

Marshall Alumni Newsletter

Fall 2018



Marshalls in the Arts

Editors



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Managing Editor,
(UC Berkeley, BA 1991; Trinity College,
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Deputy Editor
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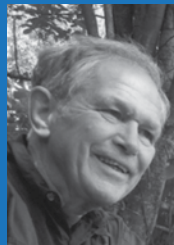
Diana Coogle

Profiles Co-editor
(Vanderbilt, BA 1966; Newnham College, Cambridge,
MA 1968; University of Oregon, PhD, 2012) After
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is again teaching English at Rogue Community Col-
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Ushma Savla Neill

Special Features Editor
(Northwestern, BS 1996; MS 1996;
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medical research journals, Ushma
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Kettering Cancer Center.



Wallace Vickers Kaufman

Profiles Co-editor
(Duke University, BA 1961; Oxford MLitt 1963) Wal-
lace started his career as an English professor and sub-
sequently moved into business and economic survey
work in E. Europe, Russia, and Central Asia. He is now
based in the Oregon coastal wilderness where he has
built a house, finished a sci-fi novel, and is working on
two new books while crabbing, fishing, and kayaking.



Aroop Mukharji

Co-Editor for Class Notes
(Williams College, BA 2009; LSE,
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a history of the Marshall Scholarship
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also a PhD candidate in Public Policy
at Harvard Kennedy School.



John Thomas Nelson

Co-editor for Class Notes
(Princeton, AB 2010; School of Slavonic and East Eu-
ropean Studies, MA 2012; London School of Econom-
ics, MSc 2013) John has enjoyed serving as a co-editor
for class notes since the very first months of his tenure
as a Marshall Scholar, but is passing the baton in an-
ticipation of starting a law degree at Yale in the fall. At
present, he is dividing his remaining months of liberty
between travel and LSAT instruction.



Nabiha Syed

Co-Editor for Class Notes
(Johns Hopkins, BA 2007; Yale University, JD 2010;
Oxford, MSt Comparative Media Law 2011) Nabiha
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Views represented in this newsletter are those of the authors
and do not necessarily represent the views of the AMS or the
Marshall Aid Commemoration Commission (MACC).

Zachary D. Kaufman:

Bystanders and Upstanders

Zachary D. Kaufman ('02 Oxford), who serves on the AMS's Board of Directors as the Director of Communications, teaches at Stanford Law School and is a Senior Fellow at Harvard University's Kennedy School of Government. The author or editor of three books and over 40 articles and book chapters, Kaufman has recently written several works on the subject of bystanders (those who witness a crime or crisis but do not intervene) and upstanders (those who are proactive in such situations).

Two of Kaufman's pieces on the topic were published in *Foreign Policy*. The first, in 2016, is about Muslim rescuers during atrocity crimes. The second, in 2017, is about Aung San Suu Kyi's bystanderism during the ongoing atrocity crimes against the Rohingya. These and other publications are building to Kaufman's next book: on bystanders and upstanders generally. A third piece, about the revelations from the #MeToo movement regarding bystanders to sexual abuse in the United States, was published in 2018 in the *Boston Globe*.

Forthcoming in the *Southern California Law Review* is Kaufman's third article on the topic: "Protectors of Predators or Prey: Bystanders and Upstanders amid Sexual Crimes." In this article, Kaufman proposes a more comprehensive approach to addressing witnesses to specific instances of sexual violence in the United States in order to align law and society more closely with morality. Kaufman states that he was inspired to focus his new article on this topic because of "widespread revelations about the scourge of sexual violence in the United States and the failure of those aware of it to intervene."

One of the four cases Kaufman examines in the article occurred in Nevada in 1997, when Jason Strohmeyer followed 7-year old Sherrice Iverson into a restroom, where he molested and murdered her before stuffing her corpse into a toilet bowl. Strohmeyer's friend, David Cash, observed part of the crime but did not intervene and even brainstormed with Strohmeyer afterwards ways for him to avoid arrest. While Strohmeyer was ultimately convicted and sentenced to life without parole, Cash was not charged with any crime. "Bad Samaritan" bills targeting such bystanderism were subsequently introduced



in Congress but never made it out of committee. However, California (where Iverson, Strohmeyer, and Cash all lived) and Nevada (where Strohmeyer perpetrated the crime) both passed bills named after Iverson that penalize certain forms of bystanderism. Some other states also now have their own Bad Samaritan laws, but violations are seldom charged. Kaufman proposes strengthening, spreading, and standardizing Bad Samaritan laws at the state and federal levels.

In the article, Kaufman also presents an original typology of bystanders and upstanders. He does so to introduce greater nuance into these categories and to recommend varying legal responsibilities for different sub-categories. Additionally, drawing on models in Canada and elsewhere, Kaufman proposes incentives to increase upstanderism either by recognition or remuneration. Kaufman's recommendations, while focused on sexual violence, are relevant to other crimes and crises. A preprint of the article is available on his website: www.zacharykaufman.com.

