Lily Pforzheimer Foundation, the Charles and Suzanne Haar Fund, the Esther Haar Scholar Exchange Program, and the National Endowment for the Humanities.*

Visiting Scholars, 2005 – 2006

Chip Colwell-Chanthaphonh – Ph.D., Indiana University. B.A., University of Arizona. *The Advance of American Archaeology and Resurgence of Native America*. A study of the shifting moral landscape of professional archaeology, focusing on the discipline's complex social and intellectual relationship with Native America.

Jenny Davidson – Assistant Professor, Columbia University. Ph.D., Yale University. B.A., Harvard University. *Breeding: Nature and Nurture Before Biology*. An investigation

*Any views, findings, conclusions, or recommendations expressed in research projects, studies, lectures, and publications do not necessarily represent those of the National Endowment for the Humanities.



Front (left to right): Chief Executive Officer Leslie Berlowitz, Academy President Patricia Meyer Spacks, and Chair of the VSP James Carroll;
Middle (left to right): Sarah Song, Jennifer Marshall, Jenny Davidson, Director of the VSP Alexandra Oleson, Jason Puskar, Jennifer Ratner-Rosenhagen, and Chip Colwell-Chanthaphonh;
Back (left to right): Sharon Weiner and Elizabeth Lyman

of modern British debates about human nature before the coinage of modern scientific terms like biology and genetics that traces eighteenth-century writers' use of the term "breeding" to negotiate questions about education and inheritance in relation to the physical workings of people, plants, and animals.

Elizabeth Lyman – Assistant Professor, Harvard University. Ph.D., University of Virginia. A.B., Stanford University. *Performing Visual Information: Stage Directions Past, Present, and Future*. A study of notation that draws attention to emerging forms of performance notation and to the unrecognized interpretive influence of graphic elements in scripts ranging from punctuation and typography, to diagrams, symbols, and abstract and representational drawings.

Jennifer Marshall – Ph.D., University of California, Los Angeles. B.A., University of Arizona, Tucson. *The Stuff of Modern Life: Formalism and Pragmatism in Interwar American Aesthetics*. An examination of the crucial role that ordinary things played in the formation of American modernism during the interwar decades, focused on the Machine Art Exhibit held at the Museum of Modern Art in 1934.

Jason Puskar – Assistant Professor (visiting, 2004 – 2005), Boston College. Ph.D., Harvard University. M.Phil., University of Oxford. B.A. and B.S.J., Ohio University. *Underwriting the Accident: Narratives of American Chance, 1871 – 1936*. An analysis of the ways that changes in thinking about chance and accident influenced American literature and culture from Reconstruction to the New Deal, particularly the new opportunities that American ideas about social and economic uncertainty created for narrative and the novel.

Jennifer Ratner-Rosenhagen – Assistant Professor, University of Miami. Ph.D., Brandeis University. B.A., University of Rochester. *Neither Rock nor Refuge: A History of Nietzsche in America*. An account of the influence of Friedrich Nietzsche's ideas and image on twentieth-century American society, including the American appropriation

of Nietzsche's *Übermensch* (Superman), his claims for the death of God, and his critique of Christianity and democracy.

Sarah Song – Assistant Professor, Massachusetts Institute of Technology. Ph.D., Yale University. M.Phil., Oxford University. B.A., Harvard University. *Culture, Gender, and Equality*. An examination of a variety of contemporary conflicts between minority group rights and women's rights that draws upon political theory, history, and law to explore how such conflicts might be resolved by democracies that seek both equal justice for minority groups and equal justice for women.

Sharon Weiner – Assistant Professor, School of International Service, American University. Ph.D., Massachusetts Institute of Technology. M.A., University of Lancaster. B.A., Truman State University. *Our Own Worst Enemy? U.S. Bureaucracies, Nonproliferation Policy, and the Former Soviet Union*. A critique of the United States' recent funding of efforts to reduce the risk that scientists from the former Soviet Union's weapons of mass destruction complex will sell their knowledge to proliferant states or subnational groups.

Chair of the Visiting Scholars Program

James Carroll – Historian and columnist for *The Boston Globe*. Books include *An American Requiem*, *Constantine's Sword: The Church and the Jews – A History*, and, most recently, *Crusade: Chronicles of an Unjust War*, a collection of his *Boston Globe* columns since 9/11. Carroll is working on a history of the Pentagon, *House of War*, to be published in May 2006.

The Academy is grateful to the individuals who served as reviewers and offered guidance for the program over the past year:

Paul Boyer, University of Wisconsin
David Bromwich, Yale University
Margorie Garber, Harvard University
Nathan Glazer, Harvard University
John Mark Hansen, University of Chicago
Neil Harris, University of Chicago
Peter Katzenstein, Cornell University
Carl Kaysen, MIT
Philip Khoury, MIT
Leo Marx, MIT
William McFeely, University of Georgia
Helen Milner, Princeton University
James Olney, Louisiana State University
George Rathjens, MIT
Bruce Redford, Boston University
Barbara Reskin, University of Washington
Kenneth Silverman, New York University
Eugene Skolnikoff, MIT
Eric Sundquist, University of California, Los Angeles
Charles Tilly, Columbia University
Gordon Wood, Brown University
Larzer Ziff, Johns Hopkins University



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In recent months, Academy meetings in Cambridge, Palo Alto, and Washington, D.C., have considered the concept of justice from an historical, contemporary, and international perspective. The remarks from these meetings are reprinted below.

Civil Liberties in Times of Crisis

Alan Brinkley

This presentation was given at the 224th Annual Meeting and 1891st Stated Meeting, held at the House of the Academy on May 11, 2005. At this meeting Denis Donoghue, University Professor and Henry James Professor of English and American Letters at New York University, also spoke. His remarks on “The American Classics” were published in the Summer 2005 issue of the *Bulletin*.



Alan Brinkley

Alan Brinkley is Allan Nevins Professor of History and University Provost at Columbia University. He has been a Fellow of the American Academy since 1999.

The history of civil liberties in America, like the history of civil rights, is a story of struggle. Even in peacetime, Americans constantly negotiate between the demands of liberty and the demands of order and security. But in times of national emergency, the conflict between these demands becomes particularly intense and the relative claims of order and security naturally become

stronger. We are now in a period of apparently open-ended crisis, and the lessons of these past experiences with war and emergency are clear: We cannot reasonably expect the highly robust view of civil liberties that we have embraced in recent decades to survive entirely unaltered. Every major crisis in our history has led to abridgments of personal liberty, some of them inevitable and justified. But in most such crises, governments have also used the seriousness of their mission to seize powers far in excess of what the emergency requires.

Those living through such times should remember that civil liberties are not a gift

from the state that the state can withdraw when they become inconvenient. They are the product of continuous effort, which has extended over two centuries and must continue into a third – in dangerous times as well as in tranquil ones – if personal freedom is to remain a vital part of our national life.

It is part of our national mythology that the framers of the Constitution guaranteed civil liberties to all Americans through the Bill of Rights, and that we are the beneficiaries of their wisdom. But during the first century and more of the history of the United States, the Bill of Rights had relatively little impact on the lives of most American citizens. Widespread violations of civil liberties that

by modern standards would seem exceptionally oppressive inspired one scholar, remarking on the early history of the Bill of Rights, to describe it as “140 Years of Silence.” Even ignoring the egregious violations of rights and liberties inflicted on both enslaved and free African Americans, Native Americans, Mexicans, Chinese, and many other groups of immigrants, and the routine limitations of the rights of women, the abridgments of civil liberties were severe and routine. Local governments routinely banned books, censored newspapers, and otherwise policed “heretical” or “blasphemous” speech. Communities enforced rigid standards of public decorum and behavior and often criminalized unconventional conduct. The legal rights of the accused in criminal trials had few effective protections, and obedience to the Fourth, Fifth, and Sixth Amendments was often token or nonexistent. Freedom of religion did not always extend to Catholics, Jews, free thinkers, agnostics, or atheists; and such people had no protection against discrimination in education, jobs, and even place of residence.

It would be too much to say the Bill of Rights was an empty shell during the nineteenth century. Things would surely have been worse without it. But to a significant degree it remained contentless in the absence of popular, legislative, and judicial support – all of which were intermittent and often grudging for over a hundred years.

Our modern notion of civil liberties was, in fact, not born with the creation of the Bill of Rights. A more important turning point may have been American involvement in World War I, which fostered some of the most egregious violations of civil liberties in our history – and, indirectly, some of the first vigorous defenses of them.

When the United States entered the war in April 1917, the Wilson administration was acutely aware of how much of the public remained hostile to the nation’s intervention. It responded with an aggressive campaign of intimidation and coercion designed to silence critics and root out opposition.

At the center of this effort were two pieces of wartime legislation: the Espionage Act of 1917 and the Sedition Act of 1918, which empowered the government to suppress and punish “disloyalty and subversion.” The Espionage Act, among other things, permitted the Postmaster General, Albert Sidney Burleson, to ban all “seditious” materials from the mail. He announced that “sedi-

The history of civil liberties in America, like the history of civil rights, is a story of struggle. Even in peacetime, Americans constantly negotiate between the demands of liberty and the demands of order and security.

tious” materials included anything that might “impugn the motives of the government and thus encourage insubordination,” or anything that suggested “the government is controlled by Wall Street or munitions manufacturers, or any other special interests.” All publications of the Socialist Party were banned by definition.

The Sedition Act, passed the next year to strengthen the provisions of the Espionage Act, made it a criminal offense to use “any disloyal, profane, scurrilous, or abusive language about the form of government of the United States or the Constitution of the United States, or the flag of the United States, or the uniform of the Army or Navy,” or any language that might bring those institutions “into contempt, scorn, . . . or disrepute.” This second law was a particularly useful instrument for suppressing radicals and labor unionists. Hiram Johnson, progressive senator from California, caustically described the provisions of the law: “You shall not criticize anything or anybody in the Government any longer or you shall go to jail.”

This state-sponsored repression did not occur in a vacuum. It both encouraged and reflected a widespread popular intolerance of dissent that at times became highly coercive. In 1917, private volunteers formed the American Protective League (APL) to assist the government in the task of maintaining loyalty. The APL received the open endorsement of the Attorney General, who called it a “patriotic organization . . . assisting the heavily overworked federal authorities in keeping an eye on disloyal individuals and making reports on disloyal utterances.” By the end of the war, the organization had two hundred and fifty thousand members – men

and women who defined their mission as spying on their neighbors, eavesdropping on suspicious conversations in bars and restaurants, intercepting and opening the mail and telegrams of people suspected of disloyalty, and reporting to the authorities any evidence of disenchantment with the war effort. They made extralegal arrests. They organized “slacker raids” against perceived draft resisters. And they constituted only the largest of a number of such organizations. There was also the National Security League, the American Defense Society, even one modeled on the Boy Scouts – the Boy Spies of America.

Much of this repression was directed at labor leaders, radicals, and other dissidents. But it fell hardest on immigrants, and above all on German Americans. The California Board of Education, for example, banned the teaching of German in the public schools, calling it “a language that disseminates the ideals of autocracy, brutality, and hatred.” Libraries removed German books from their shelves. Merchants and others dropped German words from the language. (“Sauerkraut” became “liberty cabbage”; “hamburgers” became “liberty sausage.”) German faculty members were fired from universities. German musicians were fired from orchestras. Because of widespread rumors of plots by German Americans to put ground glass in bandages sent to the front, the Red Cross barred people with German names from working with the organization. In Minnesota, a minister was tarred and feathered because he was overheard praying with a dying woman in German. In Southern Illinois, a man was lynched in 1918 for no apparent reason except that he happened to be of German descent; the organizers of the lynch mob were acquitted by a jury, which insisted that what they had done was a patriotic act.

The end of the war in 1918 did not bring this period of intolerance to a close. If anything, it intensified it by ushering in what has become known as the great Red Scare. The Red Scare was, in part, a response to the Bolshevik Revolution in Russia and the tremendous fear that event created throughout the capitalist world. It was also a product of the great instability of postwar America, which many middle-class people believed to be orchestrated by revolutionaries. There was widespread labor unrest, racial conflicts in cities, economic turbulence, and a small but frightening wave of terrorist acts by radi-

The federal government's assault on civil liberties during and after World War I may have been the most egregious in its history. But in acting so aggressively to abridge civil liberties, the government inadvertently gave birth to an important new movement to protect them.

icals. But the Red Scare was, above all, a result of the deliberate strategies of ambitious politicians, who saw a campaign against "Bolshevism" in America as a useful spur to their careers.

The Justice Department, under Attorney General A. Mitchell Palmer (who had presidential hopes for 1920), was the leading actor in inflaming the Red Scare. A series of mail bombings, including an attempted bombing of Palmer's own house, helped legitimize the major campaign against radicals that he was already planning and that he launched on New Year's Day, 1920. Orchestrated by the young J. Edgar Hoover, the "Palmer Raids" produced six thousand arrests, amid enormous publicity. Most of the people detained were not radicals at all, and even the relatively few genuine radicals rounded up could not be shown to have violated any laws. Most were eventually released, although many remained in custody for weeks and even months without facing formal charges, without access to attorneys or even to their own families.

The federal government's assault on civil liberties during and after World War I may have been the most egregious in its history. But in acting so aggressively to abridge civil liberties, the government inadvertently gave birth to an important new movement to protect them. Indeed, it is not too much to say that World War I was the birthplace of our modern notion of civil liberties; that in its aftermath, the Bill of Rights slowly began to have an expansive meaning in American life for the first time. The backlash against

the wartime excesses helped create three new forces committed to defending civil liberties: popular support, formidable institutions, and the first serious evidence of judicial backing.

Popular support for civil liberties prior to World War I had been almost entirely theoretical. People of wealth and standing assumed, generally correctly, that they faced little danger of repression, censorship, and arbitrary arrest. People without property, on the other hand, could not realistically expect the civil liberties promised by the Constitution. As Zechariah Chafee, a great champion of free speech in the 1920s and 1930s, later wrote of this period: "The First Amendment had no hold on people's minds, because no live facts or concrete images were then attached to it. Consequently, like an empty box with beautiful words on it, the Amendment collapsed under the impact of Prussian battalions, and terror of Bolshevik mobs."

The heavy-handed actions of the federal government during and after World War I, however, created popular alarm where other abuses had not, largely because of the great suspicion with which Americans viewed federal power. State and local governments might act repressively without inspiring popular fears; Washington could not. The Palmer Raids, in particular, produced widespread denunciations in the press; destroyed A. Mitchell Palmer's political career; nearly crushed J. Edgar Hoover's budding prospects for bureaucratic advancement; and badly damaged the Wilson administration and the Democratic Party. Republicans, sensing a political opportunity, took up the cause of civil liberties as a way of attacking the Democrats and helped give the issue popular credibility. One of Warren G. Harding's early acts as president was to pardon Eugene V. Debs, the Socialist Party leader, who had been imprisoned for opposing American intervention in the war. In the absence of public opinion polls, it is impossible to measure the extent of this shift in public opinion. But not since the Alien and Sedition Acts of 1798 had violations of civil liberties aroused so much popular and political condemnation.

The war and its aftermath also energized the small and once largely powerless community of civil liberties activists, who suddenly saw an opportunity to establish their cause in the public mind. Among them was Roger Baldwin, a settlement house worker in St. Louis, who, inspired by a speech of Emma Goldman, became deeply committed to re-

sisting state efforts to limit individual freedoms. He became a civil liberties activist during World War I, and he spent the rest of his long and active life building institutional support for protections of this relatively new concept.

In 1917, he and a few other critics of government policies created the National Civil Liberties Bureau, whose original purpose was to criticize state repression and garner support for protecting personal freedoms. Baldwin's approach to this task was deliberately controversial. He rejected the suggestions of some of his allies that he target only the most indefensible violations (such as the government's brutal treatment of conscientious objectors). He insisted, rather, that the best way to establish the principle of robust civil liberties would be to defend the most unpopular people and causes. He was especially outspoken on behalf of the radical anarchists of the Industrial Workers of the World, arguing that by standing up for the Wobblies he was casting light not just on the role of government but also on the role of industrial capital in repressing the rights of individuals.

The Civil Liberties Bureau attracted relatively little attention during the war itself. But the reaction to the 1919 Palmer Raids sud-

The history of civil liberties in times of emergency suggests that governments seldom react to crises carefully or judiciously. They acquiesce to the most alarmist proponents of repression.

denly thrust it into prominence. In January 1920, it was reorganized and renamed the American Civil Liberties Union (ACLU). Baldwin attracted a host of prominent supporters, among them Clarence Darrow, Jane Addams, Felix Frankfurter, Helen Keller, Norman Thomas, and John Dewey, and he began to envision a larger role for the ACLU. It would no longer simply denounce assaults on liberty. It would use its influence to attack them through the legal system.

It is the government's role to see beyond the understandably passionate feelings of the public and frame a reasoned response to the dangers we face.

The third great contribution to the founding of the modern regime of civil liberties was the slow but growing support for the idea within the judiciary. Not until the Warren Court decisions of the 1950s and 1960s did protecting civil liberties become a major item on the Supreme Court's agenda, and even then the courts at lower levels were slow to embrace the cause. But the gradual shift of judicial thinking on the issue became visible within months after the end of the war, less in the actual decisions of the courts than in several notable dissents that formed the intellectual foundation for an expanded legal notion of free speech.

The most important figure in this process was Justice Oliver Wendell Holmes. During and immediately after the war, Holmes showed little more inclination than any other member of the Supreme Court to challenge the government's aggressive use of the Espionage and Sedition Acts. Early in 1919, for example, the Court accepted an appeal on behalf of Charles Schenk, a Socialist convicted of violating the Espionage Act for passing out leaflets that denounced the war and encouraged young men to resist the draft. Holmes wrote the majority opinion, which affirmed both Schenk's conviction and the constitutionality of the law. "The question in every case," he wrote in this controversial decision, "is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent." Schenk's "words," he insisted, were designed to undermine the draft and were therefore unprotected speech. "When a nation is at war," he added, "many things that might be said in time of peace are such a hindrance to its effort that their utterance will not be endured so long as men fight, and that no Court could regard them as protected by any constitutional right."

Holmes's decision evoked a storm of protest from eminent legal scholars whose opinion the justice evidently respected; by November 1919, he had clearly revised his views about protected speech. In *Abrams v. U.S.*, the Court reviewed the case of Jacob Abrams, a Russian immigrant convicted under the Sedition Act for distributing leaflets that criticized President Wilson's decision to dispatch American troops to Russia in 1918, during the civil war that followed the Bolshevik Revolution. As in the *Schenk* case, there was no evidence that Abrams's actions had in any way impeded the course of the war. But a lower court had claimed that it was enough that his actions *might* have jeopardized American policy to justify a conviction; and the Supreme Court agreed, upholding both the conviction and the law. But this time, Holmes (joined by Justice Louis Brandeis) vigorously and famously dissented, in language that many consider the classic initial argument for a robust view of the First Amendment. Defenders of the Sedition Act, Holmes said, had rested their case on the overwhelming importance of sustaining support for the war and the dangers dissenters posed to that effort. But no one should be so confident that the passions of the moment are irrefutable, Holmes suggested, for

... when men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas – that the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes safely can be carried out. . . . I think that we should be eternally vigilant against attempts to check the expression of opinions that we loathe and believe to be fraught with death. . . . I had conceived that the United States, through many years, had shown its repentance for the Sedition Act of 1798.

In this and other dissents, Holmes, along with Brandeis and a slowly expanding group of other judges and justices, began laying out much of what became the legal and moral basis for our modern conception of civil liberties.

No one can doubt that the United States faces grave dangers in today's perilous world, and we cannot dismiss the aggressive efforts by the government to seize new powers and to curb some traditional liberties as entirely cynical or frivolous. Some alteration in our understanding of rights is inevitable and perhaps necessary in dangerous times, as even the most ardent civil libertarians tend to admit. But the history of civil liberties in times of emergency suggests that governments seldom react to crises carefully or judiciously. They acquiesce to the most alarmist proponents of repression. They pursue preexisting agendas in the name of national security. They target unpopular or vulnerable groups in the population less because there is clear evidence of danger than because they can do so at little political cost. During and after World War I, the victims of government repression were labor leaders, anarchists, and Socialists, none of whom posed any danger to the war effort but all of whom were widely disliked. In World War II, the victims were Japanese Americans, who were stripped of all the rights of citizenship not because there was any evidence that they were disloyal but because they were feared on largely racial grounds. In the present emergency, the victims are mostly Arab Americans and foreign nationals.

Citizens naturally react to great crises viscerally, and they sometimes vent their fears by demanding unconscionable actions. It is the government's role to see beyond the understandably passionate feelings of the public and frame a reasoned response to the dangers we face; not to defend all civil liberties reflexively, certainly, but to give them considerable weight in choosing how to balance the competing demands of freedom and order. And it is up to those organizations and individuals who care about civil liberties, and who are committed to continuing the more than two-century-long struggle to legitimize and strengthen their place in American life, to insist that our leaders do just that. ■

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Do We Have An Emergency Constitution?

Kathleen M. Sullivan

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At this unusual moment in the history of the Constitution, I think it's fair to ask the question: Do we have an emergency constitution?

To start with a familiar heuristic device, let's separate out two polar views about how the Constitution operates in normal times, that is in peacetime, and in difficult times, that is in times of war, times of national security crises, times of emergency. In one view, we have a continuous constitution that is the same for war and peace, the same for normal times and emergencies – an invariant constitution. In the other view, we have a constitution that can be temporarily suspended in times of emergency.

As an example of the first view, consider the following lines of a United States Supreme Court decision called *Ex Parte Milligan*: "The Constitution of the United States is a law for rulers and people, equally in war and in peace . . . no doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government."

That was written in 1866, a year after the Civil War had ended. After the war, the Court chastised President Abraham Lincoln for having suspended the writ of habeas corpus without the consent of Congress. But the Court did so after the fact, and we will consider later whether *Milligan* corrected a suspension of the Constitution.

