

■ BY JOL SILVERSMITH

The Harvard University Police Department (HUPD) has been at the center of controversy several times this fall. Recent problems range from dangerous working conditions at the police station to a fist fight between two officers. Such incidents fade from the student body's collective memory after a few years. The majority of HUPD officers and security guards may well be fulfilling their duty, to protect members of the Harvard community from danger. But in repeated incidents of harassment and misconduct, HUPD officers and security guards themselves have often been the danger. In an increasingly dangerous world, Harvard students should be concerned by the repeated failure of the HUPD to fulfill the traditional police mission: "to serve and protect." Paul E. Johnson, Chief of the HUPD, is currently on medical leave and is expected to retire at the end of the year after ten years of service. Now seems an appropriate time to review the performance of the department under his tenure.

Since the 1970s HUPD officers have been deputized with police powers in Middlesex and Suffolk Counties, giving them a wider jurisdiction than Cambridge police officers, who are only deputized to operate in Middlesex County. Johnson himself was the commander of the Area B station in Roxbury and a member of the Boston Police for 26 years before becoming Chief of the HUPD on December 5, 1983. Controversy began almost immediately.

Bruce Wall, then Reverend of the 12th Baptist Church in Roxbury, indicated in an article in the February 16, 1984 *Crimson* that Johnson had trouble communicating his ideas to the officers responsible for implementing them. Although Johnson supporters blamed some of the area's drug problems on budget cutbacks, Wall and others indicated that during his tenure Roxbury and surrounding areas had become unpleasant places to live.

Perhaps due to similar communication problems, within a year the HUPD was under scrutiny for multiple charges of harassment and racism from students. The February 21, 1985 *Crimson* reported that University officials had gone so far as to create a committee to investigate student complaints of police misconduct. For example, Remigio Cruz '86, a Hispanic student, recounted six "unwanted" encounters with the HUPD, including an incident on February 16, 1985 in which he was stopped for "suspicion of wearing illegal sand gloves." In an interview, Cruz indicated that a dispatcher laughed when he tried to register a complaint, and that Harvard did not take his complaints seriously until he approached the Massachusetts Attorney General.

Cruz suggested that his experiences might reflect an internal code of solidarity at the HUPD: no one is reprimanded, small discrepancies are forgiven, and other officers deny seeing misbehavior. Although current events suggest that the department's solidarity may have since waned, such a code could explain many incidents over the past decade. Cruz indicated that he believed things would change after his experience—but events seem to have proved him wrong. A student currently at Harvard recounts that Johnson once asserted that he had made amends with many of the students who had filed complaints against HUPD, including one who is now a social worker in New Jersey. This is likely a reference to Cruz, who instead told *Perspective* that he regrets not having pursued legal action against HUPD.

The year before Cruz's experience, Thomas Harris '84 and two other black students were stopped by the HUPD as possible suspects in a car theft. They were frisked without being given the opportunity to present their identification cards; none, according to Harris, even resembled the HUPD's description of thieves. In an interview, Harris voiced the opinion that the HUPD is more concerned with protecting Harvard property than Harvard students. Dean of Students Archie C. Epps III admitted in the February 18, 1984 *Crimson* that he was troubled by HUPD discrimination: "There appears to be a problem, but I don't know the magnitude." A year later a black high school senior visiting Harvard, reported that he was stopped three times near Johnston Gate by officers asking him what he was doing and where he was going. "It seemed like they thought I was trying to break in," he reported.

In light of such incidents, students did suggest that Harvard should reformulate its procedures for addressing police harassment. Anthony Ball '86, a representative of the Third World Students Alliance, noted that "Epps has no formal structure on which to act now. All Harris got was a half-baked apology [from Johnson and Dean of the College John B. Fox Jr. '59]." The March 20, 1985 *Crimson* reported that Epps had proposed a new section in the student handbook to address such concerns, including students' civil rights in Massachusetts and the procedures for filing a police harassment complaint.

