

February 28, 1973

Mr. Christopher F. Edley
The Ford Foundation
320 East 43rd Street
New York, New York

Dear Chris:

This is a formal request for a grant of \$500,000 from the Ford Foundation to organize and operate a Civil Rights Center in the Law School of the University of Notre Dame. As you will recall, we originally spoke of the grant for five years, but after much discussion, it seemed better to make the request for four years, with the option of stretching the funds to five years if that would appear possible once we have had several years experience.

I am enclosing a proposal which lists the several purposes of the grant, as well as a budget which projects the expenses as best we can envision them from this vantage point in time. I would hope that here, too, we might have the flexibility of negotiating minor changes in line items if the experience should prove that the money might be more effectively used in one line rather than another. You will recall that after some discussion we decided to change our original projected budget to strengthen the manpower segment. I have also noted in the budget the various contributions to the project on the part of the University. We have not requested the usual overhead percentages, as we would like to contribute this to the project.

Also appended is a brief history of the long time interest that our Law School and faculty have had in the area of civil rights. I believe this interest is essential to the success of the project. I was happy that you had the opportunity to speak with faculty members here and assess this interest.

May I also take this opportunity of thanking you, Chris, for your time and ideas which have helped to sharpen the scope of the project through discussion. I believe we now have it in reasonably adequate form to make this formal proposal for a grant.

As you know, it is my intention to offer the Directorship of the project to Howard Glickstein, former Staff Director of the U. S. Commission on Civil Rights during most of the time that I was Chairman. I have several good back-up candidates in the event that Howard cannot be persuaded to take this task, but I fervently hope that he will because I believe that at the present time he is the best candidate.

Regarding the National Advisory Council, I have in mind such people as Bill Taylor, Clarence Mitchell, Harris Wofford, Berl Bernhard, and Vernon Jordan. In the event that one of them could not serve, I would think of Grace Olivarez as an alternate.

As I mentioned during our first conversation, I believe that the whole civil rights movement is somewhat discouraged and even in disarray at the moment. The creation of this Center would give encouragement to many and new vitality to the movement, insofar as it would rally some of the best persons to bring new leadership and creativity to the task that faces us in the years ahead. As outlined in the proposal, this would be done on a variety of levels, reflecting both intellectual research and publications, as well as conferences that would focus on new and creative solutions to our old problems in civil rights. The latter would be somewhat useless without the former. We will be creating here an intellectual resource that will be available to students and leaders of civil rights for many years to come.

It is also my belief that once the Center has established itself firmly and acquired a good public reputation, it will be possible to enlarge its activities through funds from other sources. I would, of course, plan on working closely with the Center personally.

All best wishes and many thanks for your generous help in this matter.

Very sincerely yours,

(Rev.) Theodore M. Hesburgh, C.S.C.
President

OBJECTIVES OF THE NOTRE DAME CENTER FOR CIVIL RIGHTS

This is a period when our nation is in retreat from the civil rights advances of the last twenty years. The Notre Dame Center for Civil Rights is intended to meet this crisis by being responsive to three critical needs. It will be a center for research into the United States' recent civil rights history, for analysis of current civil rights issues, and for recommendations designed to meet the problems of today and the immediate future. The Center will work with other similar institutions across the country and endeavor to coordinate research and analysis to avoid duplication and maximize expertise. Based on a solid foundation of books and documents collected over a period of fifteen years, the Center will be directed at fulfilling the following objectives:

1. To engage in public policy analysis in the fields of civil and human rights. This analysis will focus on current and proposed federal and state programs and will lead to public assessment of their merits.

2. To analyze in depth existing civil rights and social problems and recommend viable solutions. It is hoped that periodic studies will be issued.

3. To prepare a history of civil rights developments during the period 1957-1972. Many early assumptions have proven incorrect; many programs have failed to meet their goals. On the other hand, there have been a number of successes. An analysis of what went right and what went wrong is essential. While a number of books and studies have

been prepared dealing with various aspects of the so-called civil rights revolution, there is no over-all analysis of the momentous decade of the 60's.

4. To serve as a catalyst for proposals dealing with current civil rights and social problems. These proposals could be developed in a number of ways:

- a. Through the work of students and faculty who utilize the resources of the Center;
- b. Through conferences sponsored by the Center;
- c. Through lectureships sponsored by the Center;
- d. Through the efforts of a National Advisory Council that would be analogous to the Foreign Policy Council that issues policy papers directed at the nation's foreign affairs problems. This National Advisory Council would be composed of a representative group of individuals who would meet periodically to develop their positions.