Let me give you another example of an expression by the Supreme Court that we have one constitution for normal times and crisis times alike, namely, the *Steel Seizure* case of

1952. We had a wonderful commemoration of that case at Stanford Law School during the fiftieth reunion of the late Chief Justice William H. Rehnquist and Justice Sandra Day O'Connor. They presided over a moot court with former Stanford President Gerhard Casper revisiting the *Steel Seizure* case – the case in which the Supreme Court told President Harry S. Truman that it was unconstitutional for the President to seize the steel mills without the consent of Congress because he had usurped legislative power. In that case there were a number of different

Which of these views is more common in the world: one continuous constitution for war and peace or the suspended constitution, Inter arma silent leges?

opinions, but they united on a single point: the Constitution doesn't bend to the claimed need of the President to have the discretion, as commander in chief, to ensure that steel continue to be manufactured to provide munitions, supplies, tanks, weapons, and aircraft for the hostilities in Korea.

That decision was one of the rare instances when the Court told the President that he did not have discretion while the war was on. *Milligan* told the President only after the war was over that he lacked discretion when he suspended the writ. There was Justice Hugo Black, telling Truman that he had erred constitutionally by seizing the steel mills to keep production going. There was a dinner at Black's house not long after the decision, which, in the great decorum of

Washington, meant that the President was in attendance. It is reported that the conversation at the dinner table that evening between the President and members of the Court was rather stiff, except that after a great deal of liquor had flowed, Truman said to Black, "Sir, your law is no good but your bourbon is." So this is a form of checks and balances not written into the Constitution.

Let's contrast this idea from *Milligan* of one continuous constitution for war and peace with a very different tradition that goes back to sixteenth-century notions of *raison d'etat*. Some would trace it back, rhetorically, to the line of Cicero, "*Inter arma silent leges*" – When arms are engaged, the laws are silent. Or consider President Lincoln's own speech in support of his first unilateral suspension of the writ of habeas corpus on July 4, 1861, when he said to Congress, "Are all the laws but one to go unexecuted and the government, itself, go to pieces, lest that one [the Constitution] be violated?" Or to put it more succinctly as the Supreme Court did in 1964, the Constitution is "not a suicide pact."

This idea can also be gleaned from history. When asked whether President Franklin Delano Roosevelt had any regrets about internment 130,000 persons of Japanese descent after the bombing of Pearl Harbor, including 70,000 who had been born in the United States and thus were citizens, Francis Biddle, a close legal advisor to the President, said, "I do not think the constitutional difficulty troubled him. The Constitution has not greatly troubled any wartime president." We have Cicero, we have Lincoln, we have FDR.

For one last example of someone who theorized this alternative view that the Constitution can be suspended during wartime, consider the words of Robert Jackson, a great Supreme Court Justice. Not only did he not attend Stanford, but he had no college education. He became a lawyer with only a

high school degree. He was the prosecutor at Nuremberg and attorney general under FDR. He had a lot of experience in the political as well as the judicial realm. Jackson dissented from the *Korematsu* decision that held that the internment of Japanese citizens and aliens was constitutional even though it was clearly racial discrimination, based on ancestral background and not on individual fault. Although he maintained that the government was justified by a compelling need to ensure that the West Coast was safe from possible espionage or treason by people loyal to the emperor, he refused to proclaim it legal: "Of course the President had to go forward with what his commanders, General Clinton and others, told him he had to do, but I won't sign on to it as law. . . . Once a judicial opinion rationalizes such an order to show that it conforms to the Constitution, or rather rationalizes the Constitution to show that the Constitution sanctions such an order, the court, for all time, has validated the principle of racial discrimination in criminal procedure and of transplanting American citizens." Here is the famous quote: "The principle then lies about like a loaded weapon ready for the hand of any authority that can bring forward a plausible claim of an urgent need." Jackson's view says that, during wartime, simply suspend the Constitution, but don't claim that what the government is doing is constitutional.

Which of these views is more common in the world: the one continuous constitution for war and peace, *Milligan* and *Steel Seizure*, or the suspended constitution, *Inter arma silent leges*, Lincoln, FDR, Jackson? In all the other written constitutions of the world, it's far more common to have explicit emergency provisions for the suspension of the constitution during times of emergency, including civil unrest, invasions by foreign powers, and the like. A few examples: India says that in a state of emergency the parliament may vest legislative power in the president. The president may suspend judicial authority to enforce the constitution's fundamental rights, including even the right to equality and the rights to freedom of speech, assembly, movement, and religious practice. However, there are some exceptions: It does not suspend the right against compelled self-incrimination or rights to due process.

South Africa has a constitution written with far more conscious emulation of the U.S. Constitution than any other modern constitution, although it differs from ours in many respects. It says that parliament may declare

The theory of constitutionalism is inconsistent with an emergency exception, and we've always come to regret the ones we have imposed through judicial deference to the executive.

and extend a state of emergency. But there are very specific rules. It needs an escalating majority, then supermajority, then higher supermajority, the longer the emergency lasts, and it may authorize derogation from their bill of rights, subject to judicial review. There is even a chart about which rights can be suspended for how long, subject to what kind of judicial oversight.

France has an emergency provision in its constitution that has been invoked only once until recently: Charles de Gaulle invoked it during the Algerian War, and it led to a general suspension of civil liberties. There are some scholars among my peers who say that we should do the same here. Let's get over this continuous constitution, they suggest. It's far better to have a parliamentary system in which Congress may suspend the Constitution, at least temporarily, as long as it is subject to review as to whether the suspension should go on.

I would like to argue very briefly tonight that the model of a continuous constitution is the better one for textual and historical reasons, and then apply this argument to a few contemporary debates. But I also want to qualify my comments by saying that one can't be naive about the continuous constitution or its inflexibility in contemporary circumstances.

To begin with the text: Other constitutions have general emergency provisions, ours does not. The framers of the U.S. Constitution had obviously considered the possibility of emergency provisions because they have a few mini-emergency provisions, the provision for suspending the writ of habeas corpus being one of them. Article 1, Section 9 says that "the privilege of the writ of habeas corpus shall not be suspended unless when in cases of rebellion or invasion, the public safety may require it." Clearly, they considered the suspension of one of our rights, the

one right in our tradition that comes from English common law that is fully constitutionalized. The President is not supposed to suspend the writ unilaterally; he needs congressional approval. But the framers didn't put in a general emergency provision, in stark contrast to India, France, South Africa, Germany, and many other countries that have written constitutions. There are other mini-emergency provisions, but you can look through the brief document of the U.S. Constitution and find no analogue to a general emergency provision.

If you take a textual approach, we thus have no emergency constitution. If you look at the theory of written constitutionalism, you find that a constitution exists to constrain you at the very moment when political forces or fear or sympathy will most likely lead you, as a matter of human psychology, to go against your commitment. So the very theory of written constitutionalism is somewhat incompatible with emergency exceptions.

Our history likewise is replete with examples of morning-after regret about our suspensions of the Constitution. Lincoln suspended the writ of habeas corpus during the Civil War, leading to the internment of up to 13,000 civilians in what we might now call military brigades and to trial before what we might now call military tribunals. Not all of them were blowing up railway trestles that Union troops were crossing. Some of them were political dissidents, sympathizers with the Southern cause. Clement Vallandigham, one of the people who challenged the suspension of the writ, was charged with declaring disloyal sentiments and opinions such as in a speech in which he urged his audience to help him "hurl King Lincoln from his throne."

One example of regret about the suspension of the writ after the war was the Supreme Court's expression in *Milligan*. Specifically, what the Supreme Court said was that it's improper to try civilian offenses that took place off the battlefield, including treason or its equivalent, in a military tribunal. It said that martial law can never exist where the courts, meaning the civilian courts, are "open and in the proper and unobstructed exercise of their jurisdiction."

A second example occurred during World War I. The Espionage and Sedition Acts of 1918 vastly expanded the power of the government to punish not only actual insubordination in the military ranks, but also any

speech, including mail and public speeches, that helped to obstruct recruiting or enlistment or tended to incite, provoke, and encourage resistance to the U.S. war effort, principally the effort against Germany.

You can have discretion eat up a little bit of the rule of law. The question is how far have you gone on that continuum?

This set of provisions was upheld against First Amendment free speech challenges in nineteen cases, but that set of First Amendment cases was overruled and repudiated later in the century, after McCarthyism and the Civil Rights Movement, in a series of cases that said you can't stop free speech until it is directed at and likely to incite serious and imminent violence. It took about fifty years, but again, the Supreme Court retreated from its earlier blessing of executive punishment of dissident speech in wartime.

Third example: I have referred to FDR's internment of the many Japanese American citizens and legal residents of the western states during World War II. That was upheld in *Korematsu* in 1944. The Supreme Court never expressly repudiated *Korematsu*, although a district court did by issuing an unusual writ saying the Court had been in error. Most important, Congress apologized and passed a reparations bill in 1988 saying that, on further review, the evidence presented to Congress, even *ex ante*, had been insufficient to justify the deprivation of property and liberty that it imposed on Japanese Americans.

Let me take one example from another culture that is much like our own, in some respects, but different from us in that it does not have a written constitution. Great Britain had an experience of terrible internal terrorism and violence that was especially intense in the 1970s when the Irish Republican Army and its sympathizers committed terrorist acts against civilians. In an attempt to break the IRA, the British took an approach of very severe internment without formal charges over extended periods of time. British officials later conceded that it didn't work – that the backlash effect dominated the gains to law enforcement.

So examples of regret are partly ones of human sympathy, partly ones of constitutional principle, partly ones of utility or pragmatism about whether or not the sacrifice of liberty had been worth the cost. The theory of constitutionalism is inconsistent with an emergency exception, and we've always come to regret the ones we have imposed through judicial deference to the executive, whether we regret it through an overturn in Supreme Court opinions, a congressional apology, or simply an expression of a confession of error.

Let me add a final argument that concerns international terrorism. In the current international context, there might be additional reasons to be reluctant to suspend the Constitution in times of emergency. If we don't uphold our Constitution during wartime, will other nations balk at reciprocity? When we've said please extradite terrorists to us, Spain and other nations have said no, because they can't be assured that these persons would be tried under our doctrines of due process and not before military tribunals. Let me quote from Judge James Robertson, a very distinguished and extremely moderate judge in the district court for the District of Columbia, who wrote a very interesting decision that essentially stopped military tribunals in Guantanamo. (The decision was later reversed and is now under review by the U.S. Supreme Court.) Among the reasons he gave was the evidence that our refusing to give due process to Afghani battlefield captives is something that can only weaken the United States' ability to demand application of the Geneva Convention to Americans captured during armed conflicts abroad. It's not just that Spain won't extradite Al Qaeda members to us; it's that we might not be accorded the same protections if our soldiers are captured abroad. Other governments have already begun to cite the U.S. Guantanamo policy to justify their own repressive policies.

The current international context gives us the additional moral and practical problem that the war on terrorism is indefinite in time and space. There is no V-T day in sight for the victory over terrorism. It's about substate actors out of uniform, representing not one state but many substate organizations, and the lack of boundaries in time and space makes it even more important that we not say we are going to have a temporary suspension of the Constitution as long as the war on terror is on.

So much for the justification for a continuous constitution. Now let's turn to applying it to current problems. Does it mean, for example, that you have to have full civilian due process for all kinds of terror suspects and there's no flexibility in the Constitution?

Any sophisticated audience like this one will see immediately that the interpretation of the Constitution over time is a continuum between law and discretion, the rule of judges who say this is the process you must provide and the executive branch that says this is all the process I can give you right now. The Constitution already operates on a continuum between law and discretion. The question for now is the choice between marginal or radical incursions by the realm of execution discretion upon the rule of law. You can have discretion eat up a little bit of the rule of law. The question is how far have you gone on that continuum? Can we have so much discretion that we have no more law left? Let me give three examples: detention, surveillance, and discrimination, or to use a more alliterative approach, the problems of procedure, privacy, and profiling.

Procedure: The background Constitution says that we have due process. We have the Fifth and Sixth Amendments, which provide for notice of the charges against you, burden on the government to prove those charges, no coercion or torture, right to counsel, right to confront witnesses against you, public trials accessible to the press, judicial review, and the writ of habeas corpus. There has always been an alternative realm of military justice that doesn't have all of those protections, but it has tended to be confined to battlefields. Since the terrible events of 9/11, the administration has taken a very extravagant litigating position. It said that there can be no constitutional process constraints on the trials of those suspected of being involved with terrorist activities. Aliens in Guantanamo were not covered by due process nor by the laws of war nor the Geneva Convention. Military tribunals could review them without even taking an oath to uphold the Constitution. Even citizens in military brigades in the United States were not covered by these protections if they were captured as enemy combatants against their own government, even if on U.S. soil. Special deportation proceedings could be closed. So we have absolute insistence that executive discretion was absolute with respect to those called enemy combatants. Well, the Supreme Court rejected that

The real question is can we have a continuous constitution that's somewhat flexible but still continuous. I believe the answer is yes. But it depends on whether we let the discretion of the executive overwhelm the rule of law.

argument in its 2004 *Hamdi* decision. The administration went to the Supreme Court, and in the words of noted constitutional scholar Ralph Kramden, the Supreme Court gave them a pow in the kisser. The Court didn't go the *Steel Seizure* route. The justices didn't do what Black did to Truman. They didn't say, excuse me President Bush, you have no authority to round up enemy combatants and try them according to a system you just made up. They actually said, five to four, that the authorization for the use of military force in Afghanistan provided legislative authority for incarceration and trial of enemy combatants if they were caught in connection with Afghanistan. But eight to one they said that there had to be some due process constraints on government.

Unfortunately, the Court wasn't specific. It didn't say they had to have a right to lawyers, didn't rule out the possibility that some military tribunals would be good enough for due process, didn't say they had to go to civilian court. But there has to be some rule of law that constrains executive discretion. Only Justice Clarence Thomas said that the executive has absolute discretion.

Justice O'Connor, who wrote the principal decision in *Hamdi*, the case of the U.S. citizen caught in Afghanistan, gave classic homage to the idea of the continuous constitution. She said, "It is during our most challenging and uncertain moments that our nation's commitment to due process is most severely tested, and it is in those times that we must preserve our commitment at home to the principles for which we fight abroad." The difficult question is whether she gave so much latitude for due process that the lower courts will be unable to protect the continuous constitution from executive discretion.

Privacy: We have no express right of privacy in the Constitution, but the Fourth Amendment limits how government can search or seize our persons, papers, houses, or effects, and that has been extended to telephones and the Internet. The notion of privacy is that there has to be some reason to suspect you of probable cause that you have committed or are about to commit a crime. Again, there is a realm of law that applies to law enforcement and the courts. There is also a realm of discretion that we already have in our constitutional scheme. The realm of discretion is what we apply to spies, and it has been the case throughout our history, even blessed by the same court that brought us strong civil liberties since the 1970s, that there is more latitude to go after spies than criminals. Why? You can't tip off the foreign powers that you are looking into their agents on our soil. Since the passage of the USA Patriot Act, we have seen an expansion of the discretionary rules that used to apply to foreign espionage into the realm of law enforcement, with new techniques like warrants issued without probable cause that any crime is afoot, by a secret court, a foreign intelligence court. You can now go after people who may or may not be terrorists, and certainly may or may not be spies, without the full protection of a warrant backed by probable cause.

Profiling: Here again, we have a realm of law. Except in *Korematsu*, citizens can't have their equal protection denied on account of race or ethnicity. But we have a more discretionary rule for aliens. The Fourteenth Amendment gives all persons the equal protection of the law. No state shall deprive any person of the equal protection of the law. It's not limited to citizens, even though other portions of the Fourteenth Amendment are.

Yet we have always had a tradition that allows more deprivation of liberties to aliens than to citizens. The question now is how far is the discretionary realm with respect to foreigners going to encroach upon the usual rules for citizens. Race- and ethnicity-based inquiries and detentions took place after 9/11. Ask any university president whether foreign students can get visas the way they did before. Special registration is now required. It is clear that profiling is happening. Again, the question is, will we relax the usual rule of equal protection and individual merit that we have for citizens with respect to aliens living in our country?

This evening I have tried to illustrate that the real question is can we have a continuous constitution that's somewhat flexible but still continuous. I believe the answer is yes. But it depends on whether we let the discretion of the executive overwhelm the rule of law. I am going to conclude by saying there is only one check that I think is institutionally viable in this situation, and that is the courts. This is a very old-fashioned view, and it's not common among my generation of constitutional scholars. It's the judges who have the political insulation and the freedom from executive zeal to actually put restraints on the executive.

I do want to concede that things could be a lot worse. We haven't seen mass internment. More difficult immigration procedures are not the equivalent of being uprooted from your home in the middle of the night and forced to leave all your possessions behind, as in the internment in World War II after Pearl Harbor. Some of the worst abuses of the Total Information Awareness system have been cut back through congressional action and deprivation of funds. Some of the more extravagant invasions of privacy, the more extravagant restrictions on liberty, have not recurred. We have had a learning curve. We haven't repeated the gross sins of earlier generations. But what I really worry about is the danger of an insidious encroachment of the role of discretion upon the rule of law that is so incremental and gradual that we don't know we are losing our liberties. It may be that the TIA is gone, but what other forms of data mining are taking place at the center that we don't know about because we don't have access to that information? It's an old-fashioned plea that goes back to *Milligan* and *Steel Seizure*, one constitution for war and peace, not an inflexible constitution, but a constitution that depends on the rule of law remaining dominant over the role of discretion. ■

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Constitutions Under Stress: International and Historical Perspectives

Geoffrey Stone, Patricia M. Wald, Charles Fried, and Kim Lane Scheppelle

On May 12, 2005, the Academy held its 1892nd Stated Meeting in Washington, D.C. Stephen Trachtenberg, President of George Washington University, and Leslie Berlowitz, Chief Executive Officer of the Academy, welcomed Fellows and their guests to a meeting that focused on the constitutional questions raised when democratic governments seek to balance civil liberties with national security strategies. The meeting was part of an ongoing Academy project on the relationship of Congress and the Court. Serving as moderator, Robert C. Post (Yale Law School) noted that the project's initial focus on the tension between the federal legislature and judiciary has been expanded to consider the stress placed on constitutional forms of government by the events since 9/11. What is the relationship between civil liberties and the need to enforce greater security? What is the boundary between constitutional law and politics? How have other constitutional democracies dealt with the war on terror?

The members of the Academy steering committee on Congress and the Court include cochairs Jesse Choper (Boalt Hall School of Law, University of California, Berkeley) and Robert C. Post (Yale Law School) as well as Linda Greenhouse (*The New York Times*), Abner Mikva (University of Chicago Law School), Nelson Polsby (University of California, Berkeley), Judith Resnik (Yale Law School), and Leslie Berlowitz (American Academy).

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Geoffrey Stone

I want to open our discussion by making three basic points. First, the United States has a long and unfortunate history of overreacting to the dangers of wartime, and, as a consequence, it has excessively restricted civil liberties in these circumstances. Second, the courts could, in theory, play a salutary role in checking some of those excesses, but they have tended to be exceedingly deferential to the legislative and executive branches, particularly during wartime – too often they have not restrained those abuses. Third, the courts need to take a less deferential stand and have more confidence in their ability to influence these matters.

Beginning as early as 1798, less than a decade after the Constitution was enacted, Congress passed the Alien and Sedition Acts. They were promulgated by Federalist legislators in part to prepare the nation for an impending war with France, but primarily to cripple the Republican Party of Jefferson

and Madison, with an eye toward the 1800 Presidential Election. The Alien Act authorized President John Adams to detain and deport any noncitizen without a hearing, without the opportunity to present evidence, and without any judicial review. The Sedition Act effectively made it a crime for any person to criticize the President, the Congress, or the government of the United

In World War I, the United States enacted some of its most repressive legislation relating to dissent.

States. The Federalists defended this legislation on the grounds that, in time of war, it was essential that there be national unity and that dissent not be allowed to demoralize American citizens or create a lack of confidence in the President or in the government. The Republicans objected that the Alien Act violated the “due process” clause and that the Sedition Act violated the First Amendment; but the Federalists had the votes to override those objections.

The Sedition Act was used exclusively against members of the Republican Party for their criticisms of Adams and the Federalists. Ultimately, Jefferson won the 1800 election and freed those who had been jailed under the Act. Fifty years later, Congress

declared the Sedition Act unconstitutional, and, in the years since, the Supreme Court has never missed an opportunity to assert that the Act violated the First Amendment.

We can learn an important lesson from this first wartime experience: in moments of crisis, national leaders, or those who aspire to be national leaders, tend to use the pretext of a crisis to enact policies that will serve their own partisan interests. It is a pattern that has recurred throughout our history.

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During the Civil War, one of the major civil liberties issues involved Lincoln's suspensions of habeas corpus. In some instances, the nation's circumstances justified this action, but in others, it was excessive and unnecessary. During the course of the war, Lincoln and his administration found it increasingly easy to suspend the writ of habeas corpus in order to control civilian citizens, even when there was no military reason to do so.

In World War I, the United States enacted some of its most repressive legislation relating to dissent. The Wilson administration brought America into an unpopular war. Wilson was reelected in 1916 on the platform that he had kept this country out of war, and when the United States finally entered the conflict in 1917, there was substantial opposition. Many believed that our entry into World War I had little to do with making the world safe for democracy and much more to do with making the world safe for war profiteers. In response, Wilson took two steps.

First, he created the Committee on Public Information, which was essentially a propaganda arm of the federal government. Its purpose was to produce a flood of lectures, editorials, cartoons, and movies designed to generate hatred of all things German and of anyone who might doubt the wisdom or morality of the war.