However, the *Handbook for Students 1993-94* shows no evidence that comprehensive procedures were ever implemented. The current policy suggests only that students talk to their Senior Tutor or various other university officials. Alternatively, they may direct their concerns to the Commission of Inquiry, a powerless investigative body that was not designed for and lacks the resources to fulfill such a task. In 1985, Thomas Wilkins '86, President of the Black Students Association, indicated that in addition to three or four official harassment complaints, there were many more individuals who did not have the courage to step forward. Over the past eight years, nothing has apparently been done to help them do so.

Partially as a result, discriminatory behavior has continued. On March 14, 1989, two black students, Andre L. Williams '89 and Craig A. Cochrane '91, were pulled off of a Harvard shuttle and searched by Cambridge police officers with HUPD officers present. The officers were searching for suspects in a theft in Harvard Square. However, all the officers were aware that the suspects were white.

HUPD officers not only were present during the search, but did not act to stop it once it became evident that the Cambridge officers had selected the black students on the shuttle. Vice President and General Counsel Daniel Steiner '54 asserted that the HUPD officers had not acted improperly, noting that they had not participated in the physical search. But in apparent contradiction to this sentiment, he then issued a formal apology to the students involved. Racism among the HUPD appears not to have been an aberration at the beginning of Johnson's tenure; it has remained a potent force up to the present day.

Perhaps more distressing than racist incidents have been the times when police have permitted students to be physically assaulted, acted to

his passage and demonstrated loudly during his speech to the Conservative Club. Nine students ultimately filed complaints with the Commission of Inquiry. They later indicated that they felt that many of their complaints were slighted or overlooked by the member of the commission assigned to investigate the matter, Professor of Law, Emeritus Milton Katz '27.

Four primary complaints were tendered in regard to the behavior of the HUPD: that they had no authorization from administrators when they charged the crowd of protesters; that they recruited members of the

Harvard Conservative Club to commit acts of violence against students; that the officers escorting the Consul used excessive force against students; and that the police had exacerbated the situation and created the violence by never attempting to negotiate with the protesters. The Commission of Inquiry did not substantiate all of the charges. However, its report did make two things clear. First, the commission clearly lacked the resources to perform such an investigation, particularly because it had no power to make HUPD account for its actions. Second, at least one HUPD officer was guilty of using excessive force against a Harvard student.

In regard to the HUPD circumventing

the chain of command, Vice President Steiner said that normally the Chief would consult with him, but that Johnson was unaware that Steiner was present at the demonstration. But Dean of Students Archie C. Epps had asked the police to "wait" while he and other administrators attempted to end the demonstration peacefully. While Epps had no authority over the department, the HUPD disregarded his request and did not even bother to inform Epps of their impending action.

"To be perfectly frank," Epps later told *The Crimson*, "Mr. Johnson is new and we are unsettled amongst the several components who have an interest here about his supervision [and] general policies..." The Commission of Inquiry reported that although Johnson had an "inescapable responsibility" to make a decision to protect the Consul, there is a "need for clearer and more precise definition and allocation of authority and responsibility." In other words, by the way he focused upon the safety of the Consul, Johnson unacceptably endangered students.

As a further example, the Commission did not find any substantial proof that the police recruited students to commit acts of violence against other students. However, it did find that Johnson permitted at least two members of the Conservative Club to leave with the police as "aides" to the Consul, a questionable action at best if he was truly concerned about student safety. Johnson also "ordered" several members of the Conservative Club to leave the JCR through a window as part of a

Chief Johnson watches the May 2, 1985 window break

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endanger students, or even injured students themselves. The most dramatic example of such misconduct stems from the controversy over the appearance of the South African Consul General to the United Nations, Abe S. Hoppenstein, at Lowell House on May 2, 1985. In what was probably the largest disturbance at Harvard since the 1960s, 200 students blocked the Consul and various members of the Harvard Conservative Club inside the Lowell House JCR for several hours, until officers forced their way through the crowd and escorted the Consul off campus through underground tunnels.

Complaints of police brutality were immediate and widespread. No direct violent action had been taken by the student protesters against the Consul, although they had used their bodies to interfere with

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diversionary tactic.