5. To serve as an educational resource for political science and law students at Notre Dame. In conjunction with the faculties of the Political Science Department and the Law School, programs of research and instruction would be developed. In addition, the resources of the Center will be of assistance to students engaged in more immediate activities such as administrative and judicial efforts to promote civil rights.

6. To serve as a civil rights informational resource for individuals, scholars, and lawyers throughout the country. The material available to the Center could prove a valuable source of information for individuals or groups seeking solutions to problems in their communities, for scholars engaged in research, and for lawyers involved in drafting statutes or conducting litigation. As staff of the Center develops and as faculty and student participation in the work of the Center increases, it would be possible to develop a clearinghouse to serve the various needs outlined above.

7. To serve as a repository for the papers of Reverend Theodore M. Hesburgh amassed during his fifteen years as a member and Chairman of the U. S. Commission on Civil Rights. This collection of documents also includes civil rights related papers and books accumulated by Father Hesburgh from sources outside the Commission. It will serve as a solid foundation on which the Center can be built. When organized and catalogued, the collection will be a resource for students at the University, as well as for scholars elsewhere. This collection is far more than merely a valuable historical asset. Proposed solutions to civil rights problems often are far ahead of their time and must wait many years before they gain acceptance. For example, the basic provisions of the Voting Rights Act of 1965 were recommended by the Commission on Civil Rights in 1959; it took six years to gain acceptance. Thus, this collection, which includes many studies and analyses relating to solutions to our civil rights problems, provides a basis for formulating current recommendations. In addition,

it will be invaluable to any historical study of the period 1957-72.

The Commission on Civil Rights was deeply involved in all civil rights developments during this period and its records provide a rich lode for analysis.

8. To endeavor, through all of its activities, to enlarge the nation's conception of "civil rights" to include the entire range of rights embraced by the United Nations Declaration of Human Rights.

Notre Dame Law School

Notre Dame, Indiana 46556

Office of the Dean

February 28, 1973

(Rev.) Theodore M. Hesburgh, C.S.C.
President
University of Notre Dame
Notre Dame, Indiana 46556

Dear Father Ted:

This will elaborate a bit on the background and interest of our Law Faculty in civil rights.

Dean O'Meara established an annual-symposium tradition in 1954. In all, the school held eleven of these symposia during his years as Dean, all of them dealing with the public-law issues which faced the nation in those years, and several dealing directly with civil rights. In addition, the school sponsored three conferences on civil-rights legislation, one in 1963 and two in 1966. And, in 1972, we inaugurated our annual civil-rights lecture series.

I attach a portion of my introduction to the 1972 lectures and excerpts from two of Dean O'Meara's annual reports. These explain the eleven symposia and the three meetings on civil-rights legislation.

I attach also a set of brief biographical sketches of four recently-added members of our faculty who were involved in the conversations with Mr. Edley and Mr. Glickstein this week.

Finally, these comments might be made about other members of our present faculty:

The open-housing movement in this part of Indiana was largely inaugurated and advanced by two members of our faculty--Professors Thomas F. Broden, Jr. and Conrad Kellenberg, who began with a series of "hearings" in 1963 and who labored through the 1960's, until both city and county had comprehensive open-housing legislation and a broad-based, adequately staffed Human Relations Commission.

The legal-aid program in this county was established by the county bar association and by our school; Professor Kellenberg was its first director; the Law School continues to provide, in kind, the local contribution for the program's O.E.O. funding. Professor Broden and I are members of its board. Our students and faculty have also established legal-aid programs in Cass and Berrien Counties in Michigan and have served prisoners in both states' prison systems, and in the federal system, since 1963. Professors Broden and Kellenberg have been heavily involved in these efforts. Professor Broden's involvement led to his being made a Knight of St. Gregory, to membership on the South Bend Human Relations Commission, and eventually to his being appointed

February 28, 1973

the first director of the Urban Studies Program at Notre Dame.