Second, the Wilson administration strongly advocated the enactment of the Espionage Act of 1917 and the Sedition Act of 1918. This legislation made it a crime for any person to criticize the government, the war, the draft, the Constitution, the flag, the military, or the uniform of the U.S. military. Unlike the Sedition Act of 1798, which rarely resulted in prison sentences of longer than four to six months, these acts authorized prison terms of up to twenty years, and lengthy sentences were routinely meted out. More than two thousand persons were prosecuted under this legislation during World War I, and as Zachariah Chafee said at the time, "The consequence of this legislation was that it became perilous for anyone to question the legitimacy of the United States' role in the first World War." The individuals prosecuted ranged from the obscure to the powerful.

A twenty-year-old Russian Jewish émigré named Mollie Steimer, who threw some leaflets from a rooftop on the lower East Side of New York, was prosecuted and convicted under the Sedition Act, sentenced to fifteen years in prison, and then deported. At the other extreme was Eugene Debs, the 1912 Socialist Party candidate for President who received 6 percent of all the votes cast.

In 1918, Debs gave a speech in Ohio in which, by innuendo, he criticized the draft by praising those who had the courage to resist it. He was prosecuted, convicted, and sentenced to ten years in prison. After the war ended, the Sedition Act was repealed, and those individuals imprisoned under the Act were gradually released. President Roosevelt eventually granted amnesty to all of them. Again, there was recognition that we had lost our heads and overreacted in wartime.

In World War II, the primary civil liberties issue involved the internment of almost one hundred and twenty thousand individuals of Japanese descent. Although undertaken under the guise of military necessity, the reality we know now (and many people knew at the time) is that the policy had less to do with military necessity than with politics, racial hatred, and a failure of national leadership. After Pearl Harbor there was no call for the internment of individuals on the West Coast. That movement developed four to six weeks after December 7, as rumors of possible espionage and sabotage spread through the West Coast. Although the rumors were unsubstantiated, individuals began to see opportunities to eliminate the

competition of both Japanese Americans and Japanese citizens. Of the one hundred and twenty thousand men, women, and children interned, two-thirds were American citizens. They remained in concentration camps for approximately three years.

No evidence was ever presented that these individuals were disloyal or had done anything to deserve such treatment. The Secretary of War, Henry Simpson, did not support internment, and the Attorney General, Francis Biddle, vigorously objected to it on the grounds that it was unconstitutional and immoral. FBI Director J. Edgar Hoover also opposed internment, saying that the FBI had already rounded up anyone on the West Coast, whether of Japanese, Italian, or German ancestry, who posed a danger to the United States. He declared that there was no national security justification for this action. Nonetheless, Franklin Roosevelt signed Executive Order 9066 and did so essentially for political reasons. Concerned about the out-

In periods of crisis, an understandable tendency on the part of our leaders and citizens is to lash out at those we believe to be dangerous and disloyal, leading to aggressive government action to protect us from such people.

come of the 1942 congressional elections and not wanting to alienate voters in California, Arizona, Oregon, and Washington, he appeased the racists on the West Coast who demanded internment. The Supreme Court upheld the constitutionality of the order, and although this decision has never been overruled, it is regarded as one of the worst failures in the Court's history.

During the Cold War, McCarthyism was the primary issue. Faced with a real concern about Soviet militarism, espionage, and sabotage, the United States fell into a series of witch-hunts that went beyond any rational investigation of individuals who might actually have posed a danger to the country.

America was whipped into a frenzy of political opportunism designed to attack the Democratic Party, which had been in power for the preceding sixteen years. The Democrats were charged with failing to keep America safe because of the alleged infiltration of thousands of “Communists” in the government, education, labor, the press, the legal profession, and the like. Led by Richard Nixon and Joseph McCarthy, the Republican Party leveraged this concern into an era of blacklisting, public humiliation, investigation, and prosecution of individuals for their political beliefs and associations. The Supreme Court, in a pivotal decision, upheld the constitutionality of the conviction of the Communist Party leaders.

In periods of crisis, an understandable tendency on the part of our leaders and citizens is to lash out at those we believe to be dangerous and disloyal, leading to aggressive government action to protect us from such people. National leaders, who are, after all, responsible to the electorate, tend to respond immediately to public fears and anxieties. Moreover, in some circumstances, they not only yield to the demands of the public but cynically exacerbate those fears and demands in order to serve their own partisan political purposes. This process will recur in the future, as it has in the past.

There are many ways we can address these concerns. One, in particular, involves the courts. In peacetime, we rely upon courts to serve as a critical check against the violation of civil liberties and individual rights. Although courts have often served the nation well in fulfilling this responsibility, in time of war they have too often abdicated that responsibility and taken a highly deferential approach. Most judges feel that they lack sufficient knowledge and experience to deal wisely with questions of national security and military necessity, and consequently they tend not to second-guess military commanders or civilian leaders during wartime. Moreover, the stakes can be extraordinarily high: a mistake by judges who insist upon the protection of civil liberties over the objections of the executive or the legislature can cause real harm to the nation. But those with little sensitivity to civil liberties can cause real harm to the nation as well.

Toward the end of the Cold War, during the Vietnam War, and in June 2004 in its *Guan-tánamo Bay* and *Hamdi* decisions, the Supreme Court has taken a stronger view of

these issues. Over the last twenty-five years the Court has demonstrated that it can play a more effective role than it has historically by insisting on accountability from legislative and executive officers. It is critical to the future well-being of our society that judges and justices continue to play this role and exercise closer scrutiny of government actions in wartime than they have in the past. Therein lies the path to true safety.



Patricia M. Wald

The history of the American Constitution has been an interpretative, not an amendatory, one. To illustrate this viewpoint, I want to focus on the interpretive history of the Fifth Amendment that forbids any person “to be deprived of life, liberty, or property without due process of law.” The Fifth Amendment applies to the federal government; the Fourteenth Amendment extends that same bar to state governments.

Where did this right to “liberty” come from and what does it cover? Does it have any enforcement teeth? From Civics 101, you know that the Declaration of Independence spoke of “certain unalienable Rights” including “Life, Liberty and the pursuit of Happiness.” It stated: “Whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it.” The colonists’ grievances included rendering the military independent of and superior to civil power – a debate that is still going today – and transporting colonists overseas to be tried for pretended offenses. So far we haven’t used the power of rendition to transport citizens, but we have used it to transport noncitizens.

The right to liberty evolved through the thirteenth-century Magna Carta, the Petition of Rights, and the Bill of Rights in England. Accompanying these was habeas corpus,

which required the King’s officials to produce individuals in their custody and to justify that custody before the civil courts.

What liberty covers is a long and fascinating subject – still a work in progress. But one thing is certain: it covers the right to be free from arbitrary arrest and detention.

Again, there is a recurrent theme in our present dilemmas. In 1628, Lord Coke fought back an attempt to create an exception to the writ of habeas corpus when the King was “acting for reasons of state.” In the body of our own Constitution, Article One, Section Nine allows the suspension of the writ of habeas corpus “only in Cases of Rebellion or Invasion” when “the public Safety may require it.”

What liberty covers is a long and fascinating subject – still a work in progress. But one thing is certain: it covers the right to be free from arbitrary arrest and detention, what Justice O’Connor recently called in the *Hamdi* case, “the most elemental of liberty interests: the interest in being free from physical detention by one’s own government.” An aside here: a poll conducted by Human Rights Watch a few years ago found that Eastern Europeans emerging from the Soviet bloc prized the basic right not to be held in custody far above any other political and civil right, including free speech and free press, and above access to jobs, education, and housing.

How has this guarantee of liberty fared in our constitutional history? Geoffrey Stone considered this issue in time of war, but I want to remind you that the Supreme Court constantly reiterates that liberty is the paradigm in both war and peace: “In our society, liberty is the norm and detention without trial is the carefully limited exception.” How carefully limited? Individuals can be imprisoned after conviction and also before trial if a magistrate deems them safety or recidivist risks. They can be detained as material wit-

nesses if their appearance at trial cannot be assured. The mentally disabled and narcotics addicts can be civilly committed for treatment if they pose a danger to themselves or others, but only by court order. Temporary restraints can be put on all of us for crowd control. If he has reasonable cause to think you're about to commit a crime, a policeman can stop you in the street long enough to question you and ensure that you do not

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have weapons. Noncitizens can be detained before and after deportation proceedings. In cases of declared war, the 1798 Enemy Alien Act allowed aliens to be held in custody for the duration of the war. The recent Patriot Act permits a seven-day detention of suspected terrorists before they are charged or released, but to date this provision has not been used.

Congress has authorized all of these exceptions, and the courts have upheld them as meeting the crucial due process of law requirement in peace and in war. Indeed, in 1969, Congress passed a law specifically stipulating, "No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an act of Congress." However, candor again compels us to acknowledge that this law was created to repeal an earlier 1950 act, enacted during the Red Scare, which authorized detention of persons the government deemed likely to engage in sabotage or espionage – again a law mercifully never invoked.

Geoff has referred to the infamous internment of more than one hundred thousand

Japanese Americans during World War II with no justification except for war hysteria and false military allegations. Earl Warren, then Attorney General of California, backed their expulsion from the West Coast. Charles Fahey, the Solicitor General and a wonderful civil libertarian judge with whom I had the privilege to serve briefly on the D.C. Circuit, argued its validity before the Supreme Court, albeit on a technicality, namely that the order it reviewed and upheld pertained only to assembling Japanese Americans temporarily, not to their internment for the duration. John Ferran's recent biography of Wiley Rutledge – another great civil rights judge – tells us that Rutledge was influenced by William Douglas who also voted for internment, saying at the time: "Where the peril is great and the time is short, temporary treatment on a group basis may be the only practical expedient." Many years later, Douglas openly regretted the decision, but Rutledge justified his stance on the ground that World War II was, and remember these words, a war "different in total scope" than any before and thus merited "a greater alteration of power and liberty." Sound familiar?

As I said earlier, the history of our Constitution is an interpretive, not an amendatory, one. Everything that has happened has been under the rubric of "due process of law." Abuses are unlikely to stop, even with the advent of two important new factors. The *first* is international humanitarian law (IHL). It consists of international treaties such as the Geneva and Hague Conventions to which the United States is a party, as well as customary international law, the norms that civilized countries feel an obligation to accept. At times, the U.S. government recognizes parts of customary law and, at other times, rejects or ignores parts. But, in general, it does profess to follow the Conventions to which it has subscribed, although often making its own decisions as to what those conventions require. Relevant here are the Geneva Conventions III and IV that set out a specific protocol for determining the status of a prisoner as soon as possible after capture on a battlefield. Is the prisoner a legitimate prisoner of war entitled to distinct rights and privileges but allowed to be held in custody for the duration of the conflict? Or is he an innocent bystander or a so-called illegal combatant who is not entitled to prisoner-of-war status because his group has not followed the laws of war or because he himself is a renegade?

The United States held thousands of these hearings on the battlefield during the Vietnam War and in Desert Storm, but it did not do so in the Afghan War. The Geneva Conventions require humane treatment for all prisoners, but they are silent on the subject of what to do with a combatant who is not a prisoner of war – one of the lacunae in international humanitarian law left either to domestic law or, some might say, international customary law.

The International Compact for Civil and Political Rights (ICCPR), signed by the United States, is another part of the new calculus of liberty. Section Nine of the ICCPR sets out a parallel right to our Fifth Amendment: the right not to be detained unless a prisoner is charged before a magistrate. It states, "Everyone has the right to liberty and security of person. No one shall be subject to arbitrary detention." The ICCPR has the status of international customary law. The United States has also ratified a Convention against Torture and Inhumane or Degrading Treatment.

It is settled law that, should there be a conflict, our own Constitution trumps all other sources of law – common law, statutory law, or even international law – but that same Constitution recognizes treaties as the supreme law of the land. Several Supreme

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Court cases, early and late, have held that our laws should be interpreted whenever possible to accommodate our international commitments. In the minds of many, these obligations should inform the interpretation of what constitutes "deprivation of liberty without due process of law."

The *second* new element in the tension between liberty and security under the Fifth Amendment is the kind of war that we've been thrust into after 9/11: the global war on terror. Parts of it are like traditional wars – the Afghan campaign and the invasion of Iraq – but other parts are not: the hunt for Al

Qaeda and other terrorists, cells, and networks in our country and all over the world, isolated or in packs. Current U.S. governmental theory maintains that suspected terrorists can be picked up anywhere in the world and imprisoned without rights of any kind as enemy combatants in this new war. They have no “due process” rights: even American citizens can be apprehended on American soil and turned over to the military on that basis. As a result, in the past four years, our military has detained, without charges or judicial hearings, some fifty thousand individuals in Afghanistan, Iraq, Guantánamo, and even U.S. military brigs, apart from an unknown number held in undisclosed locations or by the CIA.

Are there any checks on the alleged liberty infringements of these persons who are detained basically on the executive’s say-so? Three cases did reach the Supreme Court two years ago, but they provide only limited answers to that general question. We know that in the case of foreign captives imprisoned in Guantánamo, the Court avoided making any constitutional pronouncements on their liberty rights, but it did say that the habeas corpus statute, by its own terms, included them in its orbit, and they would get some kind of hearing in the federal district court. Whether that ruling applies only to Guantánamo or every other detention spot is still not settled; whether it would grant relief only if the detainee could show he was an innocent bystander is equally unclear.

The Pentagon has instituted a regime of “hearings” to determine if a detainee is truly just an innocent. In these hearings, detainees have no counsel; they are shackled and not allowed to see any sensitive materials. Out of 550 hearings conducted thus far, the government has released the findings on thirty-eight. It maintains, however, that this is enough due process to obviate anything more in a habeas corpus hearing in the real court. These cases are now working their way up to the high court. Recently the Senate has passed an amendment taking away this right, and so the future of these cases is unclear.

The second case last year involved an American captured in the combat zone in Afghanistan. He also claimed to be an innocent. Here the Court stepped up to the constitutional plate and said that in the case of a citizen, due process required a hearing (perhaps only a military one) with notice of charges; counsel; access to incriminating evidence,

possibly modified if national security is at stake; and the ability to defend oneself. But the ruling also said that a citizen could be detained for the duration of the conflict in which he is engaged if he is shown to be a combatant against the United States or its allies, based on a post-9/11 law authorizing necessary and appropriate force against anyone who planned or harbored the 9/11 perpetrators.

The last case involves an American who was arrested at O’Hare International Airport on suspicion of training in Al Qaeda camps and planning sabotage. He was held without charges for three years incommunicado – a sentence that was aborted temporarily on a technicality because his writ of habeas corpus was brought in the wrong district. In the last few months, he has been indicted for criminal acts of aiding terrorism and removed to civilian custody.

Where are we now? Unless the executive capitulates on its insistence that Article II gives the President, as commander in chief, omnipotent powers to designate anyone as an enemy combatant and detain him indefinitely without rights or restrictions, we very possibly have constitutional crises ahead. Most people – and this includes myself – are looking to Congress for help in formulating a regime to deal with some very basic unanswered questions about liberty. Michael Ignatieff, writing in *The New York Times* last year, said, “To defeat evil, we may have to traffic in evil: indefinite detentions, coercive interrogations, targeted assassinations, even preemptive war.” But he adds, “They should all be subjected to critical review, free and open debate, and various forms of judicial review. War needs to be less secretive. A more painful truth is far better than lies and illusions.”

I cannot go into the many proposals for reconciling liberty and security in this new war; some are too tough for many civil libertarians and others are too weak for many “securitarians.” The best possible solution would be for Congress to debate how to answer the basic questions involved in preserving liberty – for citizens, for noncitizens, wherever detained, wherever arrested. Whatever solutions reached by Congress in the free and open legislative hearing process could then be assessed by the Court to determine their constitutionality. Very recently Congress has begun to define rules and re-

view processes for Guantánamo detainees as well as prohibitions from torture and inhumane treatment for all detainees, but at this point, the outcome is unclear. Here again, due process is threatened with itself becoming a prisoner of war.



Charles Fried

It’s commonplace to chronicle how crises are manufactured and then opportunistically manipulated to overcome constitutions. The practice dates back to the Roman Republic of Julius Caesar and Augustus and extends to Hitler and the Reichstag fire – the final burial of the Weimar Constitution.

Sometimes, the crises are real, not manufactured, but they are still used opportunistically for political ends. As Geoff just described, Japanese exclusion is a perfect example. One interesting fact he did not mention: The Japanese exclusion ended on November 15, one

It is a fact that crises put constitutions under “processual” stress.

week after the presidential election. The culprits were Roosevelt and perhaps Earl Warren, then Attorney General of California.

Of course, it is a fact that crises put constitutions under “processual” stress. Constitutions assume slow, consultative, deliberative processes that do not allow us to act in a great hurry, as illustrated by Lincoln’s calling up the Army, quite against the Constitution, after the firing on Fort Sumter. And crises put stress on the *content* of the decisions, not just the *processes* by which they’re reached, as evidenced by the Alien and Sedition Acts. Crises also point out the fact that constitutions have gaps in them: they have not been drafted with careful consider-

ation of all possible situations. After all, constitutions are not mathematical systems: they are created by people, and people make mistakes. Beyond the question of how real crises are opportunistically manipulated to allow politicians to overcome constitutional is the issue of how imagined constitutional

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crises are manufactured and manipulated for political ends. I have two examples: McCarthyism and the war on terror. From the 1920s until sometime after the end of World War II, a sizable and socially, intellectually, and politically prominent minority in this country – and in the West generally – was enthralled by Bolshevism and what were then called the “progressive forces” in the world. Consider two examples: Durant’s reporting from the USSR in *The New York Times*, for which he received a Pulitzer Prize, and the views of French intellectuals that persisted in some quarters until as recently as 1989.

After World War II, and particularly after the murder of Jan Masaryk in Czechoslovakia, there was a decisive turn away from “progressivism,” but there was also a fighting back that led to something called a myth of McCarthyism. All myths have real villains, and Joseph McCarthy was an honest-to-goodness villain who used accusations of spying as a stick to beat political opponents in the name of constitutional principle. At the same time, the myth of McCarthyism fails to recognize that there were real problems and real enemies, and many of the so-called victims were not victims at all. As late as 1975, the court on which I was privileged to sit overruled its Committee of Bar Overseers to allow the reinstatement of Alger Hiss (*In the Matter of Alger Hiss*, 368 Mass. 447, 1975). All this was a myth because it is now clear to all but the most obdurate that Alger Hiss was a Soviet agent, and so described in Soviet and Hungarian secret police files.

According to the myth, in those years, membership in the Communist Party of the United States was something like a benign eccentricity. We have since come to understand that the Party was actually a tightly controlled body, manipulated from Moscow. But the way in which courts and many institutions responded at that time came to be regarded as a paradigm of what should not be. The myth now declares: if it was done during that period, it must be wrong, and we must do the opposite. That, of course, is how myths work.

Let me give you an example of a group of things that are now assuming mythical status of the same sort: the Patriot Act, John Ashcroft, the Justice Department, and the war on terror. Here we have exactly the same kind of myth as the myth of McCarthyism – and it is being used opportunistically to make political points where there are political points to be scored. The status of aliens is one example. We are now being told that individuals, who are in this country either as guests or as trespassers, cannot be removed without elaborate procedures. But anybody who has worked in the legal system – as I did when I was Solicitor General – saw how those procedures were regularly manipulated to create almost indefinite postponements of actions that should have been swift and inevitable. As rules have been adopted to alleviate these postponements, both in this country and in the United Kingdom, the myth is being used opportunistically and politically to attack opponents. We should not be fooled.

Let me cite a second example. We are in the process of inventing a whole set of constitutional rights around ill-defined terms such as privacy and data mining. This practice invokes bogus, nonexistent constitutional principles that would deny the government the authority to compile and sift public information (available to *The New York Times* or *People for the American Way*) in order to identify persons not for detention or for income tax audits but for further investigation.

From looking at old movies, I’m reminded that G-Men used to park in front of mob funerals, take down the license plate numbers of those inside, and then laboriously go through public records to discover who these people were. That was primitive data mining, and it didn’t enter anyone’s head to suggest that a constitutional right was at

stake. Today, learned commissions, authorized by, of all things, the Department of Defense, are making these preposterous arguments. Imagine if *People for the American Way* attended public lectures by persons being considered for judicial appointments, studied their writings in databases, and then published these in a newspaper. Would that be a constitutional violation? No, it’s not state action. But if the government does that, it becomes a constitutional violation. That is what we are hearing today, and this is the result of myth-making posing as argument.



Kim Lane Scheppele

I want to conclude this panel discussion with a consideration of constitutionalism in the context of the global war on terror. Following World War II, the world witnessed the most spectacular commitment to constitutionalism ever recorded – an extraordinary accomplishment that has not been sufficiently acknowledged. In the United States, we tend to talk about a specific Constitution, but the term “constitutionalism” signifies a number of critical principles. One is the principle of constrained government – the idea that government does not occupy

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all of the available space. The separation of church and state is a subset of constrained government, as is the permission to develop multiple political parties and other civil society groups. A second principle is the sep-

aration of powers, specifically how executive power is constituted and limited in constitutional governments. Third is a set of commitments to the rights of individuals that relate specifically to the limitations placed on the way governments can treat both citizens and noncitizens. A fourth principle – more prominent abroad than in this country – is the separation of policing and military functions. It is crucial to have a civilian police force that does not respond to military chains of command that go directly up to an executive.

The rise of constitutionalism was greatly aided and abetted by the growth of a supportive infrastructure of international institutions and international law, including international human rights and humanitarian law.

Why did constitutionalism grow so spectacularly after World War II? There were a number of factors: lessons learned from the collapse of the Weimar Constitution and the rise of Nazi Germany; the retreat of military governments in Latin America in the 1970s and 1980s; the fall of Communism in Eastern Europe and the eventual deconstruction of the Soviet Union; and finally, the impact of specific forces in specific places – for example, the end of apartheid in South Africa. However, the rise of constitutionalism was greatly aided and abetted by the growth of a supportive infrastructure of international institutions and international law, including, as Judge Wald mentioned, international human rights and humanitarian law.