The Commission reported that one HUPD officer did unquestionably use excessive force against a student, but due to conflicting testimony, he could not be identified. Even though several students identified a specific HUPD officer, the Commission declined to identify which officer threw

Benjamin Robinson '85 down the stairs in front of the Lowell House dining hall as he formed part of a "phalanx" around the Consul. The Commission stated unequivocally that "despite the difficult circumstances, for a trained police officer the act was an excessive use of force."

In an interview, Robinson indicated that the entire incident could have been avoided if Johnson had talked to the protesters. The protesters, he reports, wanted to be arrested by the Cambridge Police, and would have gone peacefully if HUPD had permitted them to exercise their jurisdiction. Robinson was not the only student injured, although he was the only one who was attacked by the HUPD. Damon Silvers '86, one of the students who filed a complaint, noted that Commission Chair Katz had failed to contact many of these students, and account for their testimony which contradicted the

undisputed. At about 10 P.M., a uniformed individual entered Sever Hall, and ordered all of the participants to immediately leave the building. When they replied that they believed that they were permitted to use the building until 11 P.M., the individual became belligerent and "out of control." He turned off all of the hallway lights in the building while most of the participants were still inside, endangering them as they tried to find their way out of an unfamiliar building.

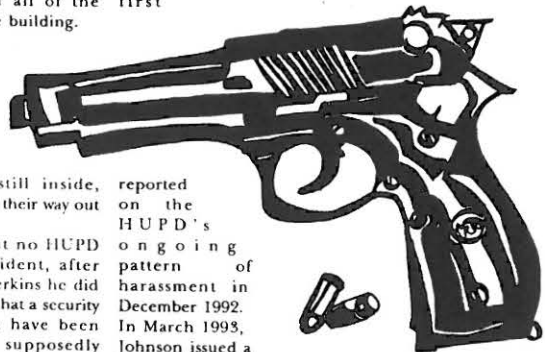
Although Johnson declared that no HUPD officers were involved in the incident, after considering evidence presented by Perkins he did not deny that an incident occurred or that a security guard under his command might have been involved. The identity of a guard supposedly responsible for the incident is known within the HUPD and among reporters who have investigated the incident. This guard has been repeatedly disciplined for misconduct, most recently at the law school.

In the summer of 1990, the HUPD entered into a controversial deal with the Saudi prince Abdul-Aziz Al Saud to provide a guard detail for his retinue in exchange for \$27,000 a week. Reporters from *The Crimson* following the retinue on more than one occasion were attacked or had their lives threatened in the presence of HUPD officers who did not act to stop the attacks and did not respond to the students' requests for assistance. On September 29, 1990, William Bachman '92 was kicked in the midsection by one of the prince's security agents who then threatened to injure another reporter if they did not stop taking photographs. Joshua Gerstein '92, approached a Harvard police officer on the guard detail, who asked "How do you know I'm a Harvard police officer?" and refused to take a report.

Earlier that afternoon, Gerstein's life was threatened by Dr. Mustafa Aziz, an aide to the prince, again for taking photographs. Aziz rushed towards him and shouted "Take pictures of me, I shoot you." Neither Lt. Lawrence Murphy, the officer in charge of the detail, nor any of the other approximately 10 officers in earshot came forward when Gerstein asked for assistance and for them to take a report. Murphy is now the acting chief of the HUPD responsible for protecting the lives of every member of the Harvard community. In a telephone

the behavior of the HUPD was certainly less than exemplary; the HUPD had not only failed to provide security but, for some students, had actively lessened it.

The foremost example of police harassment in recent years may be the HUPD's treatment of Paul Suprono, a student at the Extension School. *Perspective* first



reported on the HUPD's ongoing pattern of harassment in December 1992. In March 1993, Johnson issued a

memo for the second time in a year instructing officers that action against Suprono must be predicated on "immediate circumstances or complaints." But Johnson had earlier described Suprono as a "spooky guy" in an article in the *Harvard Law Record*, an unprovoked statement that should chill students' faith in the ability of HUPD to protect us without bias. The pattern of harassment even extends beyond the HUPD—in October, Suprono was pulled over by a state police trooper who turned out to be a former HUPD officer that had merely recognized Suprono.