Professor Rodes and I were counsel in a frontal attack on housing desegregation by the local real estate board, a lawsuit that eventuated in a broad decree and, eventually, in that organization's renouncing its policies of racial exclusion from membership, as well as its policies of protecting segregated housing. I have also been involved in the work of the Indiana and American Civil Liberties Unions and have been as counsel, state director, advisory-board-member, and national committee member.

Father William M. Lewers, C.S.C., came to our school after extensive field work in civil rights in Mississippi and California; he has served as a member of the Indiana Advisory Committee of the United States Commission on Civil Rights; and is at present our resident expert on international civil rights and human rights in the developing world.

Sincerely,



Thomas L. Shaffer
Dean

attachments per above

cc: (Rev.) James T. Burtchaell, C.S.C.
Professor Thomas F. Broden
Professor Conrad Kellenberg
Father William Lewers, C.S.C.
Associate Dean David T. Link
Professor Fernand Dutille
Professor Francis X. Beytagh
Professor Robert E. Rodes

1972 Lectures

In 1954 Dean O'Meara organized the first of eleven spring symposia on public law. The first symposium, announced in a dark era for American political and civil liberties, went to the heart of the nation's most sensitive issue in the early Fifties; it was entitled *Legislative Investigations: Safeguards for Witnesses*. That problem—the problem of the so-called “McCarthy Era” and of the heyday of the House Un-American Activities Committee—demanded, as Dean O'Meara said, “[I]ard thinking by all who love and serve the law. The responsibility rests on the law schools no less than on the practicing bar.”

Participants in that first symposium included Abe Fortas, William T. Gossett, Kenneth B. Keating, George Morris Fay, Telford Taylor, and Notre Dame's Professor Marshall Smelser. The proceedings of the symposium¹ did not reflect the significant pressure, brought from high places indeed, to cancel both the topic and the dangerously “leftist” guests who spoke to it. But Dean O'Meara, and the young University President this new lecture seeks to honor, endured the pressure. This Law School was and is a forum where even the most delicate issues of liberty can be discussed.

The symposium series continued in 1958:

1958: *The Role of the Supreme Court in the American Constitutional System*²

1959: *The Problems and Responsibilities of Desegregation*³

1960: *Labor Union Power and the Public Interest*⁴

1961: *Next Steps in Extending the Rule of Law*⁵

1963: *Interstate Organized Crime*⁶

1964: *Constitutional Amendments Proposed by the Council of State Governments*⁷

1965: *Violence in the Streets*⁸

1966: *Justice and the Poor*⁹

1967: *Fair Trial vs. Free Press*¹⁰

1968: *The Challenge of Crime in a Free Society*¹¹

In addition, the Law School sponsored two off-the-record symposia on needed civil rights legislation, one in 1963 and another in 1966, and a conference on the employment of minority-group talent, which the United States Commission on Civil Rights co-sponsored, in 1966.¹²

1 29 NOTRE DAME LAWYER 157 (1954).

2 33 NOTRE DAME LAWYER 521 (1958): David F. Maxwell, Carl McGewan, Judge Robert A. Leflar, Dean Eugene V. Rostow, and Professor Sheldon D. Elliott.

3 34 NOTRE DAME LAWYER 607 (1959): Father Hesburgh, Governor Théodore R. McKelden, Senator John Sherman Cooper, Mayor William D. Hartsfield, Rev. Albert T. McElhannon, Dr. J. J. Murray, Bishop Vincent S. Waters, Dr. Carl F. Hansen, Dr. Omer Carmichael, Professor John Harvey Wheeler, Jr., Dr. Rufus E. Clement, Dr. George M. Johnson, and Howard C. Westwood.

4 35 NOTRE DAME LAWYER 591 (1960): Professors Charles O. Gregory, Bernard D. Meltzer, Sylvester Petro, David McCord Wright, and Archibald Cox; Daniel O'Connell and John E. Cosgrove.

5 37 NOTRE DAME LAWYER 1 (1961): Professors Wallace McClure, Arthur N. Holcombe, Stanley D. Metzger; Dean Louis H. Mayo and Charles S. Rhyne.

6 38 NOTRE DAME LAWYER 626 (1963): Attorney General Robert F. Kennedy; Professors Monrad G. Paulson, Morris Pioscowe, Murray L. Schwartz and Richard C. Donnelly; and William G. Hundley, Rufus King, and Milton R. Wessel.