Since 9/11, however, there has been a marked retreat of constitutionalism worldwide as a result of the anti-terrorism campaign. It is most evident in the new and fragile constitutional democracies that were unable to put down strong roots before they were buffeted by the forces after 9/11, but problems are emerging in more established governments as well.

As you know, military governments have ruled Pakistan for half of its half-century history. President Pervez Musharraf seized power in a military coup in 1999, suspended the constitution, and declared martial law. The Supreme Court of Pakistan ruled that the Musharraf government held power constitutionally but gave Musharraf until September 2002 to hold elections and turn the reigns of power back to a civilian government. Then 9/11 happened – and what was Musharraf's response?

Pakistan became one of the states on the front line in the war on terror, and, for a variety of reasons, Musharraf either decided or was pushed to stay in power. On May 1, 2002, he held a referendum in which 90 percent of the voters supported his remaining president for an additional five years. When independent election observers questioned the tally, the Supreme Court was called upon to review the referendum and declared it free of taint.

In the fall of 2003, Musharraf pushed the Seventeenth Constitutional Amendment through the National Assembly, giving himself sweeping new powers. The amendment includes the declaration that all of Musharraf's earlier edicts and decrees, including the establishment of a military national security council as a permanent advisor to the president, are consistent with the constitution. Yet the constitution itself explicitly states that the military cannot act in this capacity. This is only one of twenty-nine provisions in the amendment, making it unclear exactly what the constitution of Pakistan really is. Again, on August 13, 2005, the Supreme Court of Pakistan dismissed a number of petitions against the amendment and declared it constitutional. Clearly, this situation poses an immense threat to the continuance of democracy, to the separation of powers, and to the maintenance of any structure of rights in Pakistan. For the first time in the country's history, and despite many military governments, Pakistan's military is now a permanent structural feature of its constitution.

Let me consider two other examples of fragile states where reactions to terrorism have caused parts of the constitutional order to come unglued. Colombia, a frontline state in the war against drugs, has experienced a number of insurgencies. In 1991, however, it created a new constitution, and the Colombian Constitutional Court has become one of the most impressive, interesting, and ac-

tually quite aggressive constitutional courts in the world. Yet, shortly before 9/11, President Andreas Pastrana issued an executive decree declaring a state of emergency and permitting the military to search homes, tap phones, open mail, and arrest civilians without first getting warrants from neutral judges. The Constitutional Court declared the state of emergency unconstitutional.

When new President Alvaro Uribe came into office, he pushed through parliament an anti-terrorism statute that had many of the same provisions as the executive decree; the Constitutional Court also declared this law to be unconstitutional. In summer 2004, under the banner of the global war on terror, Uribe succeeded in gaining parliamentary approval for a series of constitutional amendments, again giving the military the power to search homes, tap phones, open mail, and arrest civilians without warrant. Again the Constitutional Court struck down the amendments. Uribe immediately retaliated and passed through the parliament a constitutional amendment stipulating that the Constitutional Court can no longer review anything having to do with states of emergency – an issue that is presently before the Constitutional Court. I suspect that, in looking at this situation, other courts may sense that if you stand up too long and hard to assertions of executive power, there's a point at which courts can no longer defend themselves. This is a real possibility in Colombia.

Since 9/11, however, there has been a marked retreat of constitutionalism worldwide as a result of the anti-terrorism campaign.

Turning to a third example, Russia now has a fragile new constitution that went into effect in 1993, just after then-President Boris Yeltsin bombed the Parliament building and suspended the previous constitution. Although born in fire, the new constitution has made a real difference in the lives of Russians. The Russian Constitutional Court has handed down a number of brave deci-

sions, trying to uphold separation of powers and completely reforming criminal procedure in the country.

But after 9/11, a number of troublesome incidents occurred. Russia, of course, had its own ongoing indigenous civil war in Chechnya in which the Russian military had been sent to suppress a domestic separatist move-

We are presently at a critical moment in the history of constitutionalism – where the world system of constitutions is being challenged by a new world war.

ment. One of the tactics of the Chechen rebels has been to launch terrorist strikes all over Russia, but the government had, by and large, refused to take the bait. For example, there were very few repressive laws passed after the seizure of a theater in Moscow in fall 2002, and the government did not panic after a series of subway bombings during rush hour killed many people in central Moscow.

Then, in September 2004, Chechen rebels seized 1,500 students, their parents, and their teachers and held them hostage at a school in Beslan, North Ossetia. In the attempted rescue, 350 people died, half of them schoolchildren. The response from President Vladimir Putin was immediate. He announced that the constitutional order had to be modified.

First, he proposed an end to the election of all regional governors. The Russian Parliament passed the provision, and Putin started appointing the governors – a step that obviously increased Putin's powers over the regions. Putin also sought to change the system of representation in the Duma, the lower house of the Russian Parliament, by abolishing all the single-member districts – the primary mechanism by which liberals and reformers were elected to Parliament. That provision passed the Parliament in May 2005 and was signed into law by Putin, essentially ending the parliamentary representation of liberals and other small parties. Perhaps most disturbing, however, are Putin's actions against the special Judicial

Qualification Commission (JQC), a body that disciplines judges for ethical infractions. A proposal, still under debate in the Parliament, would give Putin the power to appoint the panel and to fire judges, as long as the majority of the JQC approves. All of these actions are part of Putin's much-ballyhooed effort to join America in the war on terror, making it difficult for the United States to voice any criticism.

Given this severe stress, the fragile democracies of Pakistan, Colombia, and Russia are close to becoming nonconstitutional governments.

But it is not just fragile democracies that have had their constitutional foundations shaken since 9/11. The reaction in Britain has been particularly strong. Following 9/11, the British government declared a national state of emergency and passed a law giving the home secretary the power to detain indefinitely aliens that he "reasonably suspects are terrorists." In response to a decision of the Law Lords that this law was incompatible with the Human Rights Act because it discriminated against aliens, the government pushed through a new law that essentially allows indefinite house arrest of *both* citizens and aliens if the home secretary suspects them to be terrorists.

Respect for the Constitution in the American war on terrorism, to respond to Professor Fried, has also weakened. We can see this best in what German lawyers call the de-individuation of suspicion. It used to be the case – and the Fourth Amendment barring unreasonable searches and seizures stands for this principle – that the government could not search your home or investigate you without individuated information that you in particular had done something wrong. Since 9/11, the government has, in several instances, obtained legal authority to conduct more searches that do not require such specific suspicion. The FBI's authority to issue "National Security Letters" – expanded as part of the Patriot Act – means that the government, without judicial oversight, can subpoena Internet service providers, universities, libraries, and other institutions, ordering them to provide personal records on individuals without any evidence that the people whose records must be turned over are themselves involved in terrorist activities. And then, of course, there is the President's claimed power to declare citizens to be enemy combatants, held indefinitely in military detention with-

out charges or trial. Those so detained have not been given the opportunity to challenge the evidence against them.

American President George Bush's policy is to fight terrorism by bringing democracy and freedom to the world. I wish that he would add constitutionalism to his list because the effort to promote and preserve constitutionalism has been one of the great accomplishments of the post-World War II world. What worries me most at our present juncture is that these constitutional accomplishments may fail after 9/11. They may fail because the United States has either actively encouraged other countries to adopt policies that undermine their constitutional frameworks or has looked the other way when they do. They may fail because the United Nations Security Council has become actively involved, through its passage of Resolution 1373, in requiring all member states to fight the war on terrorism in very specific ways. The UN Security Council mandates have given governments a green light to weaken their constitutional protections to fight the war on terror. International human rights and humanitarian law, which bolstered constitutionalism during that half century after World War II, are now being undermined by a new international security law that threatens limited government, the separation of powers, the realization of rights, and the maintenance of civilian governments around the world.

We are presently at a critical moment in the history of constitutionalism – where the world system of constitutions is being challenged by a new world war. Will constitutions hold? Will they bend? Will they break? Early signs are not promising, and we may well be seeing the end of the great constitutional era. ■

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New Members: Class of 2005

Class I: Mathematical and Physical Sciences

Section 1: Mathematics

M. Salah Baouendi

*University of California, San Diego,
La Jolla, CA*

Distinguished Professor of Mathematics. Made contributions to complex analysis, especially in the study of Cauchy-Riemann. Did work in the theory of partial differential equations. Program of studying extensions of Cauchy-Riemann functions and mappings (carried out jointly with L. P. Rothschild) gave insight into all types of “edge-of-the-wedge” theorems.

Eric Mark Friedlander

*Northwestern University,
Evanston, IL*

Henry S. Noyes Professor of Mathematics. Work is characterized by original techniques at the interface of algebra, geometry, topology, and representation theory. Has solved long-standing problems, achieved numerous computations, created abstract theories with important applications, and formulated problems that remain of fundamental interest.

Jerome H. Friedman

Stanford University, Stanford, CA
Professor of Statistics. Leading researcher in statistics and data mining. Has published on a wide range of data-mining topics, including nearest neighbor classification, logistical regressions, and high dimensional data analysis. Primary research interest is in the area of machine learning.

Thomas G. Kurtz

*University of Wisconsin-Madison,
Madison, WI*

Paul Levy Professor of Mathematics and Statistics. Authority on Markov processes. Works on pure and applied probability, including stochastic analysis and control theory, point processes, measure-valued processes, and

applications to communication networks and population genetics. Held leadership roles in professional societies, journals, and research institutes of probability.

Gregory Lawler

Cornell University, Ithaca, NY

Professor of Mathematics. Laid the groundwork for the demonstration that rescaled percolation leads to conformally invariant, two-dimensional fields. Along with Schramm and Werner, investigated the limit of lattice models that possess certain conformal invariance properties in the continuum limit.

Linda Preiss Rothschild

*University of California, San Diego,
La Jolla, CA*

Distinguished Professor of Mathematics. Works with E. M. Stein on differential operators. Pioneered a method of building a group invariant model for a highly singular problem and obtaining optimal regularity results for the solutions. Program of studying extensions of Cauchy-Riemann functions and mappings (with M. S. Baouendi) gave insight into “edge-of-the-wedge” theorems.

Barry Simon

*California Institute of Technology,
Pasadena, CA*

IBM Professor of Mathematics and Theoretical Physics. Made contributions to the understanding of phase transitions, resonances, multiparticle quantum theory, constructive quantum field theory, spectral analysis and inverse spectral analysis, and orthogonal polynomials. Has written many basic texts that continue to guide and influence the development of mathematical physics.

Alexander Lubotzky (FHM)

*Hebrew University,
Jerusalem, Israel*

Maurice and Clara Weil Professor of Mathematics. Solved a number of central problems in group theory and its applications to combinatorics, geometry, and theoretical computer science.

Contributed to the characterization of groups with polynomial subgroup growth; the contraction of explicit and optimal Ramanujan graphs; and the construction of cohomology for finite coverings of arithmetic manifolds.

Section 2: Physics

Barry C. Barish

*California Institute of Technology,
Pasadena, CA*

Linde Professor of Physics. Work in experimental high-energy physics helped establish the standard model of particle physics. Helped develop the study of lepton pairs in hadronic interactions. Performed experiments involving high-energy neutrino beams, which helped establish the quark structure of nucleons and provided evidence for the existence of weak neutral currents. Leads the effort to detect gravitational waves through the construction and operation of the Laser Interferometer Gravitational Wave Observatory (LIGO).

Eric A. Cornell

*National Institute of Standards and
Technology, JILA, and University
of Colorado, Boulder, CO*

Senior Scientist, Fellow, and Adjoint Professor of Physics. Work created a new subfield of physics, the study of quantum degenerate trapped gases. Created and conducted seminal studies of gaseous Bose-Einstein condensation (with C. Wieman). Recipient of the Nobel Prize in Physics in 2001.

Allan Hugh MacDonald

*University of Texas at Austin,
Austin, TX*

Sid W. Richardson Foundation Regents Chair in Physics. Work established a bridge between the incompressible fractional quantum Hall states and Feynman's theory of collective excitations in superfluid helium. Work with Girvin led to subsequent development of the composite fermion theory of the fractional

quantum Hall effect. Recently initiated research on quantum Hall ferromagnets and magnetism in semiconductors.

Gerald Dennis Mahan

*Pennsylvania State University,
University Park, PA*

Distinguished Professor of Physics. Predicted new phenomena in condensed matter physics, specifically Mahan's X-ray singularity in metals, Mahan's excitations, and Mahan's cones. Textbook on many-body theory is widely used.

Melvyn J. Shochet

University of Chicago, Chicago, IL

Kersten Distinguished Service Professor of Physical Science. Contributed to high-energy physics. Founding member and later spokesperson of the CDF collaboration at the Fermilab Tevatron. Led this collaboration through the first observation and discovery of the heaviest known elementary particle, the top quark.

Cumrun Vafa

*Harvard University,
Cambridge, MA*

Donner Professor of Science. Leading expert on particle physics and string theory, and their mathematical content. Discovered or elaborated symmetries and dualities of supersymmetric field theory and string theory.

Section 3: Chemistry

Joseph Mark DeSimone

*University of North Carolina at
Chapel Hill, Chapel Hill, NC, and
North Carolina State University,
Raleigh, NC*

William R. Kenan, Jr. Distinguished Professor of Chemistry and of Chemical Engineering. Discovered supercritical CO₂ as environmentally benign medium in polymerization of tetrafluoroethylene, a process now applied commercially by DuPont to make Teflon. Subsequent invention of CO₂-philic

detergents made liquid or superficial carbon dioxide a general solvent for polymerizations, dry cleaning, and preparation of microelectronic circuits.

Madeleine M. Joullie

University of Pennsylvania, Philadelphia, PA

Professor of Chemistry. Work in total synthesis and chemical biology advanced the field of natural products chemistry, biology, and medicine. Synthesized numerous bioactive substrates, revised the structures of important natural products, and facilitated biological investigations through molecular design chemical synthesis. Pioneered new synthetic strategies and invented enabling synthetic technologies.

Daniel G. Nocera

Massachusetts Institute of Technology, Cambridge, MA

W. M. Keck Professor of Energy; Professor of Chemistry. Leading researcher in the development of renewable energy at the molecular level, where basic mechanisms of energy conversion in biology and chemistry are examined with the goal of replacing fossil fuels with the solar-driven production of hydrogen from water.

Ralph George Nuzzo

University of Illinois at Urbana-Champaign, Urbana, IL

William H. and Janet G. Lycan Professor of Chemistry. Discovered and characterized self-assembled monolayers (SAMs), which have revolutionized surface science by extending it to include organic and biological materials and systems. Contributions have led to important tools for addressing the physical chemistry of wetting and adhesion as well as for practical microelectronic structures.

Charles Dale Poulter

University of Utah, Salt Lake City, UT

John A. Widtsoe Distinguished Professor of Chemistry. Established new methodology for studying how molecules are syn-

thesized in cells and for determining the structures of biological macromolecules by combining techniques from synthetic and mechanistic organic chemistry, nuclear magnetic resonance spectroscopy, biochemistry, molecular biology, and genetics.

Galen D. Stucky

University of California, Santa Barbara, CA

Professor of Chemistry and Materials. Made contributions to the functional design and synthesis of organic/inorganic interfaces and composite materials. Pioneered the inorganic templated assembly of three-dimensional arrays of organic dipolar molecules into configurations that activate the second-order nonlinear optic response. First to create a three-dimensional ordered quantum dot array using metal-organic chemical vapor deposition and inorganic hosts.

David Anthony Tirrell

California Institute of Technology, Pasadena, CA

Ross McCollum-William H. Corcoran Professor; Professor of Chemistry and Chemical Engineering. Combined methods of chemistry and biology to create new macromolecular materials characterized by absolute uniformity of structure. Developed the only route to polymers of predetermined (non-statistical) sequence, giving access to materials that combine structure and function in unique ways.

Section 4: Astronomy (including Astrophysics) and Earth Sciences

Stanley R. Hart

Woods Hole Oceanographic Institution, Woods Hole, MA

Senior Scientist, Geology and Geophysics. Used long-lived radioactive nuclide systems to characterize the ages and evolution of mantle reservoirs and the chemical heterogeneity of the mantle. Demonstrated the nature of chemical reactions between the oceanic crust and seawater.

Worked on reconstructing environmental changes in the ocean through the analysis of marine corals and mollusks.

David C. Jewitt

University of Hawaii at Manoa, Manoa, HI

Professor of Astronomy. With colleagues, expanded the understanding of the solar system to include a vast population of small icy bodies in the so-called Kuiper Belt, at and beyond the orbits of Neptune and Pluto. Enriched knowledge of comets, many of which are evolved Kuiper Belt objects.

Frederick K. Lamb

University of Illinois at Urbana-Champaign, Urbana, IL

Professor of Physics and Astronomy; Fortner Endowed Chair in Theoretical Astrophysics. Leader in the theory of compact cosmic X-ray sources. Instrumental in the design and launch of the Rossi XTE satellite. Work on the physics of high-frequency oscillations is leading to accurate measurements of neutron star masses and radii and strong-field gravitational effects.

Andrew Evan Lange

California Institute of Technology, Pasadena, CA

Goldberger Professor of Physics. Pioneer in the development of sensitive bolometers and novel bolometric receivers used for measuring the cosmic microwave background (CMB) radiation. Determined the geometry of the universe with these instruments, ushering in the era of high-precision cosmology with CMB measurements.

Michael Lester Norman

University of California, San Diego, La Jolla, CA

Professor of Physics. Leader in computational astrophysics and cosmology. Carried out pioneering hydrodynamical supercomputer simulations of the structure and dynamics of extragalactic radio jets, the Lyman alpha forest, thermal instabilities in the

interstellar medium, and the formation of the first stars in the universe. Developed and disseminated the ZEUS family of simulation codes. Founded and directs the Laboratory for Computational Astrophysics.

Peter Lee Olson

Johns Hopkins University, Baltimore, MD

Professor of Geophysics and Fluid Dynamics. Geophysical fluid dynamicist. Made contributions to understanding the dynamics of the Earth's mantle and core. Through laboratory and numerical computations clarified how mantle plumes produce flood basalts and how Earth generates its magnetic field by a core dynamo.

Steven W. Squyres

Cornell University, Ithaca, NY

Goldwin Smith Professor of Astronomy. Principal Investigator for the Mars Exploration Rovers. Major contributions include geochemical and photometric analyses of planetary and asteroid surfaces, tectonic features on icy satellites and Venus, and the history of water on Mars.

Section 5: Engineering Sciences and Technologies

John Leonard Anderson

Case Western Reserve University, Cleveland, OH

Provost; University Vice President. Developed the first theories for electrokinetic particle and fluid transport in non-uniformly charged media that influence current advances in microfluidics and particle manipulation by electric fields. Membrane research led to advances in applications of hindered molecular transport in nano-pores. As Dean of engineering directed major initiatives in education and faculty diversification.

William Bruce Bridges

California Institute of Technology, Pasadena, CA

Carl F Braun Professor of Engineering, Emeritus. Invented the Argon ion laser in 1964 as part of the proposal and demonstration of laser emission from noble gas ions. Continued to develop his invention until these lasers became important instruments in physics, chemistry, and biology laboratories, as well as for ophthalmology.

Rodney James Clifton

Brown University, Providence, RI

Professor of Engineering; Rush C. Hawkins University Professor. Developed experimental and computational methods that contribute to a microstructure-based understanding of the inelastic deformation and fracture of materials at very high rates of deformation. Created a three-dimensional simulator for predicting the geometry of fractures induced by hydraulic fracturing.

Edith M. Flanigen

UOP, LLC, Des Plaines, IL

Scientist Emerita. Pioneer in molecular sieve chemistry. Discovered the first practical way to manufacture zeolite Y, now one of the most commonly produced molecular sieves with applications in the petroleum refining and petrochemical industries. Invented or coinvented over two hundred synthetic materials.

John P. Hirth

Washington State University, Pullman, WA; Ohio State University, Columbus, OH

Professor Emeritus. Known for fundamental theoretical and experimental contributions to the study of line defects (dislocations), key to the strength and deformation characteristics of materials. Wrote *Theory of Dislocations*. Early work on dislocations in thin films had impact on the semiconductor industry.

Julia M. Phillips

Sandia National Laboratory, Albuquerque, NM

Director of the Physical, Chemical, and Nano Science Center. At Bell Labs, did pioneering work on heteroepitaxy of dissimilar materials, leading to success in growing silicon on insulators and thus various important transistors. Several leadership roles at Bell Labs and Sandia National Lab; President of the Materials Research Society; Chair of National Materials Advisory Board.

Harold Vincent Poor

Princeton University, Princeton, NJ

George Van Ness Lothrop Professor in Engineering. Researcher and educator in the fields of signal detection and estimation, with applications in communications and related fields. Publications, courses, and mentoring educated a generation of research specialists and a broad spectrum of students across disciplines.

Niels Hansen (FHM)

RISØ National Laboratories, Roskilde, Denmark

Director Emeritus and Senior Scientist. Expert in the field of strengthening of polycrystalline metals, pioneering studies of their behavior under extreme deformation and elucidating dislocation of mechanisms in plastic flow. Founded the international RISØ Conference on Materials Science.

Peter B. Hirsch (FHM)

University of Oxford, Oxford, England

Professor Emeritus. Pioneered the use of electron microscopy as a tool for materials research. First to see line defects (dislocations) and their motion in the transmission electron microscope. Interpreted observations of dislocations and other defects in crystalline solids; related these observations to dislocations' pre-eminent role in determining mechanical properties.

Section 6 : Computer Sciences (including Artificial Intelligence and Information Technologies)

Nicholas Michael Donofrio

International Business Machines Corporation, Armonk, NY

Executive Vice President, Innovation and Technology. Established IBM in the RISC/UNIX workstation and systems business. Led the transformation of IBM's mainframe business from bipolar to CMOS technologies. Champions diversity programs for engineers inside IBM and across the country.

Herbert Edelsbrunner

Duke University, Durham, NC

Arts and Sciences Professor of Computer Science and Mathematics. Authority in the field of computational geometry and topology. Pioneered the approach of exploring the deep connections between computational geometry, discrete geometry, and combinatorial topology. Demonstrated how insights into combinatorial structures help in designing and analyzing geometric algorithms and how algorithmic issues lead to intriguing combinatorial problems.

