

ARTHUR GARFIELD HAYS CIVIL LIBERTIES PROGRAM
ANNUAL REPORT

1975-1976 (re-created)

This year the Hays Fellows were Mary Carter Eager, Steven M. Polan, Merble Reagon, Sana F. Shtasel, Karen E. Wagner and Margaret W. Wiener (Robert Marshall Fellow). Some of the year's activities are included in Norman's letter of April 6, 1977, to Howard Dressner, Secretary and General Counsel of the Ford Foundation, reporting on the work of the Hays Program from October 1, 1973 to March 31, 1976, which is set out below. In addition, the activities of the Fellows during the 1975-1976 year were as follows.

Mary Eager spent much of the year working with John Shattuck at the ACLU on a variety of civil liberties issues.

Steven Polan wrote us, "My main activity was working with Marcia Lowry and Peter Bienstock at the New York Civil Union's Liberties Children's Rights Project. I recall helping to challenge the religious bias in foster care procedures. I also recall Norman asking me to help put together a book in the ACLU'S 'Rights of series'. It was to be 'The Rights of Scientists', but after a bit of research we concluded that scientists did not have sufficient rights that were special to fill a volume, so the project was dropped. A major event that year was President Ford's appointment of John Paul Stevens to the Supreme Court. Way too far to the right, we said at the time!"

Sana Shtasel sent us the following: "During my Hays Fellowship year, I did two main things. First semester, I was wholly engaged in updating the chapter on employment discrimination of your textbook, Political and Civil Rights in the United States, Fourth Edition.

"In the second semester, I was proud to work with Susan Deller Ross at the Women's Rights Project of the ACLU. She had just had a baby, and I was so impressed that she could combine work/family – a still-unsolved policy problem. The litigation was employment-related.

"Although the Vietnam War had essentially ended by the beginning of my Hays year since I had graduated a year after my original class. I feel that the war, Nixon's resignation, the end of mandatory conscription, Watergate, and the 1976 elections were all a huge backdrop to my Hays tenure. And, the women's movement! Roe v. Wade was on the books, but so much more concerning abortion rights was up-for-grabs. I was acutely aware that Susan /Sylvia /Ruth Bader Ginsburg (whom I met a few times, and was in awe of at the ACLU) were the foremothers. . . . I hoped I had a role to play. I've sure tried!"

Karen Wagner wrote: "I recall working on chapters of an ACLU book during my fellowship year, maybe an update of an existing book. I am sure there was a Fifth Amendment

chapter, and I think a Due Process chapter, each focused on criminal law issues, but that is about as far as my memory will go. It is hard to believe I have practiced law now for 30 years and we are back in a pre-Nixonian political world.”

Margaret Wiener writes, “At the beginning of the semester I worked exclusively on a chapter of Norman’s book, Political and Civil Rights in the United States, on housing discrimination, including issues in exclusionary zoning and discriminatory administration of federally funded housing programs.

“Then I worked with Alan Levine at NYCLU on behalf of two workers who were of arbitrating a dispute with management. The clients were active union men, and it appears they were discharged in retaliation for pro-union activities, including distributing leaflets expressing their dissatisfaction with their employer’s labor policies, which they felt was the real basis for their firing. The work involved extensive preparation for a brief for the arbitrator and required my attendance at the arbitration hearings. This was an entirely new area of law for me. Meeting the clients, who were extensively involved in their own case, gave me an appreciation of the personal stakes that underlie the broader issues of civil liberties.”