7 39 NOTRE DAME LAWYER 625 (1964): Albert E. Jenner and Professors Carl A. Auerbach, Philip B. Kurland, Paul Green, and Arthur L. Corbin.

8 40 NOTRE DAME LAWYER 497 (1965): Commissioner Howard R. Leary, Dr. Gurston D. Goldin, Dean Joseph Lohman, William Stringfellow; Professor Allen D. Grimshaw, Arnold Sagalyn, and Roy Wilkins.

9 41 NOTRE DAME LAWYER 843 (1966): Orison S. Marden, E. Clinton Bamberger, Jr., Senator Birch Bayh, Dean A. Kenneth Pye, Raymond F. Garrity, Jr., William Pincus, Professor Thomas F. Broden, Jr., Edgar S. Cahn, and Jean Camper Cahn.

10 42 NOTRE DAME LAWYER 857 (1967): Grant B. Cooper, Professor Thomas L. Shaffer, John de J. Pemberton, Jr., Sam Ragan, Elmer W. Lower, Chief William H. T. Smith, Frank G. Raichle, and William B. Monroe, Jr.

11 43 NOTRE DAME LAWYER 811 (1968): Professor Henry S. Ruth, Jr., Lloyd E. Ohlin, Irving Lang, Peter Barton Huttt, Frank J. Remington, Norman Abrams and Eliot H. Lombard.

Dean's Report 1962-63

NEEDED CIVIL RIGHTS LEGISLATION

The Conference on Needed Civil Rights Legislation was held in February, beginning on the 8th and running through the 10th. The purpose was to bring together the most knowledgeable persons in the civil-rights field to discuss fully and frankly the many aspects of the problem of legislative implementation of the Supreme Court's desegregation decisions.

Those who participated follow:

Professor Carl Auerbach, School of Law, University of Minnesota

Mr. Wiley A. Branton, Voter Education Project, Atlanta

Professor Thomas F. Broden, Jr., Notre Dame Law School

Dr. Leslie W. Dunbar, Executive Director, Southern Regional Council, Atlanta

Dr. John Feild, Executive Director, The President's Committee on Equal Employment Opportunity

Mr. Harold Fleming, Executive Director, Potomac Institute, Washington, D. C.

Professor G. W. Foster, Jr., School of Law, University of Wisconsin

Professor Eli Ginzberg, Director, Conservation of Human Resources, Columbia University

Professor Vivian Henderson, Department of Economics, Fisk University

Professor Paul Norgren, Department of Economics, Brooklyn College

Dean Joseph O'Mara, Notre Dame Law School

Mr. John de J. Pemberton, Jr., Executive Director, American Civil Liberties Union

Professor Daniel Pollitt, School of Law, University of North Carolina

Mr. John Silard, Attorney at Law, Washington, D. C.

Professor Michael I. Sovern, Columbia University School of Law, New York City

Mr. William L. Taylor, Assistant Staff Director, United States Commission on Civil Rights

Mr. John H. Wheeler, Attorney at Law, Durham, North Carolina

The consensus — and a consensus was achieved — will be published in an article shortly to appear in the *Notre Dame Lawyer*.

Dean's Report
1965-66

NEEDED CIVIL RIGHTS LEGISLATION

A three-day, off-the-record conference on legislation necessary to protect the civil rights of all Americans was held in 1963. See my Report for 1962-63, pp. 16-17.

A similar conference was held at the School on February 17-20. The conferees participated as individuals, not as representatives of any organization. Their names follow:

Mr. Paul Anthony, Southern Regional Council
Mr. Arnold Aronson, Leadership Conference on Civil Rights
Professor Carl Auerbach, University of Minnesota Law School
Mr. Berl Bernhard, Attorney, Washington, D.C.

Mr. Wiley Branton, United States Department of Justice
Assistant Dean Thomas F. Broden
Mr. Leslie Dunbar, The Field Foundation
Mr. Vernon Eagle, The New World Foundation
Mr. John Feild, United States Conference of Mayors
Mr. Harold Fleming, The Potomac Institute
Professor G. W. Foster, Jr., University of Wisconsin Law School
Professor Eli Ginzberg, Columbia University
Professor Robert Harris, University of Michigan Law School
Mr. Vivian Henderson, President of Clark College, Atlanta
Mr. Frank Horne, New York City Housing and Redevelopment
Board

Reverend William M. Lewers, C.S.C., Notre Dame Law School
Mr. Melvin Mister, United States Conference of Mayors
Mr. George Nesbitt, Low Income Housing Demonstrations, Department of Housing and Urban Development
Dean Joseph O'Meara
Mr. John de J. Pemberton, American Civil Liberties Union
Professor Daniel Pollitt, University of North Carolina Law School
Mr. John Silard, Attorney, Washington, D.C.
Mr. William Taylor, United States Commission on Civil Rights

A report on the Conference will be published in a forthcoming issue of the *Notre Dame Lawyer*.