Zvi Galil

Columbia University, New York, NY
Dean, The Fu Foundation School of Engineering and Applied Science; Morris and Alma A. Schapiro Professor of Engineering. Leadership in engineering and in the scientific community. Made contributions to theoretical computer science in design and analysis of algorithms, complexity, cryptography, and optimal experimental design. Invented algorithmic techniques and designed algorithms for many computational problems.

John V. Guttag

Massachusetts Institute of Technology, Cambridge, MA

Dugald C. Jackson Professor of Electrical Engineering and Computer Science. Known for work on abstract data types, program specifications, and the Larch specification language. Developed the "algebraic" approach for specifying abstract data types.

Kenneth W. Kennedy

Rice University, Houston, TX

John and Ann Doerr University Professor. Founder and Chair, Rice Computer Science Department and Rice Computer and IT Institute. Established and directed NSF's Center for Research on Parallel Computation. Fellow of the American Association for the Advancement of Science, Association for Computing Machinery, and Institute of Electrical and Electronics Engineers. Recipient of W. W. McDowell Award and ACM SIGPLAN Programming Languages Achievement Award. Cochair of the President's Information Technology Advisory Committee.

Jack K. Wolf

University of California, San Diego, La Jolla, CA

Stephen O. Rice Professor of Magnetics, Electrical Engineering, and Computer Engineering. Instrumental in the evolution of the disciplines of information, coding, and communication theories. Made contributions to the information sciences through innovations in the areas of Shannon theory, data compression, source coding, algebraic error-correction coding, constrained coding, trellis-coded modulation (TCM), channel equalization, and detection theory.

Class II: Biological Sciences

Section 1: Biochemistry and Molecular Biology

Giovanna Ferro-Luzzi Ames

University of California, Berkeley, CA; Children's Hospital Oakland Research Institute, Oakland, CA
Professor of Biochemistry and Molecular Biology, Emerita; Senior Scientist. Elucidated the transport of L-histidine in bacteria in detailed genetic and biochemical terms, illuminating the subject of cross-membrane transport and of the universally occurring ABC membrane-embedded transporters.

Gideon Dreyfuss

University of Pennsylvania School of Medicine, Philadelphia, PA
Isaac Norris Professor of Biochemistry and Biophysics; Investigator, Howard Hughes Medical Institute. Made discoveries concerning the nature of RNA-binding proteins and their critical roles in mRNA synthesis, export, and translation in normal and diseased cells. Defined now-classic major RNA binding motifs and found that many nuclear proteins shuttle rapidly and continuously between the nucleus and cytoplasm.

Jack D. Griffith

University of North Carolina at Chapel Hill, Chapel Hill, NC
Kenan Distinguished Professor of Microbiology and Immunology. Leading figure in the application of electron microscopy to the structure of individual molecules of DNA. Visualization of protein-DNA complexes, coupled to statistical analysis, has provided insights into the mechanisms of replication, recombination, and repair of the genetic material.

Stephen C. Kowalczykowski

University of California, Davis, CA
Professor of Microbiology and Molecular and Cell Biology. Research provides a synthetic mechanistic understanding of homologous recombination in eubacte-

ria, archaea, and eukaryota. Using biophysical and biochemical approaches, analyzes the nanoscale, molecular machines that repair DNA and their assembly into complete, biologically significant DNA transactions. Work bridges the biophysics/biology interface.

Rowena Green Matthews

University of Michigan Medical School and Life Sciences Institute, Ann Arbor, MI
G. Robert Greenberg Distinguished University Professor of Biological Chemistry; Research Professor. Scientific contributions as a researcher, teacher, and administrator cross the fields of biochemistry, microbiology, and structural biology. Known for biochemical studies demonstrating the role of folate and B₁₂-dependent enzymes in homocysteine metabolism and their relevance to disease.

Nancy Goldman Nossal

National Institutes of Health, Bethesda, MD
Chief, Laboratory of Molecular and Cellular Biology. Work guides thinking about DNA replication from phage to man. Research deals with the proteins and enzymatic reactions required for DNA replication. Using a simple phage model, made contributions to our understanding of the mechanisms as well as protein-protein and protein-DNA interactions needed for faithful replication.

Anna Marie Pyle

Yale University, New Haven, CT
William Edward Gilbert Professor of Molecular Biophysics and Biochemistry; Investigator, Howard Hughes Medical Institute. Contributed analyses of RNA folding, catalysis, and unwinding. Characterized the tertiary structure and catalytic mechanism of group II introns, RNA molecules that catalyze excisions like those performed by eukaryotic spliceosomes; and showed that RNA helicases are molecular motors that unwind RNA in a processive and directional manner.

Tom A. Rapoport

Harvard Medical School, Boston, MA
Professor of Cell Biology; Investigator, Howard Hughes Medical Institute. Biochemist and cell biologist responsible for our current understanding of the channel proteins engaged in polypeptide translocation into the endoplasmic reticulum membrane. Biochemical and structural analysis has guided understanding of the function and shape of the translocation pore.

Peter K. Vogt

The Scripps Research Institute, La Jolla, CA
Professor of Molecular and Experimental Medicine. Contributed to our knowledge of retroviruses and oncogenes. Work extends from studies on virus-host interactions to a genetic analysis of retroviruses that led to the discovery of oncogenes and their cellular origins. Continues to work on oncogenic transcription factors and cytoplasmic signaling proteins.

Margarita Salas (FHM)

Consejo Superior de Investigaciones Científicas, Madrid, Spain
Professor of Research, Centro de Biología Molecular. Using phage $\phi 29$, applied biochemical and genetic approaches to elucidate mechanisms of control of gene expression and of replication of linear DNA genomes that have proteins attached to their ends. Work has yielded insights into gene activity and replication.

Axel Ullrich (FHM)

Max-Planck-Institut für Biochemie, Martinsried, Germany
Director. Leader in molecular medicine and growth factor receptor research. Pioneer in the cloning of insulin gene sequences and discovery of the receptor tyrosine kinase HER2, which led to the development of effective breast cancer therapeutics. Provided insights into the roles of oncogenes and receptor tyrosine kinases in cancer and angiogenesis.

Ada Yonath (FHM)

Weizmann Institute of Science, Rehovot, Israel
The Martin S. and Helen Kimmel Professor of Structural Biology. Pioneer in ribosomal crystallography. Developed methods for crystallization and cryo-temperature crystal stabilization. Determined the atomic resolution structures of both ribosomal subunits, providing insights into the mechanism of protein synthesis. Elucidated principles of the action, selectivity, and synergism of ribosomal antibiotics and of resistance to them.

Section 2: Cellular and Developmental Biology, Microbiology, and Immunology (including Genetics)

Alfred L. Goldberg

Harvard Medical School, Boston, MA
Professor of Cell Biology. Made contributions to our understanding of intracellular protein degradation – its biochemical mechanisms, regulation, and physiological importance. First described the proteasome pathway in eukaryotic cells and many of its novel components and functions. Work has influenced many areas of biochemistry, cell biology, immunology, and medicine.

Iva S. Greenwald

Columbia University College of Physicians and Surgeons, New York, NY
Professor of Biochemistry and Molecular Biophysics; Investigator, Howard Hughes Medical Institute. Pioneer in the field of LIN-12/Notch signaling. Made discoveries in understanding this conserved and clinically sufficient signal transduction pathway. First to delineate the regulatory circuitry that governs lateral signaling and to describe the key role of presenilin in LIN-12/Notch processing. Discovered transcriptional and post-transcriptional levels of control of LIN-12/Notch activity during development of *Caenorhabditis elegans*.

John E. Heuser

Washington University School of Medicine, St. Louis, MO
Professor of Cell Biology and Physiology. Preparations of macromolecules, cells, and tissues for electron microscopy revealed many cellular features, including synaptic vesicle release and recycling, clathrin and coated pits, caveolin and caveolae, NSF and the SNARE complex, the cytoskeleton and molecular motors.

David Mark Kingsley

Stanford University, Stanford, CA
Professor of Developmental Biology; Investigator, Howard Hughes Medical Institute. Identified fundamental genetic pathways that create cartilage, bone, and joints in vertebrates and control arthritis susceptibility in mice and humans. Pioneered the molecular genetic analysis of evolutionary change in sticklebacks, revealing the number and type of genetic changes that control skeletal adaptations in natural populations.

Louis M. Kunkel

Harvard Medical School, Boston, MA
Professor of Pediatrics and Genetics; Investigator, Howard Hughes Medical Institute. Discovered, by positional cloning, the gene altered in the common sex-linked Becker/Duchenne muscular dystrophy. Described the muscle protein, dystrophin, which is diminished or defective in the muscular dystrophies. Biochemical purification of dystrophin from muscle led to the identification of additional proteins altered in other forms of dystrophy. Has shown that adult muscle progenitor cells are able to systematically deliver cystrophin to diseased muscle. Work has improved diagnosis and led to rational approaches to therapy of dystrophy.

Trudy F. C. Mackay

North Carolina State University, Raleigh, NC
William Neal Reynolds Distinguished Professor of Genetics. In projects with sensory and life-history traits in *Drosophila*, made

contributions to our understanding of the genetic basis of polygenic variation. Analyzed the homozygous, heterozygous, epistatic, and pleiotropic effects of naturally occurring and newly arisen mutations.

Hiroshi Nikaido

University of California, Berkeley, CA
Professor of Biochemistry and Molecular Biology. Characterized the outer membrane of gram-negative bacteria as a barrier to antibiotics and toxic agents. Proved the lipid bilayer of this membrane was asymmetric, which retarded passage of lipophilic solutes including many antibiotics. Discovered porin channels that allow small nutrient molecules to cross the outer membrane rapidly.

Thomas D. Petes

Duke University Medical Center, Durham, NC
Chair, Department of Molecular Genetics and Microbiology. Leader in studying genetic factors influencing recombination in yeast. Pioneered the use of DNA manipulation to define structural differences useful as genetic markers. Discovered several genes that affect yeast chromosome structure and recombination. Foresaw that defects in homologous human genes would cause a predisposition to cancer.

Thomas J. Silhavy

Princeton University, Princeton, NJ
Warner-Lambert Parke-Davis Professor of Molecular Biology. First to identify a component of the *E. coli* protein secretion machinery and to describe a "two-component system," a major family of bacterial regulatory elements that sense a variety of environmental signals and transduce the information to transcriptionally regulate gene expression.

Gary Struhl

Columbia University, New York, NY
Professor of Genetics and Development; Investigator, Howard Hughes Medical Institute. Discovered the nature and mode of action of spatial determinants

controlling pattern formation in animal development, which include the Polycomb and HOX "selectors" in specifying segmental states; Notch receptors in governing intercellular communication; and secreted factors of the Hedgehog, Wnt, and BMP/TGF[β] superfamilies as the first, bona fide gradient.

Tak Wah Mak (FHM)

University of Toronto, Toronto, Canada
Professor of Medical Biophysics and Immunology. Made discoveries through the application of molecular biology and biotechnology to hematology and immunology. Recognized as the discoverer of the human T-cell receptor.

Section 3: Neurosciences, Cognitive Sciences, and Behavioral Biology

Fred H. Gage

The Salk Institute for Biological Studies, La Jolla, CA
Vi and John Adler Professor of Age-Related Neurodegenerative Diseases, Laboratory of Genetics. Discovered and demonstrated the structural and functional plasticity in the adult mammalian brain, specifically that neurotrophic factors can induce functional repair of the damaged and aged brain, that humans continue to generate new neurons throughout life, and that behavior regulates the birth and survival of neurons.

David Julius

University of California, San Francisco, CA
Professor of Cellular and Molecular Pharmacology. Made contributions to understanding the molecular and functional properties of receptors for the neurotransmitters serotonin and ATP, and for the sensory modalities of pain, heat, and cold. Discoveries helped in understanding the molecular basis for thermal sensation.

Robert Charles Malenka

Stanford University School of Medicine, Palo Alto, CA
Pritzker Professor of Psychiatry and Behavioral Sciences. Made contributions to the understanding of the molecular mechanisms by which adaptive and pathological experiences modify synapses and circuits in the brain. Work has influenced current hypotheses regarding the neural mechanisms underlying learning and memory as well as drug addiction.

Eric J. Nestler

University of Texas Southwestern Medical Center, Dallas, TX
Lou and Ellen McGinley Distinguished Chair in Psychiatric Research. Elaborated molecular and cellular mechanisms by which drugs of abuse change brain function to cause complex behavioral abnormalities that characterize addiction. Discovered transcriptional mechanisms that control the brain's responses to drugs of abuse.

Louis French Reichardt

University of California, San Francisco, CA
Jack and Deloris Lange Professor of Physiology and Biochemistry and Biophysics; Investigator, Howard Hughes Medical Institute. Leader in the molecular biology of brain development. Discovered specific roles for different neurotrophins in regulating neuronal survival, connectivity, synaptic function, and behavior in the developing and mature brain. Discovered receptors and signaling mechanisms responsible for specificity of interactions between growing neurons and the cells and extracellular matrix that surround them.

Kâmil Ugurbil

University of Minnesota Medical School, Minneapolis, MN
McKnight Presidential Endowed Chair and Professor of Radiology, Neurosciences, and Medicine; Director, Center for Magnetic Resonance Research. Introduced and developed *in vivo* functional magnetic resonance imaging and spectroscopy meth-

ods for investigating brain function, including BOLD fMRI, chemical shift imaging, and spectroscopy to measure rates of specific enzymes and pathways.

Nancy Sabin Wexler

Columbia University, New York, NY
Higgins Professor of Neuropsychology. Genetic research discovered the families needed to identify the Huntington's disease gene – the first human disease-causing gene identified using DNA markers. As founding chairperson of the Human Genome Project's Ethical, Legal and Social Issues Working Group, united diverse constituencies behind sound public policies for genetic research.

Brenda Milner (FHM)

McGill University, Montreal, Canada
Dorothy J. Killam Professor of Psychology, Montreal Neurological Institute. One of the founders of cognitive neuroscience. Observations on patients with temporal-lobe lesions and on the two memory systems (explicit and implicit) have been central to understanding the brain circuits underlying memory processes and are directly relevant to the study of Alzheimer's disease. Contributions have revolutionized modern research on memory.

Rüdiger Wehner (FHM)

University of Zürich, Zürich, Switzerland
Director, Institute of Zoology. First to show how the honeybee's eyes and brain analyze the pattern of polarization in the sky for navigation. Studies methods of direction finding in the desert ant.

Section 4: Evolutionary and Population Biology and Ecology

James Samuel Clark

Duke University, Durham, NC
H. L. Blomquist Professor, Nicholas School of the Environment and Department of Biology. Pioneered studies on population processes in past and modern vegetation, using Baye-

sian methods to forecast future changes in vegetation. Work has provided understanding and predictions of changes in forest and grassland vegetation in response to global climate change, rising atmospheric CO₂, and changes in fire frequency.

Joseph Hurd Connell

University of California, Santa Barbara, CA
Professor of Zoology, Emeritus. Helped turn ecology into a rigorous, experimental science by pioneering use of field experiments (including long-term experiments) to test mechanisms structuring ecological communities. Contributed to our understanding of biodiversity through the intermediate-disturbance hypothesis, the Janzen-Connell hypothesis, and the concept of recruitment limitations of populations and biodiversity.

Edward Francis DeLong

Massachusetts Institute of Technology, Cambridge, MA
Professor, Division of Biological Engineering and Department of Civil and Environmental Engineering. Changed marine microbial ecology. Developed methods for phylogenetic identification, functional characterization, and quantification of individual bacterial species in culture-independent ways. Discovered new marine bacterial taxa, metabolic pathways, and photosynthetic systems.

Alan Hastings

University of California, Davis, CA
Distinguished Professor, Department of Environmental Science and Policy. Theoretical ecologist whose work spans the spectrum from population genetics to the science of marine reserves. Papers have influenced theory and practice.

Anne Pusey

University of Minnesota, St. Paul, MN
Distinguished McKnight University Professor; Research Director, Jane Goodall Institute. Long-term research on chimpanzees provided insight into

the evolution of primate social behavior. Showed that primate social systems are intimately linked to mating characteristics such as incest avoidance and limiting extra-group paternities, and to females achieving reproductive and territorial advantages.

Michael Ellman Soulé

University of California, Santa Cruz, CA
Professor Emeritus of Environmental Studies. Champion and founder of conservation biology. Developed methods to predict rates of species extinction, demonstrated role of meso-predator release in trophic cascades, and helped establish population viability analysis. Introduced fluctuating asymmetry as a measure of stress in natural populations.

Robert L. Trivers

Rutgers University, New Brunswick, NJ
Professor of Anthropology and Biological Sciences. Provided insights that revolutionized studies of animal behavior and life history: parent-offspring conflict, reciprocal altruism, parental investment and mating systems, and worker-queen conflict in social insects. Discoveries fostered subdisciplines of study in evolutionary biology, animal behavior, and psychology.

Michael Turelli

University of California, Davis, CA
Professor of Genetics. Advanced theoretical research on the maintenance of quantitative genetic variability by mutation and selection, and developed methods to predict phenotypic and multilocus genetic changes under natural and sexual selection. Contributed to the ecological theory of stochastic population dynamics and to theories of speciation.

Section 5: Medical Sciences (including Physiology and Pharmacology), Clinical Medicine, and Public Health

Qais Al-Awqati

Columbia University College of Physicians and Surgeons, New York, NY
Robert F. Loeb Professor of Medicine and Physiology. Discovered the vacuolar proton-ATPase. Showed that this ATPase and a chloride-channel constituted the mechanism for cell compartment acidification, which is crucial for endocytosis, loading of exocytotic vesicles, protein trafficking, lysosomal degradation, bone remodeling, and cellular invasion by viruses and toxins.

Barry Spencer Coller

Rockefeller University, New York, NY
David Rockefeller Professor of Medicine; Head, Laboratory of Blood and Vascular Biology; Physician-in-Chief, Rockefeller University Hospital. Translated basic research on blood platelet receptors into the first example of using a chimeric monoclonal antibody fragment to treat a disease. Product, inhibitor of platelet clumping, became a major therapy in cardiovascular medicine and a prototype of others.

David Ginsburg

University of Michigan, Ann Arbor, MI
James V. Neel Distinguished University Professor; Investigator, Howard Hughes Medical Institute. Identified the genetic bases of multiple inherited bleeding and clotting diseases including von Willebrand disease and thrombotic thrombocytopenic purpura. Discovered the genes responsible for combined deficiency of coagulation factors V and VIII and provided insights into the basic cellular processes of ER to Golgi transport.

Richard Michael Locksley

*University of California,
San Francisco, CA*

Sandler Distinguished Professor of Medicine; Investigator, Howard Hughes Medical Institute. Contributed basic research findings to our understanding of infectious and inflammatory disease. Defined the critical roles of cytokines in the regulation of T cell responses and T cell subsets. Showed that T cell subset regulation influences disease outcome.

Andrew Robert Marks

*Columbia University College of Physicians and Surgeons,
New York, NY*

Professor and Chair of Physiology and Cellular Biophysics. Discovered the calcium release channel (ryanodine receptor) macromolecular complex and the mechanism by which PKA phosphorylation of the channel enhances cardiac contractility. Showed that PKA hyperphosphorylation causes leaky channels in heart failure and elucidated a therapy for heart failure based on restoring normal channel function.

Anita Bauer Roberts

*National Institutes of Health,
Bethesda, MD*

Principal Investigator, Laboratory of Cell Regulation and Carcinogenesis, National Cancer Institute. Discovered transforming growth factor[β] (TGF- β) and elucidated its critical roles during development, fibrotic diseases, and cancer. Research has led to understanding the mechanism of action of the SMAD proteins in the signal transduction cascades, which are downstream of TGF- β binding to its receptor.

Ajit P. Varki

*University of California, San Diego,
La Jolla, CA*

Professor of Medicine and Cellular & Molecular Medicine. Studies biomedical and evolutionary issues in glycobiology, especially with regard to changes during human evolution. Elucidated the biology and evolution of sialic acids and Siglecs, which mediate interactions

among normal and malignant cells and with pathogens.

Raymond L. White

*University of California,
San Francisco, CA*

Rudi Schmid Distinguished Professor and Director of Ernest Gallo Clinic and Research Center. Contributions include conception of the use of genetic polymorphisms to map disease genes, discovery of variable repeat (VNTR) polymorphisms, demonstration of loss of heterozygosity as a mechanism for tumorigenesis, elucidation of the genetic basis of neurofibromatosis and familial polyposis coli, and genetic mapping of diverse human diseases.

Class III: Social Sciences

Section 1: Social Relations (Anthropology, Archaeology, Sociology, Social and Developmental Psychology, Education, Demography, Geography)

David E. Bloom

*Harvard School of Public Health,
Boston, MA*

Clarence James Gamble Professor of Economics and Demography. Research provides theory-based empirical support for the view that population health and demographic change influence economic growth. Contributed to our understanding of the rationale, means, and consequences of providing high-quality education throughout the world, at the primary, secondary, and tertiary levels.

John M. Darley

Princeton University, Princeton, NJ

Warren Professor of Psychology; Professor of Public Affairs. Work on bystander intervention is one demonstration that situational forces have a far greater influence on behavior than individual dispositions. Published work on academic careers and on the motivation to punish in legal

contexts. Past President of the American Psychological Society.

Christopher B. Donnan

*University of California,
Los Angeles, CA*

Professor of Anthropology. Leading authority on Peru's oldest pre-Hispanic state, the Moche. Work combines both science and the humanities, from studies of domestic architecture and subsistence to the details of Moche iconography and style.

Susan Tufts Fiske

Princeton University, Princeton, NJ

Professor of Psychology. Founder and contributor to social cognition. Former President of the American Psychological Society. American Psychological Association Early Career Awardee and Louvain-la-Neuve honorary degree recipient. Editor of eleven volumes and author of two books and more than a hundred articles and chapters on social cognition and prejudice.