Most recently, on October 29 of this year, Harvey Silvergate, an attorney and former President of the Civil Liberties Union of Massachusetts, placed an ad in *The Crimson* seeking students who have "tangled" with the HUPD. In an interview Silvergate noted that he has represented several students who were the victims of racism or other misconduct by the HUPD. He speculated that the department has come to treat students not as members of the Harvard community, but as "the enemy"; the HUPD would rather prosecute students than try to resolve disputes informally or through college disciplinary procedures. He also suggests that the authority of the General Counsel over the HUPD is fictitious. When the General Counsel has even responded to complaints filed on behalf of clients, their replies have been slow and inadequate, almost as if they are afraid of the HUPD.

Certainly, not all of the HUPD officers and guards are a danger to students and/or fail to fulfill their duties. Many of them are devoted and competent individuals who work hard to protect the Harvard community. But this article is not by any means a complete accounting of misconduct by the HUPD. Many other cases, both publicized and unpublicized, lend support to the assertion that there has been an continuing pattern of racism, harassment and misconduct by some officers and guards during Johnson's tenure as Chief of the Harvard University Police Department.

Sometime soon, the HUPD will likely have a new Chief, and a new opportunity to define itself. It will be the responsibility of this woman or man to take charge of protecting the Harvard community in a world that has long since ceased to be an ivory tower, to take the HUPD into the 21st century. But first the new Chief will have to address the problems within the HUPD. In the December 16, 1989 *Crimson*, Henry Rosovsky, former Dean of the Faculty, is quoted as having said, "You will be here for four years. I will be here for the rest of my life. Harvard will be here forever." While this attitude may not be uncommon among Harvard administrators, it is untenable by the HUPD. The HUPD must protect the community in the here and now. Harvard cannot wait another ten years hoping that racism, harassment, and other misconduct will simply vanish from HUPD. The HUPD has a long way to go to earn and deserve trust of students; in the meantime, they must be forever vigilant. ♦

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ration at Lowell House through a the protest.

findings of the Commission. In sum, by ordering action without negotiating with the students or consulting college officials (who the Commission says hoped to convince the "thoughtful and principled" students to disperse), Johnson only made his own job more difficult and endangered everyone involved.

Harassment by the HUPD is not limited solely to students, however. The February 21, 1989 *Crimson* reports that the HUPD had begun roughly evicting homeless individuals from heat grates next to the Holyoke Center. Stewart Guernsey, of the homeless advocacy organization Second Home, said that this behavior was not uncommon. "Well, periodically [the Harvard Police] get in their Gestapo mode, and want to go rolling around playing cop." On January 18, 1990, the HUPD arrested four men for alleged sexual activity in the main Science Center men's restroom. They were criticized for their brutal tactics and accused of entrapping the men. Morris Ratnor, co-chair of the Harvard Law School Committee on Gay and Lesbian Legal Issues, indicated that an undercover agent sent signals to coerce the men, and officers later "made a scene by parading them before a crowd."

On February 15, 1991, an individual who has been identified both as an HUPD officer and a security guard violently ejected more than 25 participants in the Harvard High School Forensics Tournament from Sever Hall. In an interview, Dallas Perkins, director of the Harvard High School Forensics Forum, said that certain facts are

interview, Gerstein elaborated on the conduct of the HUPD. Not only did they fail to aid *Crimson* reporters, but plainclothes Harvard police officers physically interfered with their efforts to take photographs. Lt. Murphy himself on one occasion blocked Gerstein; another HUPD officer grabbed Gerstein's camera.

The October 31, 1990 *Crimson* reports that despite an earlier denial that the detail was impairing the operations of HUPD, Steiner had ordered an end to detail because the length of the operation made it hard to justify its existence: "Our mission is providing security for Harvard." Yet again Steiner contradicted himself. As Gerstein indicated,