ATTRACTION AND EMPLOYMENT OF
MINORITY GROUP TALENT

This was the subject of an executive seminar held March 28-31 under the joint auspices of The Law School, the United States Civil Service Commission (Chicago Region) and the University. The following participated in the discussion:

Mr. Howard Bain, Coordinator, Career Development Program,
Chicago Region, United States Civil Service Commission
Dean Thomas P. Bergin of Continuing Education at Notre Dame
Mr. Seymour S. Berlin, Director of the Bureau of Inspections of
the United States Civil Service Commission
Mr. Harold Baron, Director of Research of the Chicago Chapter

of the Urban League
Assistant Dean Broden
Dr. R. W. Chamblee, President of the South Bend Chapter,
NAACP
Mr. Joseph A. Connor, Regional Director for Chicago of the
United States Civil Service Commission

Mr. Robert Drummond, Jr., Deputy Director for the Chicago
Region of the United States Civil Service Commission
Professor Peter P. Grande, Guidance and Testing Department at
Notre Dame
Mr. Wilfred V. Gill, Assistant to the Chairman, United States
Civil Service Commission
Rev. Theodore M. Hesburgh, C.S.C., President of The University
of Notre Dame
Professor Richard A. Lamanna of the Department of Sociology at
Notre Dame
Mr. Charles B. Markham, Director of Research, Equal Employ-
ment Opportunity Commission
Mr. Ara Parseghian, Head Football Coach at Notre Dame
Professor Nathaniel Pallone, Educational Psychologist at Notre
Dame
Mr. Anthony M. Rachal, Jr., Special Assistant for Equal Employ-
ment Opportunity of the United States Civil Service Com-
mission
Mr. Robert C. Sampson, Behavioral Sciences Consultant, Chicago
Mr. Leonard J. Sherry, Recruiting and College Relations Officer
of the Chicago Region of the United States Civil Service Com-
mission

The Planning Committee consisted of Messrs. Drummond, Sherry
and Bain. Deans Broden and Bergin served as cochairmen.

Fernand N. Dutile:

Attorney, Litigation Section, Civil Rights Division, U.S. Department of Justice. My duties included interviewing potential witnesses, developing investigations, surveilling local law enforcement, negotiating with voting registrars and school boards, and preparing pleadings and litigation justification memoranda. Areas of activity were primarily voting, schools, public accommodation and criminal statutes on civil rights violations. Most of my work and travel involved the State of Mississippi, but there was occasional duty in Alabama.

David T. Link:

Associate Dean of the Law School. Former member, Arlington (Virginia) Human Relations Commission (at time of Arlington School and Employment Integration Programs). Former President Wilmette (Illinois) Human Relations Committee (worked on Open Housing Ordinances throughout the North Shore area).

Granville Cleveland:

Director of the Program of Black Studies at the University of Notre Dame. Chairman Black Student Affairs Committee at the University of Notre Dame. Mr. Cleveland also a member of the Central Staff in the Office of Student Affairs as liaison with the University's Black Student community. Presently serves as assistant Law Librarian for the Law School. While in the post as Law Librarian for the Springfield Bar and Law Library Association in Ohio, Mr. Cleveland served as President of the Ohio Association of Law Librarians, 1967-1968. Mr. Cleveland was active in a variety of community and civil rights organizations while in Springfield, Ohio.

Francis X. Beytagh:

Editor in Chief, Michigan Law Review, 1962-63. Senior Law Clerk to Chief Justice Warren, U.S. Supreme Court, 1963-64. Assistant to the Solicitor General, U.S. Department of Justice, 1966-70 (briefed and argued a number of civil rights and voting cases. Professor of Law, Notre Dame Law School, 1970-present (teaching Constitutional Law, Constitutional Litigation and Civil and Political Liberties, among other courses).