Susan J. Goldin-Meadow

University of Chicago, Chicago, IL

Irving B. Harris Professor of Psychology. Studies the invention of communication systems by isolated deaf children deprived of any linguistic input. Work provides insight into the origins of language and human mentality. Current research explores two possible ways in which gesture can not only reflect cognitive change, but may also help to create it.

Reginald G. Golledge

*University of California,
Santa Barbara, CA*

Professor of Geography. Leader in the field of spatial cognition in urban environments. Developed basic theory and research techniques for investigating spatial behavior. Other contributions have focused on the acquisition of spatial knowledge and navigation ability for people without sight, including cooperative research on the development of an auditory way-finding system using GPS.

David I. Kertzer

Brown University, Providence, RI

Paul R. Dupee University Professor of Social Science; Professor of Anthropology and Italian Studies. Known for work on political symbolism, anthropological demography, and modern Italian history. Books include *The Kidnapping of Edgardo Mortara*.

Conrad Phillip Kottak

*University of Michigan,
Ann Arbor, MI*

Chair, Department of Anthropology. Leader of the "new ecological anthropology," an approach that considers each society's place in the broader world economy as crucial as its environmental setting. Analyses of state formation in Africa and Madagascar (among the Buganda, Betsileo, and Merina) exemplify this approach.

Ronald Demos Lee

*University of California,
Berkeley, CA*

Professor of Demography and Aging; Director, Center on the Economics and Demography of Aging. Work encompasses demographic effects of Malthusian shocks, intergenerational transfers, aging populations, and evolution of longevity. Member of the National Academy of Sciences and of the American Association for the Advancement of Science. Corresponding Fellow of the British Academy. Recipient of the Tauber and Sheps Awards of the Population Association of America. Advisor on Social Security reform.

Alberto Palloni

*University of Wisconsin-Madison,
Madison, WI*

H. Edwin Young Professor of Population and International Studies; Director, Center for Demography and Ecology. Developed techniques for measuring infant and child mortality in the absence of vital statistics; formulated a model for the assessment of demographic consequences of HIV/AIDS. Research focused on Latin American fertility, mortality, health migration, population aging, and household organization. Oversees data

collection on elderly people in seven Latin American countries and in Puerto Rico. President-elect of the Population Association of America.

Dolores Rita Piperno

Smithsonian Tropical Research Institute, Balboa, Republic of Panama; National Museum of Natural History, Washington, D.C.
Staff Scientist; Curator for South American Archaeology. Founded the field of phytolith analysis as a technique to revolutionize the identification of fossil plants. Authored a volume on the use of phytoliths in plant identification and pioneered the application of these techniques toward understanding the origins of agriculture and environmental history in the New World.

Henry L. Roediger III

Washington University in St. Louis, St. Louis, MO

James S. McDonnell Distinguished University Professor; Dean of Academic Planning. Leading cognitive psychologist studying learning and memory. Contributed to the study of illusory or false memories (developed a major laboratory paradigm) and the study of implicit (unaware) expressions of memory (through transfer-appropriate processing framework).

Robert J. Sampson

Harvard University, Cambridge, MA
Henry Ford II Professor of Social Sciences. Research interests center on crime, deviance, and stigmatization; the life course; neighborhood effects; and the sociology of the modern city. Current work in the area of neighborhood effects and urban sociology focuses on race/ethnicity and social mechanisms of ecological inequality, the subjective meanings of disorder, spatial dynamics, the comparative network structure of community influence, and collective civic engagement.

Richard Borshay Lee (FHM)

University of Toronto, Toronto, Canada

University Professor. Pioneering research on the Ju/'hoansi-

!Kung of southern Africa has enhanced understanding of the ecology and political economy of hunting-gathering societies. Books include *The !Kung San: Men, Women, and Work in Foraging Society* and *The Dobe Ju/'hoansi*.

Section 2: Economics

Truman Bewley

Yale University, New Haven, CT
Alfred C. Cowles Professor of Economics; Director, Graduate Studies in the Department of Economics. Contributor to general equilibrium theory and labor economics. Has done work on economies with infinitely many commodities, connections between equilibria and core allocations, stochastic games, and the permanent income hypothesis. Recent research documents the effect of recessions on wages and employment.

Guillermo Calvo

University of Maryland, College Park, MD

Distinguished University Professor. Developed the now standard model of inertia in product prices, which forms the basis of most modern research describing the effect of monetary policy on real activity. Recent research deals with transition economies and international capital flows, especially recent crises in emerging market economies.

Laurence J. Kotlikoff

Boston University, Boston, MA
Professor of Economics. Contributed to understanding the determinants of household saving behavior and the impact of taxation on capital accumulation. Codeveloped and calibrated numerical general equilibrium model with overlapping generations for analyzing dynamic fiscal policy. Codeveloped "generational accounting" to measure intergenerational fiscal transfers, assess the sustainability of fiscal policy, and replace inherently vacuous deficit accounting.

Stephen Edward Morris

Princeton University, Princeton, NJ
Professor of Economics. Research ranges from the epistemic foundations of game theory to policy analysis. Unifying theme has been the importance of higher-order beliefs (uncertainty about others' beliefs) in applied economic settings such as asset pricing and currency crises. Recent work shows the limitations of "transparency" (improved public information) in achieving efficient coordination.

Donald John Roberts

Stanford University, Stanford, CA
John H. Scully Professor in International Business Studies. Pioneer in applying game theory to the study of industrial organization. Authored theories of limit pricing, reputation-building strategies, predatory pricing, and manufacturing strategy. Introduced the use of lattice theory in economics. Studies the connection between firm strategy and organization.

Neil Wallace

Pennsylvania State University, University Park, PA
Professor of Economics. Contributor to the fields of monetary theory, regulation of financial intermediaries, and central bank policy. Works on deposit insurance, the role of inside money, deficits and inflation, and the determination of exchange rates.

Mark Watson

Princeton University, Princeton, NJ
Professor of Economics and Public Affairs. Applies advanced statistical methods to issues of economic dynamics. Coauthor of a body of research on the joint movements of unemployment and inflation that form the basis for modern thinking on this subject. Developed a general approach to the measurement of business-cycle dynamics.

Fumio Hayashi (FHM)

University of Tokyo, Tokyo, Japan
Professor of Economics. Contributed empirical work on a number of theoretical models: the 'q' theory of investment, the

permanent income hypothesis, the role of liquidity constraints on consumption, altruism within families, and saving behavior. Work has highlighted the extent to which these classic models are consistent with the evidence.

Werner Hildenbrand (FHM)

Universität Bonn, Bonn, Germany
Professor of Economics. Made contributions to mathematical economics. Generalized the results under which competitive equilibria and the core coincide in a continuum economy and developed general limit theorems for the core. Showed key properties of aggregate demand, including the Law of Demand.

Paul David Klemperer (FHM)

University of Oxford, Oxford, England
Edgeworth Professor of Economics. Contributor to industrial economics, competition policy, and auction theory. Introduced the now widely used concept of "strategic complements" to study oligopoly (with Bulow and Geanakoplos). Developed the theory of consumer switching costs. Showed how to apply auction-theoretic techniques in other fields. Designed auctions (with Binmore) including the British 3G telecom auction.

Section 3: Political Science, International Relations, and Public Policy

Rebecca M. Blank

University of Michigan, Ann Arbor, MI
Dean, Gerald R. Ford School of Public Policy. Played a role in clarifying how macroeconomic factors affect the economic well-being of the poor and women. Served on the Council of Economic Advisors and on National Academy of Science panels. Analyzed policies for promoting social welfare, especially for anti-poverty programs.

Nancy E. Burns

*University of Michigan,
Ann Arbor, MI*

Professor of Political Science; Director, Center for Political Studies. Applies statistical techniques in the study of American politics, including urban politics and the politics of gender. Recent book, cowinner of the APSA's Schuck Prize, demonstrated the roots of the gender gap in political participation in the experiences of adult life. Co-principal investigator of the American National Election Study.

Robert Legvold

Columbia University, New York, NY

Professor of Political Science. Former director, Harriman Institute for Advanced Study of the Soviet Union. Author of studies on foreign and military policies of Soviet and post-Soviet states, arms control, and international politics.

Gerhard Loewenberg

University of Iowa, Iowa City, IA

Professor of Political Science, Emeritus; University of Iowa Foundation Distinguished Professor. Fostered legislative studies as a cross-national and systematic field of inquiry. Coeditor of *Legislative Studies Quarterly*.

Robert L. Powell

University of California, Berkeley, CA

Robson Professor of Political Science. Applying game theory to the study of conflict and the use of force in weakly institutionalized environments, focused on credibility and nuclear deterrence, the role of force in international bargaining, and the causes of conflict and war.

Richard J. Samuels

*Massachusetts Institute of
Technology, Cambridge, MA*

Ford International Professor; Director, Center for International Studies. Work on state-society relations in Japan changed understanding of the state's role in the economy and the security objectives of modern nations. Book on leadership explores the

space for political choice in late-developing Italy and Japan and reanimates debates over leaders and agency in political science. Pioneered "applied area studies" at American universities.

Norman J. Schofield

*Washington University in St. Louis,
St. Louis, MO*

William Taussig Professor of Political Economy. Leading mathematical political scientist. Made contributions in the theory of voting and models of coalition formation. Associated with applied work on multiparty parliamentary government, electoral contests, and crises in American political history.

Michael Jonathan Wallerstein

Yale University, New Haven, CT

Professor of Political Science. Applied formal models of bargaining and politics to study the impact of labor market institutions and social divisions on equality, growth, and unemployment. Work includes studies of union growth and decline, the efficiency and redistributive effects of centralized wage setting, and the politics of social insurance. Deceased.

Stephen M. Walt

Harvard University, Cambridge, MA

Robert and Renee Belfer Professor of International Affairs; Academic Dean, John F. Kennedy School of Government. Author of *The Origins of Alliances, Revolution and War*, and *Taming American Power: The Global Response to U.S. Primacy*. Coeditor of the *Cornell Studies in Security Affairs*. Developed the "balance of threat" theory. Writes on international politics and foreign policy.

Janice Gross Stein (FHM)

*University of Toronto,
Toronto, Canada*

Belzberg Professor of Conflict Management; Director, Munk Centre for International Studies. Fellow of the Royals Society; Trudeau Fellow. Scholar of the impact of political psychology on conflict management, with particular expertise on the Middle East. Pioneer in three subfields of political science:

negotiation theory, foreign policy decision making, and international conflict management.

Section 4: Law (including the Practice of Law)

Jack M. Balkin

Yale Law School, New Haven, CT

Knight Professor of Constitutional Law and the First Amendment. Examines a variety of legal issues through multidisciplinary prisms, including history, sociology, political science, literary theory, cognitive psychology, and music. Recent work involves the interplay between social movements and legal change.

Elena Kagan

Harvard Law School, Cambridge, MA

Dean; Charles Hamilton Houston Professor of Law. Defended the shift to centralized policy-making in administrative law and developed detailed analysis of governmental purpose and motive in First Amendment issues. Deputy Assistant to President Clinton for Domestic Policy and Deputy Director of the Domestic Policy Council.

Duncan McLean Kennedy

Harvard Law School, Cambridge, MA

Carter Professor of General Jurisprudence. Author of *Legal Education and the Reproduction of Hierarchy, Sexy Dressing Etc.*, and *A Critique of Adjudication*. One of the founders of the critical legal studies movement.

Sylvia Ann Law

*New York University School of Law,
New York, NY*

Elizabeth K. Dollard Professor of Law, Medicine and Psychiatry; Codirector, Arthur Garfield Hays Civil Liberties Program. Scholar in health law, welfare law, and constitutional law. Constitutional litigator. Coauthor of *Blue Cross: What Went Wrong?* (*New York Times* Outstanding Book Award for 1974); *Political and Civil Rights in the U.S.*; and *American Health Law*. Recipient of MacArthur Prize Fellowship.

Catharine Alice MacKinnon

*University of Michigan Law School,
Ann Arbor, MI*

Elizabeth A. Long Professor of Law. Made contributions to political theory (legal theory, feminism), the theory and practice of law, and public policy-making in civil rights and human rights. Specialist on equality, sexual assault, and women's rights.

William Rehnquist

*United States Supreme Court,
Washington, D.C.*

Chief Justice. Influence on the Court's jurisprudence is complemented by his championship of judicial independence and management of the Court's business and the U.S. Judicial Conference. Author of *Political Battles for Judicial Independence, Sunshine in the Third Branch, Constitutional Law and Public Opinion, The Supreme Court, Grand Inquests*, and *All the Laws but One*. Deceased.

Frederick A. O. Schwarz, Jr.

*Brennan Center for Justice,
New York, NY*

Senior Counsel. Combined private practice at Cravath, Swaine & Moore with publications and public service, including Chair, New York City Charter Revision; Corporation Counsel, City of New York; Counsel, post-Watergate Senate Select Committee on Intelligence; and Chair, New York City Campaign Finance Board. Has held board positions in Natural Resources Defense Council, Vera Institute of Justice, and NAACP Legal Defense Fund.

Class IV: Humanities and Arts

Section 1: Philosophy and Religious Studies

Daniel Boyarin

University of California, Berkeley, CA
Herman P. and Sophia Taubman Professor. Specialist in Talmudic culture and the intersections of early Judaism and early Christianity. Author or editor of nine books and over one hundred

articles and essays concerning Talmudic interpretation, martyrdom in Judaism and Christianity, constructions of "heresy," the separation of Judeo-Christianity, and the history of sexuality.

Robert John Fogelin

Dartmouth College, Hanover, NH
Sherman Fairchild Professor in the Humanities, Emeritus. Scholar in epistemology, historical figures, and issues in philosophy of language, e.g., metaphor. Contributed to the renewed interest in Pyrrhonian skepticism (especially Sextus, Hume, Wittgenstein) and developed a distinctive version of neo-Pyrrhonism. Author of *Evidence and Meaning, Wittgenstein, Hume's Skepticism, Philosophical Interpretations, Pyrrhonian Reflections on Knowledge and Justification, Berkeley's Idealism, and Walking the Tightrope of Reason*.

Gilbert H. Harman

Princeton University, Princeton, NJ
Stuart Professor of Philosophy; Chair, Committee for Cognitive Studies. Made contributions in several subfields of philosophy, including ethics, epistemology, metaphysics, and the philosophies of language and mind. Advocate of a sophisticated form of relativism in ethics.

Charles Larmore

University of Chicago, Chicago, IL
Chester D. Tripp Professor in the Humanities. Author of *Patterns of Moral Complexity, Modernité et morale, The Morals of Modernity, The Romantic Legacy*, and the recent *Les pratiques du moi*, for which he was awarded the Grand Prix de Philosophie by the Académie Française. Developed, at the same time as John Rawls, the concept of "political liberalism."

Keith E. Lehrer

University of Arizona, Tucson, AZ
Regents Professor, Emeritus; Honorary Professor at the University of Graz, Austria. Leading epistemologist. Main advocate of a coherence theory of knowledge. Developed a mathematical theory of rational consensus (with Carl Wagner). Contributor

to the literature on free will. Author of an overall account of the philosophy of Thomas Reid. Now writes on aesthetics and is a painter.

Barbara Newman

Northwestern University, Evanston, IL
Professor of English, Religion, and Classics. Has written on gender, literature, and religion in the Middle Ages. Work has two primary emphases: the accomplishments of historical women as writers, patrons, and spiritual leaders; and the functions and meanings of symbolic constructions of the feminine in devotional and imaginative texts.

Peter van Inwagen

University of Notre Dame, Notre Dame, IN
John Cardinal O'Hara Professor of Philosophy. Works on free will and determinism, materialism in philosophy of mind, the nature of material constitution, and the metaphysics of modality. In philosophy of religion, works on the problem of evil. Also works in ontology, in particular on the nature of fictional objects, and in philosophy of logic, in particular on the nature of quantification.

Section 2: History

Omer Bartov

Brown University, Providence, RI
John P. Bikelund Distinguished Professor of European History. Has written six books and edited three volumes on modern Germany, France, the Holocaust, and representations of war, genocide, and Jews. Recipient of several fellowships.

John Henry Coatsworth

Harvard University, Cambridge, MA
Monroe Gutman Professor of Latin American Affairs; Director, David Rockefeller Center. Carried out research in application of econometric methods to Latin American history (particularly on history of railroads); comparison of national incomes in Latin America and the United States; comparative studies of rural revolts in Latin America;

and U.S. relations with Central America since independence.

Victoria de Grazia

Columbia University, New York, NY
Professor of History. Scholar of twentieth-century Europe and consumer culture in comparative perspective. Known for work on Italy, notably *The Culture of Consent: Mass Organization of Leisure in Fascist Italy* and *How Fascism Ruled Women*. Coeditor of the *Dizionario del Fascismo*. Study of the cultural dimensions of U.S. global hegemony culminated in *Irresistible Empire: America's Advance Through Twentieth-Century Europe*.

Sheila Fitzpatrick

University of Chicago, Chicago, IL
Bernadotte E. Schmitt Distinguished Service Professor of Modern Russian History. Student of twentieth-century Russia. Wrote six books that transformed the field of Soviet studies, departing from Kremlinological or cold war categories to examine the lives of ordinary Russians, from the revolutionary imperative of self-reinvention through the upheavals of collectivization and cultural revolution to the hardships and utopian visions of everyday Stalinism.

Raul Hilberg

University of Vermont, Burlington, VT
Professor Emeritus of Political Science. Member of the President's Commission on the Holocaust and of the United States Holocaust Memorial Council. Author of *The Destruction of the European Jews, Perpetrators Victims Bystanders*, and *Sources of Holocaust Research*.

Alice Kessler-Harris

Columbia University, New York, NY
R. Gordon Hoxie Professor of American History; Department Chair. Specializes in the history of American labor and the comparative and interdisciplinary exploration of women and gender. Published works include *In Pursuit of Equity* (awarded the Joan Kelly, Phillip Taft, and Bancroft Prizes), *Women Have Always Worked*, *Out to Work: A*

History of Wage-Earning Women in the United States, and *A Woman's Wage: Historical Meanings and Social Consequences*. Coeditor of *Protecting Women: Labor Legislation in Europe, Australia, and the United States, 1880–1920* and *U.S. History as Women's History*.

Naomi R. Lamoreaux

University of California, Los Angeles, CA
Professor of Economics and History. Research centers on U.S. business and economic history. Author of *The Great Merger Movement in American Business, 1895–1904*; *Insider Lending: Banks, Personal Connections, and Economic Development in Industrial New England*; and numerous articles.

Harriet Ritvo

Massachusetts Institute of Technology, Cambridge, MA
Arthur J. Conner Professor of History. Author of studies at the intersection of the history of science, environmental history, and British cultural history. Created a subfield that explores the interactions of humans and animals and what they reveal about human cultures and societies in specific historical contexts. Recipient of several fellowships and honors.

Robert I. Rotberg

World Peace Foundation and Harvard University, Cambridge, MA
President of the Foundation and Director, Kennedy School of Government's Program on Intra-state Conflict and Conflict Resolution. Has written on the political history of sub-Saharan Africa, including a biography of Cecil Rhodes. Founder and coeditor of the *Journal of Interdisciplinary History*. Past President of Lafayette College and Vice President of Tufts University. Author or editor of books and articles on nation-state failure, good governance in the developing world, and conflict in Africa, the Caribbean, and Southeast Asia.

Richard P. Saller

University of Chicago, Chicago, IL
Provost and Edward L. Ryerson Distinguished Service Professor of History and Classics. Histori-

an of ancient Rome. Made contributions to the understanding of the structures and workings of Roman society. Drawing on a wide range of classical sources (literary and archaeological) and scholarly disciplines in the social sciences, illuminated the demographic and cultural developments of the Roman Empire.

Section 3: Literary Criticism (including Philology)

James Engell

Harvard University, Cambridge, MA
Gurney Professor of English Literature and Professor of Comparative Literature. Scholar, critic, and editor. Clarified and illuminated the transition between eighteenth- and nineteenth-century literary principles and practice in Great Britain and Germany. Participated in contemporary public debates about education and the importance of the humanities.

John Felstiner

Stanford University, Stanford, CA
Professor of English and Jewish Studies. Expertise includes English and American poetry, literary translation, and Holocaust poetry, art, and music. Known internationally for studies and translations of the works of Pablo Neruda and Paul Celan. Current project is a book, *So Much Depends: Poetry and Environmental Urgency*.

Robert Hollander

Princeton University, Princeton, NJ
Professor Emeritus of European Literature; Professor Emeritus in the Department of French and Italian. Author of twenty books and more than ninety articles, mainly dealing with Dante and/or Boccaccio. Founding member of Dartmouth Dante Project and Princeton Dante Project. Founding member of International Dante Seminar. Founding editor of *Electronic Bulletin of the Dante Society of America*. Chief elected officer emeritus of the boards of trustees of NEH, DSA, NJHC, NHC, and Collegiate School.

John T. Irwin

Johns Hopkins University, Baltimore, MD
Decker Professor in the Humanities. Author of books on Faulkner (*Doubling and Incest*), American symbolism (*American Heiroglyphics*), and Poe and Borges (*The Mystery to a Solution*, which won the Gauss Prize). Author of books of poetry (under the name John Bricuth). Edited various literary journals such as *The Georgia Review*.

John J. McCarthy

University of Massachusetts, Amherst, MA
Professor of Linguistics; Graduate Program Director. Helped transform the study of morphology, phonology, and their interface through the introduction of prosodic morphology and of Optimality Theory. Played a leading role in its theoretical and empirical achievements.

Eve Kosofsky Sedgwick

Graduate Center of the City University of New York, New York, NY
Distinguished Professor. Scholar-critic of nineteenth-century British and European literature and culture. Theorist of human sexuality and its representations. Leading figure in the development of gay and lesbian studies.

Lewis P. Simpson

Louisiana State University, Baton Rouge, LA
Boyd Professor; William A. Read Professor of English Literature, Emeritus. Coeditor of *The Southern Review*. Author or editor of more than thirteen books, including *Mind and the American Civil War: A Meditation on Lost Causes*. Winner of the Avery O. Craven Award. Recipient of Guggenheim and National Endowment for the Humanities Fellowships. Deceased.

Samuel Miles Weber

Northwestern University, Evanston, IL
Avalon Foundation Professor of the Humanities. Work, including *The Legend of Freud*, *Return to Freud*, *Institution and Interpre-*

tation, and *Mass Mediauras*, opened up avenues among disciplines such as literary studies, philosophy, psychoanalysis, textual theory, and institutional analysis. Recent work focuses on the relation of art and aesthetics to media. Recently published *Theatricality as Medium and Targets of Opportunity: On the Militarization of Thinking*.

Michael Hofmann (FHM)

London, England
Professor of Creative Writing (Poetry) at the University of Florida, where he teaches half-time. Published five books of poems: *Nights in the Iron Hotel*; *Corona, Corona*; and *Approximately Nowhere*. Translated more than thirty books from the German, mainly novels, including works by Ernst Junger, Franz Kafka, Wolfgang Koeppen, Joseph Roth, and Wim Wenders. Recipient of a Cholmondeley Award, the Geoffrey Faber Memorial Prize, the IMPAC Dublin Literary Award, and the Helen and Kurt Wolff Translator's Prize.

Section 4: Literature (Fiction, Poetry, Short Stories, Nonfiction, Playwriting, Screenwriting)

Lydia Davis

SUNY Albany/The Writers Institute, Albany, NY
Short story writer; Novelist; Translator. Recipient of awards from the Whiting Foundation, the Guggenheim Foundation, the Lannan Foundation, and the MacArthur Foundation. For work as writer and translator, named a Chevalier of the Order of Arts and Letters by the French government. Translation of *Swann's Way* received the French-American Foundation Translation Prize for 2003. Writings beg the boundaries between fiction and nonfiction, fiction and poetry.

Horton Foote

New York, NY
Playwright; Screenwriter. Best known for his films, including *To*

Kill a Mockingbird (received Academy Award in 1962) and *Tender Mercies* (received Academy Award in 1983). Awarded a Pulitzer Prize for drama in 1995 for *The Young Man from Atlanta*. Recipient of the National Medal of Arts and the Gold Medal for drama for lifetime achievement from the American Academy of Arts and Letters.

Rebecca Goldstein

Trinity College, Hartford, CT
Professor of Philosophy. Novelist. Works of fiction, which include *The Mind-Body Problem*, *Strange Attractors*, *Mazel*, and *Properties of Light*, bring to life ideas from philosophy, mathematics, and physics by making them central passions in her characters. Recipient of a MacArthur Foundation Fellowship. Work has won many prizes, including two Whiting Awards.

Robert Hass

New York, NY
Poet; Critic; Translator. Poetry is celebrated for its clarity of expression, conciseness, and imagery, often drawn from everyday life. Recipient of a MacArthur Foundation Fellowship, PEN award for translation, and National Book Critics Circle Award in poetry for *Sun under Wood*.

Ward Just

Martha's Vineyard, MA
Fiction Writer. Combines skills of a novelist and journalist, aesthetician and politico. Worked as a foreign correspondent during the Vietnam War. Works include *Jack Gance*, *Echo House*, *The Weather in Berlin*, and *An Unfinished Season*. Nonfiction work includes *To What End: Report from Vietnam* and the introduction to *Reporting Vietnam: American Journalism, 1959 - 1975*.

Tony Kushner

New York, NY
Playwright; Director. First major work was *Angels in America: A Gay Fantasia on National Themes* (received a Pulitzer Prize, two Tony Awards, two Drama Desk Awards, the Evening Standard Award, the

New York Critics Circle Award, the Los Angeles Drama Critics Circle Award, and the LAMBDA Liberty Award for Drama). Other works are *A Bright Room Called Day* and *Slavs!* Recipient of a Whiting Foundation Writers Award and playwriting and directing fellowships from the New York Foundation for the Arts, the New York State Council on the Arts, and the National Endowment for the Arts.

Alison Lurie

Cornell University, Ithaca, NY
F. J. Whiton Professor of American Literature, Emerita. Writes about children's literature (*Don't Tell the Grownups and Boys and Girls Forever*). Known for adult novels concerning comic family strife (*The War between the Tates*) and erotic misalliance (*Foreign Affairs*). Received Pulitzer Prize in fiction for *Foreign Affairs*.

Francine Prose

New York, NY
Novelist. Author of thirteen books of fiction, including *Blue Angel*. Most recent novel is *A Changed Man*. Books of non-fiction include *Gluttony*, *The Lives of the Muses*, and *Sicilian Odyssey*. Work has appeared in *The New Yorker*, *The Atlantic Monthly*, *GQ*, and *The Paris Review*. Contributing editor at *Harper's*. Writes regularly on art for *The Wall Street Journal*. Recipient of grants and awards, including Guggenheim and Fulbright fellowships. Was a Director's Fellow at the Center for Scholars and Writers at the New York Public Library.

Art Spiegelman

New York, NY
Cartoonist. Recipient of a Special Pulitzer Prize, National Book Critics Circle Award, *Los Angeles Times* Book Prize, and Before Columbus Foundation Award for *Maus: A Survivor's Tale II: And Here My Troubles Began*. Recipient of a Guggenheim Fellowship. Cofounding editor of *RAW*, magazine of avant-garde comics published between 1980 and 1991. Most recent book, *In the Shadow of No Towers*, was a *New York Times* Notable Book (2004).

Susan Stewart

Princeton University, Princeton, NJ
Poet and Annan Professor of English. MacArthur Fellow. Combines poetry and criticism. Most recent book of literary criticism, *Poetry and the Fate of the Senses*, won both the Christian Gauss Award in 2002 and the Truman Capote Prize for Literary Criticism in 2004. *Columbarium*, a collection of poems, won the National Book Critics Circle Award in 2003. Recipient of a Guggenheim Fellowship and a Lila Wallace Award. Published recently a collection of work on contemporary art, *The Open Studio: Essays on Art and Aesthetics*. Elected a Chancellor of the Academy of American Poets.

C. D. Wright

Brown University, Providence, RI
Israel J. Kapstein Professor of English. Recent publications include *Cooling Time: An American Poetry Vigil*, *One Big Self*, in collaboration with Deborah Luster, and *Steal Away*. Published nine other books of poetry, including two book-length poems, *Deepstep Come Shining* and *Just Whistle*. Won fellowships and awards from the Bunting Institute, the Foundation for Contemporary Arts, and the Guggenheim, Lannan, and Wallace Foundations.

Wisława Szymborska (FHM)

Krakow, Poland
Poet. Won the 1996 Nobel Prize in Literature, the 1995 Herder Prize, and the 1991 Goethe Prize. Published more than fifteen collections of poems, including *View with a Grain of Sand*.

Section 5: Visual and Performing Arts – Criticism and Practice

Jane A. Bernstein

Tufts University, Medford, MA
Austin Fletcher Professor of Music. Musicologist in the field of Italian Renaissance scholarship, focusing on the history of music printing in sixteenth-century Italy. Publications include *Music Printing in Renaissance*

Venice: The Scotto Press (1539 – 1572) and *Women's Voices Across Musical Worlds*. Contributed to the field of opera and to women's studies.

Yve-Alain Bois

Institute for Advanced Study, Princeton, NJ
Professor, School of Historical Studies. Writer and Curator. Leading figure in the history and criticism of twentieth-century art, and especially of the modernist tradition of abstract art. Has written on the art of Matisse, Picasso, Mondrian, Lissitzky, Kelly, Newman, Serra, and other artists. Editor of the journal *October*. Contributed to the current state of modernist studies in this country.

Richard Brilliant

Columbia University, New York, NY
Anna S. Garbedian Professor in the Humanities, Emeritus. Transformed the study of classical art, opening the field to new critical methods of historical and stylistic analysis. Scholarship primarily based in the study of ancient Greek and Roman art. Publications include *My Laocoon: Alternative Claims in the Interpretation of Artworks*, *Commentaries on Roman Art*, and *Visual Narratives: Storytelling in Etruscan and Roman Art*. Was Editor-in-Chief of *The Art Bulletin*.

Chen Yi

University of Missouri, Kansas City, MO
Distinguished Professor in Composition at the Conservatory of Music. Composer and ambassador for the arts. Blends Chinese and Western traditions. Recipient of Charles Ives Living Award, Guggenheim Fellowship, Grammy Award, and ASCAP Award. Compositions span orchestral, chamber music, choral, and solo works.

Lynn Garafola

Barnard College, New York, NY
Dance Historian; Critic. Has written books and articles, edited books and journals, taught dance history and theory, and organized exhibitions and lecture series. Author of *Diaghilev's*

Ballets Russes and Legacies of Twentieth-Century Dance. Editor of several volumes, including *The Diaries of Marius Petipa; Of, By, and For the People: Dancing on the Left in the 1930s; José Limón: An Unfinished Memoir; Dance for a City: Fifty Years of the New York City Ballet; and The Ballets Russes and Its World*.

Judith Jamison

Alvin Ailey American Dance Theater, New York, NY
Artistic Director. Dancer, choreographer, teacher, lecturer, and author. Rehabilitated the Alvin Ailey organization, both artistically and fiscally, bringing it back to its original mission of establishing dance in the community and rededicating it to education in the arts. Recipient of an Emmy Award, an American Choreography Award, a Kennedy Center Honor, and a National Medal of Arts.

Jeff Koons

New York, NY
Visual Artist. Sculpture and paintings have been exhibited internationally and are included in the collections of museums such as the National Gallery in Washington, D.C., the Museum of Modern Art in New York, and London's Tate Modern. Recipient of several awards and honors. Recently named a Chevalier of the French Legion of Honor.

Maya Ying Lin

Maya Lin Studio, New York, NY
Architect/Artist. Designed the Vietnam Veterans' Memorial in Washington, D.C. Accomplished both in the field of art and architecture. Creates large-scale environmental art installations and works of architecture.

Glenn D. Lowry

The Museum of Modern Art, New York, NY
Director. Heads one of the world's leading museums of modern and contemporary art. Directs curatorial, educational, and administrative programs. Managed the Museum's building project, which began in 1996 and was completed this year, marking MOMA's 75th anniversary.

Former Director of the Art Gallery of Ontario.

Mark Morris

Mark Morris Dance Group,
Brooklyn, NY

Choreographer. Established the Mark Morris Dance Group in 1980. Known for commitment to live music. Created over a hundred works for MMDG and numerous works for ballet and opera companies. Opened the Mark Morris Dance Center in 2001.

Sidney Poitier

Los Angeles, CA

Actor; Director; Producer. President and Chief Executive Officer of Verdon Cedric Productions. Awards include an Academy Award for Best Actor (*Lilies of the Field*), the BAFTA Award, three Golden Globe Awards, an American Film Institute Lifetime Achievement Award, the Kennedy Center Lifetime Achievement Award, the Screen Actors Guild Lifetime Achievement Award, five NAACP Image Awards, and two Golden Bear Awards from the Berlin Film Festival. Knighted by H. M. Queen Elizabeth II in 1968. Currently serves as ambassador to Japan and to UNESCO, representing the Commonwealth of the Bahamas.

Earl A. Powell III

National Gallery of Art,
Washington, D.C.

Director. Expert in nineteenth- and twentieth-century European and American art. Previously Director of the Los Angeles County Museum of Art. Held curator positions at the National Gallery and the University of Texas at Austin. Publications include a monograph on the artist Thomas Cole.

Elizabeth Barlow Rogers

Foundation for Landscape Studies,
New York, NY

President. Directed the Central Park Task Force from 1975 until her appointment as Central Park administrator in 1979. Helped found the Central Park Conservancy in 1980. Has written on Frederick Law Olmsted and on the history of park, garden, and

urban design. Publications include *Landscape Design: A Cultural and Architectural History* and *The Forests and Wetlands of New York City*.

Ned Rorem

New York, NY

Composer; Author. Has written three symphonies, four piano concertos, several orchestral works, music for numerous combinations of chamber forces, six operas, ballet and theater music, and songs and cycles. Author of fourteen books, including five volumes of diaries and collections of lectures and criticism.

John Sayles

New York, NY

Film Director; Actor; Playwright; Film Editor. Directed the films *The Return of the Secaucus Seven*, *Eight Men Out*, *Passion Fish*, and *Lone Star*. Directed several plays and wrote a number of novels. Awards include a MacArthur Foundation Fellowship, O. Henry Award for "I-80 Nebraska," and the Writers Guild of America Hunter Award for Lifetime Achievement in Writing. Author of *Union Dues*.

Christian Wolff

Dartmouth College, Hanover, NH

Professor of Classics and Strauss Professor of Music, Emeritus. Classicist. Has written publications on Greek tragedy. Figure in contemporary music with over 150 compositions published and performed worldwide, and over 80 commercially recorded.

Daniel Barenboim (FHM)

Chicago Symphony Orchestra,
Chicago, IL

Music Director; Pianist; Conductor. Performed and conducted music of all genres in tours around the world. Through music and published works created bridges in the German/Israeli and the Israeli/Palestinian relationships. Awarded the Wolf Prize in May 2004 for his commitments to human rights causes.

Class V: Public Affairs, Business, and Administration

Section 1: Public Affairs, Journalism, and Communications

Tom Brokaw

NBC News, New York, NY

Journalist; Author. Was anchor for *NBC Nightly News*. Conducted exclusive, historic interviews with major world leaders such as Mikhail Gorbachev, the Dalai Lama, and Russian Prime Minister Vladimir Putin. Author of several works that recount World War II America.

E. J. Dionne, Jr.

Brookings Institution,
Washington, D.C.

Senior Fellow. Journalist and syndicated columnist. Analyzes American politics and trends of public sentiment. Works at the intersection of journalism and scholarship. Publications include *Why Americans Hate Politics* (won the *Los Angeles Times* Book Prize), *They Only Look Dead: Why Progressives Will Dominate the Next Political Era*, and *Stand Up Fight Back: Republican Toughs, Democratic Wimps, and the Politics of Revenge*.

Eugene Garfield

Institute for Scientific Information,
Philadelphia, PA

Chairman Emeritus. Founding Editor of *The Scientist*. Pioneer in scientific communication and information science. Developed metrics for information retrieval, including citation frequencies and other data to analyze longitudinal trends in scientific communication, comparing nations, institutions, departments, research teams, or journals by their productivity and impact in various fields, disciplines, and specialties.

John H. Gibbons

Resource Strategies, The Plains, VA
Professional Science Consultant. Experimental physicist. Expert in energy supply and conservation, and environmental technology development. Published over a hundred books and papers. Director of the Office of Technology Assessment (1979–1992); Science Advisor to the President and Director of the White House Office of Science and Technology Policy (1993–1998). Served on the boards of the New York Academy of Sciences, the World Resources Institute, Population Action International, and the Black Rock Forest Consortium.

Donald E. Graham

The Washington Post Company,
Washington, D.C.

Chairman and Chief Executive Officer. Also serves as Director of BrassRing Inc. and as a member of the Pulitzer Prize Board. President of the District of Columbia College Access Program, Trustee of the Federal City Council in Washington, D.C., and Member of the Board of Directors of The Summit Fund of Washington.

Margaret C. Simms

Joint Center for Political and Economic Studies, Washington, D.C.

Vice President for Governance and Economic Analysis. Oversees all programs, including research and international affairs. Expert on minority business development. Serves on the boards of the National Academy for Social Insurance and Partners for Democratic Change. Publications include *Job Creation: Prospects and Strategies* (edited with W. Leigh), *Slipping Through the Cracks: The Status of Black Women* (edited with J. Malveaux), and *The Economics of Race and Crime* (edited with S. Myers, Jr.).

Section 2: Business, Corporate, and Philanthropic Leadership (Private Sector)

John P. Birkelund

Saratoga Partners, New York, NY
General Partner. Former Chief Executive of Dillon Read & Co., Inc. Appointed by President Bush in 1990 as chairman of the board of the Polish American Enterprise Fund. Chairman of the Thomas J. Watson Institute for International Studies; Trustee of the New York Public Library, The Frick Collection, and the American Academy in Berlin; and former Chairman of the National Humanities Center.

Sergey Brin

Google Corporation, Mountain View, CA
Cofounder and President of Technology. Research interests include search engines, information extraction from unstructured sources, and data mining of large text collections and scientific data. Published more than a dozen academic papers. Featured speaker at academic, business, and technology forums.

John F. Cogan, Jr.

Pioneer Investment Management USA, Inc., Boston, MA
Chairman and Director. Active in Boston's legal, civic, and arts communities, and in the global finance industry. Currently Deputy Chairman and Director of Pioneer Global Asset Management Spa (Milan). Of Counsel at Wilmer Cutler Pickering Hale and Dorr LLP. Trustee, Boston Symphony Orchestra, Boston Medical Center; Chairman Emeritus and Trustee, Museum of Fine Arts (Boston). Overseer, Handel and Haydn Society. Recipient, Harvard Law School Association Award (1998).

E. Gerald Corrigan

Goldman Sachs & Co., New York, NY
Managing Director. Served as Chief Executive Officer of the Federal Reserve Bank of New York (1985–1993). Instrumental

in establishing the Russian-American Banking Forum in 1992 to assist Russia in the development of its banking infrastructure. Appointed by President Bill Clinton to head the Russian-American Enterprise Fund. Advisor on investing to the Chinese government. Author of *The Practice of Risk Management: Implementing Processes for Managing Worldwide Market Risk*.

F. Warren Hellman

Hellman & Friedman LLC, San Francisco, CA
Cofounder and Chairman. Formerly Director of The NASDAQ Stock Market, Inc. Currently Director of D.N. & E. Walter & Co., Levi Strauss & Co., and Sugar Bowl Corporation. Former General Partner of Hellman, Ferri Investment Associates; Matrix Management Company; and Lehman Brothers. Trustee of the San Francisco Foundation; Member of the University of California Walter A. Haas School of Business Advisory Board; and Trustee Emeritus of the Brookings Institution. Initiated Hellman Fellowships for assistant professors at University of California, Berkeley; University of California, San Diego; University of California, San Francisco; Stanford University; and Harvard Business School. Founder of Hardly Strictly Bluegrass, a free music festival.

Brewster Kahle

Internet Archive, San Francisco, CA
Cofounder; Director; Digital Librarian. Early member of the Thinking Machines team. Invented the Internet's first publishing system, WAIS (Wide Area Information Server) and founded WAIS Inc., an electronic publishing company. Cofounded Alexa Internet, a catalog of the Internet.

Jay Lorsch

Harvard Business School, Boston, MA
Louis E. Kirstein Professor of Human Relations. Leading corporate governance scholar. Formerly Director of Research and Senior Associate Dean for Executive Education. Author of books and articles on organizational behavior and leadership.

Ann S. Moore

Time Inc., New York, NY
Chairman and Chief Executive Officer. Oversees all of the businesses of Time Inc. Has oversight of the Time Warner Book Group. Serves on the boards of directors of Avon Products, Inc. and the Wallace Foundation. Recipient of the Time Warner Civic Leadership Award.

Lawrence Page

Google Corporation, Mountain View, CA
Cofounder and President of Products. Named a World Economic Forum Global Leader for Tomorrow in 2002. Member of the National Advisory Committee of the University of Michigan College of Engineering. Awards include the Marconi Prize and election to the National Academy of Engineering. Trustee of the X PRIZE.

Robert Pozen

MFS Management, Boston, MA
Chairman. Formerly Vice Chair, Fidelity Investments, and President, Fidelity Management & Research Company. Has been the John Olin Visiting Professor at Harvard Law School. Author of *The Mutual Fund Business*. Served as Secretary of Economic Affairs for Massachusetts Governor Mitt Romney and as a member of President George W. Bush's Commission to Strengthen Social Security.

John Wallis Rowe

Aetna, Inc., Hartford, CT
Chairman and Chief Executive Officer. Prior to joining Aetna, served as President and Chief Executive Officer of Mount Sinai NYU Health (1998–2000). Formerly President of the Mount Sinai Hospital and the Mount Sinai School of Medicine (1988–1998). Helped elucidate many aspects of the physiology of aging and pioneered the concept of Successful Aging. Authored over two hundred scientific publications, mostly in the physiology of aging process. Coauthor of *Successful Aging*.

Oscar Tang

Reich and Tang Asset Management, New York, NY
Cofounder. President and Chief Executive Officer until 1993. Financier and philanthropist. Member of the Board of the Metropolitan Museum of Art and of Phillips Academy. Trustee of the China Institute in America, Inc. and of Skidmore College.

Sidney J. Weinberg, Jr.

Goldman Sachs Group, Inc., New York, NY
Senior Director. Former director of several companies, including R. H. Macy & Co., J. P. Stevens & Co., Eagle-Picher Industries, and Sigma-Aldrich Corporation. Trustee or honorary trustee of scientific and philanthropic organizations, including New York-Presbyterian Hospital; Carnegie Foundation for the Advancement of Teaching; Carnegie Institution of Washington; Keck Graduate Institute of Applied Life Sciences; Scripps College; Woods Hole Oceanographic Institution; Committee for Economic Development in New York (WNET-Channel Thirteen); and Edna McConnell Clark Foundation.

David C. Weinstein

Fidelity Investments, Boston, MA
Executive Vice President. Has overseen Fidelity's government relations, legal, human resources, and real estate and compliance operations. Serves on a variety of civic, business, and charitable boards, including Boston College Law School, Bryant University, Financial Services Roundtable, and Reading is Fundamental.

Section 3: Educational, Scientific, Cultural, and Philanthropic Administration (Nonprofit Sector)

William Franklin Baker

Educational Broadcasting Corporation (EBC), licensee of public broadcasters Thirteen/WNET and WLIW, New York, NY
Chief Executive Officer. Shaped American broadcasting in both the commercial and public sectors. Author, executive, lecturer, producer, on-air personality. Recipient of the industry's highest honors. Known as an advocate for the educational potential of television.

Harvey P. Dale

New York University School of Law, New York, NY

University Professor of Philanthropy and the Law; Director, National Center on Philanthropy and the Law. Founding President of Atlantic Philanthropies. Continues to play a role at the Foundation as a member of its board and investment committee. Oversaw the granting of more than \$2 billion to education, health, and the nonprofit sector, among other causes.

M.R.C. Greenwood

University of California, Oakland, CA

Provost and Senior Vice President of Academic Affairs. Served as Chancellor of the University of California, Santa Cruz (1996–2004). Expert in genetics and nutrition. Leader in science and higher education policies.

William C. Kirby

Harvard University, Cambridge, MA
Dean, Faculty of Arts and Sciences; Edith and Benjamin Geisinger Professor of History. Scholar of Asian history. Focuses on China's economic and political development in an international context. Has written on China's relations with Europe, the history of modern Chinese capitalism, the international socialist economy of the 1950s,

and relations across the Taiwan Strait.

Alan I. Leshner

American Association for the Advancement of Science, Washington, D.C.

Chief Executive Officer. Executive Publisher of *Science*. Held a number of science organization leadership positions in government (National Science Foundation, National Institute on Drug Abuse, and National Institute of Mental Health). Research has focused on the biological bases of behavior. Published in the areas of science and technology policy, science education, and public engagement with science.

John W. McCarter, Jr.

The Field Museum of Natural History, Chicago, IL

President and Chief Executive Officer. Oversaw the expansion of the Museum's scientific efforts; improved the Museum's galleries and scientific facilities; and deepened the Museum's commitment to public learning. Served as Senior Vice President at Booz, Allen, & Hamilton, a global strategy and technology consulting firm. Was also President of the DeKalb Corporation. Currently serves on numerous corporate and civic boards, including WTTW11 (Channel 11) and the University of Chicago.

Noteworthy

Select Prizes and Awards

Nobel Prizes, 2005

Economic Sciences

Robert J. Aumann (Hebrew University of Jerusalem) and **Thomas C. Schelling** (University of Maryland)

Physics

Roy J. Glauber (Harvard University); **Theodor W. Hänsch** (Max-Planck-Institut für Quantenoptik), and **John L. Hall** (University of Colorado)

Chemistry

Robert H. Grubbs (California Institute of Technology), **Richard R. Schrock** (Massachusetts Institute of Technology), and **Yves Chauvin** (Institut Français du Pétrole)

Literature

Harold Pinter (London, United Kingdom)

Presidential Medal of Freedom

Vinton Cerf (Google, Inc.)

Robert Conquest (Stanford University)

Robert Kahn (Corporation for National Research Initiatives)

National Medals of Science, 2004

Behavioral or Social Sciences

Kenneth J. Arrow (Stanford University)

Biological Sciences

Norman Borlaug (Texas A&M University)

Philip A. Sharp (Massachusetts Institute of Technology)

Thomas E. Starzl (University of Pittsburgh School of Medicine)

Chemistry

Stephen J. Lippard (Massachusetts Institute of Technology)

Engineering

Edwin N. Lightfoot (University of Wisconsin, Madison)

Mathematics or Computer Science

Dennis P. Sullivan (City University of New York)

Physical Sciences

Robert N. Clayton (University of Chicago)

National Humanities Medals, 2005

John Lewis Gaddis (Yale University)

Mary Ann Glendon (Harvard Law School)

National Medals of Art, 2005

Louis Auchincloss (New York, NY)

James DePreist (Julliard School and Tokyo Metropolitan Symphony Orchestra)

Wynton Marsalis (Jazz at Lincoln Center)

Other Awards

Frederick W. Alt (Children's Hospital, Boston) has been awarded the 2005 de Villiers International Achievement Award by the Leukemia & Lymphoma Society.

William Baumol (New York University) is the recipient of the 2005 International Antonio Feltrinelli Prize for Physical, Mathematical, and Natural Sciences, awarded by the Accademia Nazionale dei Lincei in Rome.

Michael J. Berridge (University of Cambridge) was awarded the Shaw Prize in the field of life science by the Shaw Prize Foundation in Hong Kong.

Peter Dallos (Northwestern University) is the recipient of the Guyot Prize from the Uni-

versity of Groningen and the Hugh Knowles Prize from Northwestern University.

Antonio Damasio (University of Southern California) has been awarded the 2005 Prince of Asturias Prize.

Jenny Davidson (Columbia University; American Academy Visiting Scholar, 2005–2006) has received one of the first annual Distinguished Columbia Faculty Awards in recognition of exceptional teaching, scholarship, and university citizenship.

Robert F. Drinan, S.J. (Georgetown University Law Center) is the recipient of the American Bar Association Medal.

Shmuel Noah Eisenstadt (Hebrew University of Jerusalem) was awarded the 2005 EMET Prize by the AMN Foundation for the Advancement of Science, Art, and Culture in Israel, under the auspices of and in cooperation with the Prime Minister of Israel.

Richard A. Epstein (University of Chicago Law School) was awarded the 2005 Brigham-Kanner Prize.

Ronald M. Evans (Salk Institute for Biological Studies) was awarded the 2005 Grande Médaille D'Or, France's highest scientific honor.

Michael E. Fisher (University of Maryland) was awarded the 2005 Royal Medal by the Royal Society of London.

William Gates (Microsoft Corporation and Bill & Melinda Gates Foundation), **Melinda Gates** (Bill & Melinda Gates Foundation), and **Bono** (U2) were named *Time* magazine's "Persons of the Year" for 2005.

Jane Goodall (Gombe Stream Research Center) was named Dame of the British Empire for services to the environment and conservation.

Ronald L. Graham (University of California, San Diego), **Laura H. Greene** (University of Illinois at Urbana-Champaign), **Linda Greenhouse** (*New York Times*), **William A. Klemperer** (Harvard University), **Bernard J. McGinn** (University of Chicago), and **Elliot M. Meyerowitz** (California Institute of Technology) have been named Phi Beta Kappa Visiting Scholars for 2005–2006.

Peter R. Grant (Princeton University) and **B. Rosemary Grant** (Princeton University) have been awarded the 2005 Balzan Prize for Population Biology.

Russell J. Hemley (Carnegie Institution of Washington) and **Ho-kwang Mao** (Carnegie Institution of Washington) have been awarded the 2005 Balzan Prize in Mineral Physics.

Henry A. Kissinger (Kissinger Associates) is the recipient of the First Annual Benjamin Franklin Public Service Award of the Foreign Policy Research Institute.

Eve Marder (Brandeis University) has won the Ralph W. Gerard Prize in Neuroscience.

Kevin M. Murphy (University of Chicago) has been named a 2005 MacArthur Fellow by the John D. and Catherine T. MacArthur Foundation.

Eric N. Olson (University of Texas Southwestern Medical Center) was awarded the Pollin Prize in Pediatric Research by the Linda and Kenneth Pollin Foundation.

Alberto Palloni (University of Wisconsin, Madison) has received a MERIT award from the National Institutes of Health.

Anthony James Pawson (Samuel Lunenfeld Research Institute) was awarded the 2005 Royal Medal by the Royal Society of London.

Menahem Pressler (Indiana University) received France's highest cultural honor, the Commandeur in the Order of Arts and Letters award.

Henry F. Schaefer III (University of Georgia) has been awarded the 2005–2006 Joseph O. Hirschfelder Prize in Theoretical Chemistry.

Lee S. Shulman (Carnegie Foundation for the Advancement of Teaching) is the recipient of the 2006 University of Louisville Grawemeyer Award for Education.

Edwin M. Southern (University of Oxford) is among the recipients of the 2005 Lasker Awards for Medical Research.

Ajit P. Varki (University of California, San Diego) is the recipient of the 2005 Karl Meyer Award.

Andrew J. Wiles (Princeton University) was awarded the Shaw Prize in mathematics by the Shaw Prize Foundation in Hong Kong.

New Appointments

Robert M. Berdahl (University of California, Berkeley) has been named President of the Association of American Universities.

Ben Bernanke (Princeton University) has been appointed Chairman of the Federal Reserve Board.

Lewis C. Cantley (Harvard Medical School) has been named to the Scientific Advisory Board of Vertex Pharmaceuticals, Inc.

David Clary (University of Oxford) has been elected President of Magdalen College.

M. Judah Folkman (Harvard Medical School) has joined the Board of Directors of Synta Pharmaceuticals.

Michael Gazzaniga (Dartmouth College) has been appointed Director of the SAGE Center for the Study of the Mind at the University of California, Santa Barbara.

Don Michael Randel (University of Chicago) has been elected President of the Andrew W. Mellon Foundation.

John S. Reed (Citigroup) has been elected Chairman of the Board at the Center for Advanced Study in the Behavioral Sciences.

Erkki Ruoslahti (Burnham Institute) has been appointed to the Board of Directors of Advanced Cell Technology, Inc.

Select Publications

Fiction

Paul Auster (New York City). *The Brooklyn Follies*. Henry Holt and Co., January 2006

John Barth (Chestertown, MD). *When Three Roads Meet: Novellas*. Houghton Mifflin, November 2005

Nadine Gordimer (Johannesburg, South Africa). *Get A Life*. Farrar, Straus and Giroux, November 2005

Alison Lurie (Cornell University). *Truth and Consequences: A Novel*. Viking, October 2005

Sigrid Nunez (New York City). *The Last of Her Kind*. Farrar, Straus and Giroux, January 2006; *A Feather on the Breath of God*. Picador, January 2006

Richard Stern (University of Chicago). *Almonds to Zooof: Collected Stories*. Triquarterly Books/Northwestern University Press, June 2005

Nonfiction

Bruce Ackerman (Yale University). *After the Next Attack: Emergency Powers in an Age of Terrorism*. Yale University Press, March 2006

Ira Berlin (University of Maryland) and Leslie M. Harris (Emory University), eds. *Slavery in New York*. New Press, November 2005

Stephen G. Breyer (United States Supreme Court). *Active Liberty: Interpreting Our Democratic Constitution*. Knopf, September 2005

David Brion Davis (Yale University). *Inhuman Bondage: The Rise and Fall of Slavery in the New World*. Oxford University Press, March 2006

David Herbert Donald (Lincoln, MA) and Harold Holzer (Metropolitan Museum of Art, New York), eds. *Lincoln in The Times: The Life of Abraham Lincoln as Originally Reported in The New York Times*. St. Martin's Press, November 2005

Robert F. Drinan, S.J. (Georgetown University Law Center). *Can God and Caesar Coexist? Balancing Religious Freedom and International Law*. Yale University Press, November 2005

Shmuel Noah Eisenstadt (Hebrew University of Jerusalem). *The Great Revolutions and the Civilizations of Modernity*. Brill Academic Publishers, January 2006

James Engell (Harvard University) and Anthony Dangerfield. *Saving Higher Education in the Age of Money*. University of Virginia Press, April 2005

Eric Foner (Columbia University). *Forever Free: The Story of Emancipation and Reconstruction*. Knopf, November 2005

Renee C. Fox (University of Pennsylvania), Victor M. Lidz (Drexel University College of Medicine), and Harold J. Bershad (University of Pennsylvania), eds. *After Parsons: A Theory of Social Action for the Twenty-First Century*. Russell Sage Foundation, August 2005

John Hope Franklin (Duke University). *Mirror to America: The Autobiography of John Hope Franklin*. Farrar, Straus & Giroux, November 2005

John Lewis Gaddis (Yale University). *The Cold War: A New History*. Penguin Press, December 2005

Sandra M. Gilbert (University of California, Davis). *Death's Door: Modern Dying and the Ways We Grieve: A Cultural Study*. W. W. Norton, January 2006

Doris Kearns Goodwin (Concord, MA). *Team of Rivals: The Political Genius of Abraham Lincoln*. Simon & Schuster, October 2005

Brian Hall (Dalhousie University). *Bones and Cartilage: Developmental and Evolutionary Skeletal Biology*. Elsevier/Academic Press, June 2005; **Brian Hall** and Benedikt Hallgrímsson (University of Calgary), eds. *Variation: A Central Concept in Biology*. Elsevier/Academic Press, July 2005

Tony Judt (New York University). *Postwar: A History of Europe since 1945*. The Penguin Press, October 2005

Eric Kandel (Columbia University). *In Search of Memory: The Emergence of a New Science of Mind*. W. W. Norton, March 2006

Ira Katznelson (Columbia University) and **Barry R. Weingast** (Stanford University), eds. *Prefereces and Situations: Points of Intersection between Historical and Rational Choice Institutionalism*. Russell Sage Foundation, August 2005

Edmund Keeley (Princeton University). *Borderlines: A Memoir*. White Pine Press, May 2005

Joseph Kerman (University of California, Berkeley). *The Art of Fugue: Bach Fugues for Keyboard, 1715–1750*. University of California Press, June 2005

Brice Marden (New York City) and Lisa Liebmann (New York City). *Brice Marden: Paintings on Marble*. Steidl Publishing, January 2006

Gary B. Nash (University of California, Los Angeles). *The Forgotten Fifth: African Americans in the Age of Revolution*. Harvard University Press, March 2006

Geneva Overholser (University of Missouri School of Journalism) and **Kathleen Hall Jamieson** (University of Pennsylvania). *The Institutions of American Democracy: The Press*. Oxford University Press, May 2005

Stephen Owen (Harvard University). *The Late Tang: Chinese Poetry of the Mid-Ninth Century (827 – 860)* and *The Making of Early Chinese Classical Poetry*. Harvard University Press, March 2006

Thomas C. Schelling (University of Maryland). *Strategies of Commitment and Other Essays*. Harvard University Press, February 2006

Robert Scholes (Brown University). *Paradox of Modernism*. Yale University Press, March 2006

Theda Skocpol (Harvard University) and Lawrence R. Jacobs (University of Minnesota), eds. *Inequality and American Democracy: What We Know and What We Need to Learn*. Russell Sage Foundation, August 2005

Jane Smiley (New York City). *Thirteen Ways of Looking at the Novel*. Knopf, September 2005

Barbara Herrnstein Smith (Duke University/Brown University). *Scandalous Knowledge: Science, Truth, and the Human*. Duke University Press, February 2006

Leonard Susskind (Stanford University). *The Cosmic Landscape: String Theory and the Illusion of Intelligent Design*. Little, Brown, December 2005

John Updike (Boston, MA). *Still Looking: Essays on American Art*. Knopf, November 2005

Lawrence Weschler (*The New Yorker*). *Everything That Rises: A Book of Convergences*. McSweeney's, February 2006

Anthony C. Yu (University of Chicago). *State and Religion in China: Historical and Textual Perspectives*. Open Court, May 2005

Perez Zagorin (Charlottesville, VA). *Thucydides: An Introduction for the Common Reader*. Princeton University Press, October 2005

Exhibitions

John Baldessari (University of California, Los Angeles): upcoming shows at Marian Goodman, Paris, France, March 2006; Sprüth Magers Lee Gallery, London, England, April 2006.

Louise Bourgeois (New York, NY): "Print Focus: Recent Editions" at Greg Kucera Gallery, Seattle, Washington, February 16 – April 1, 2006.

Sir Anthony Alfred Caro (London, England): "A Life in Sculpture: The Kenwood Series" at Bentley Projects, Phoenix, Arizona, December 2, 2005 – March 22, 2006; "Caro in Focus" at the Portland Art Museum, Portland, Oregon, October 1, 2005 – October 1, 2006.

Chuck Close (New York, NY): "Chuck Close: Process and Collaboration" at the Modern Art Museum of Fort Worth, Texas, April 16 – June 28, 2006.

David Hockney (Los Angeles, CA): "David Hockney Portraits" at the Los Angeles County

Museum of Art, Los Angeles, California, June 11 – September 4, 2006.

Brice Marden (New York, NY): "Extremes" painting on exhibit at the Muse D'Orsay, Paris, France, January 31 – April 30, 2006.

Bruce Nauman (Galisteo, NM): "Elusive Signs: Bruce Nauman Works with Light," at Baker/Rowland Exhibition Galleries, Milwaukee Art Museum, Milwaukee, Wisconsin, January 28 – April 9, 2006.

Jules Olitski (Marlboro, VT): included in the group exhibit "Figures in the Field: Figurative Sculpture and Abstract Painting from Chicago Collections" at the Museum of Contemporary Art, Chicago, Illinois, February 4 – April 23, 2006; and in the group exhibit "Blast from the Past: Art of the 1960s" at the Kresge Art Museum, East Lansing, Michigan, January 9 – March 19, 2006.

James Turrell (Flagstaff, AZ): "Los Angeles 1955 – 1985" at the Pompidou Center, Paris, France, March 8 – July 17, 2006.

Andrew Wyeth (Chadds Ford, PA): "Memory and Magic" at the Philadelphia Museum of Art, March 29 – July 16, 2006.

We invite all Fellows and Foreign Honorary Members to send notices about their recent and forthcoming publications, scientific findings, exhibitions and performances, and honors and prizes to bulletin@amacad.org. ■

Academy Dues

The Council has recommended a \$25 increase in dues for the coming year. Dues support less than 10 percent of current program and operating costs, covering a fraction of the expenses of Academy publications, membership election activities, and meetings across the country. ■

From the Archives

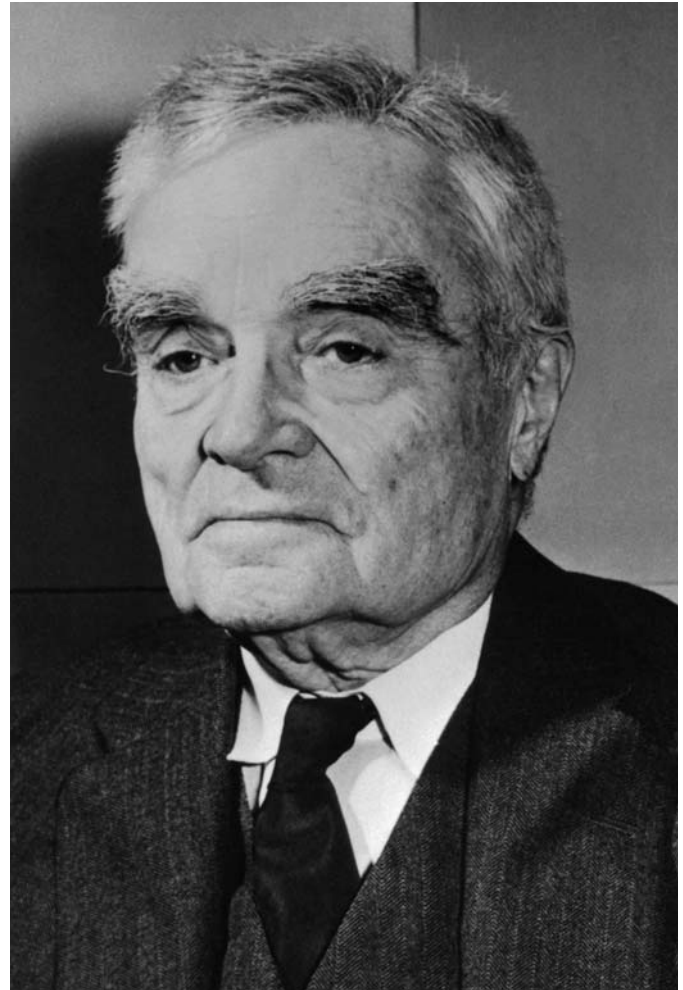
Several articles in this issue of the *Bulletin* focus on the interworkings of the three branches of government. Some fifty years ago, legal scholar Arthur Sutherland (Harvard Law School) and Academy Fellow (elected in 1955) spoke at the 1363rd Stated Meeting on “The Supreme Court and the General Will: Some Speculations on the Judicial Role in Tomorrow’s Democracy.” In it, he made the following observation:

Legislation (in a constitution or in some lesser law) often expresses a rather broad policy, and we expect the judge to carry out that policy in such a way as to achieve what is right in each case. Admittedly this feeling of “rightness” will derive from the judge’s preconceptions, habits, and previous experience. The same sort of influences govern the policy decision of the legislator and the administrator. But we hope that our judges can have a wider mass of governing relevancies than the legislator and the administrator. One of the wisest judges of our time – Learned Hand – has said that a judge who would pass on constitutional questions should be on bowing terms with philosophers and historians and poets, for supple institutions are not shaped by judges whose outlook is limited by parish or class:

They must be aware that there are before them more than verbal problems; more than final solutions cast in generalizations of universal applicability. They must be aware of the changing social tensions in every society which make it an organism; which demand new schemata of adaptation; which will disrupt it, if rigidly confined.

And why should not Presidents and Congressmen be required, likewise, to be nicely poised philosophers? One doubts the merit of the prescription. The capacity of the legislator to reflect impatient and perhaps transient popular emotion; the willingness of the executive to damn the torpedoes and go ahead – these are as necessary to make up the compound of government as the thoughtful search for justice.

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Learned Hand

Regarded as one of the finest jurists in American history, Learned Hand (Academy Fellow elected in 1933) served as a federal judge for fifty-two years and was often called “the tenth justice of the Supreme Court.”

Annual Fund Seeks to Top \$1.25 Million

The Academy's 2005 – 2006 Annual Fund is nearing its closing date of March 31. With the help of generous Fellows and friends, Development Committee Cochairs Louis Cabot and Robert Alberty look forward to surpassing the \$1.25 million mark set last year.

We are grateful to those who have already made a gift to the Annual Fund. We urge those who have not yet participated to do so by March 31. The Annual Fund helps to support Academy projects and studies, publications and website, as well as meetings and other activities across the country. Every gift counts toward reaching our ambitious goal.

For assistance in making a gift to the Academy, please contact the Development Office (email: dev@amacad.org; telephone: 617-576-5057). ■

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