

Telluride Newsletter

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Alumni Weekend Panelists Fairchild, Lindahl, Davidson and Noel

Seminar Examines Role of Law in Changing Society

by David McQuaid, CB75

"Law and Social Change" was the title of the seminar held during ADSTA Weekend, April 23-25, in Ithaca. The panel was chaired by Michael Davidson, TA58, currently visiting Associate Professor of Law at the State University of New York at Buffalo. The other panelists were: Judge Thomas E. Fairchild, TA31, Chief Judge of the United States Court of Appeals for the Seventh Circuit; Don O. Noel, Jr., TA51, Senior Correspondent with WFSB-TV3 in Hartford; and Judith L. Lindahl, TA68, Trial Lawyer for the Massachusetts Defenders Committee.

Mr. Noel's opening presentation addressed the problem of the courts dealing with what is properly the province of the legislature. In his role as newspaper editorialist, Mr. Noel had exhorted the Connecticut state executive and legislature to prevent the court from having to face these problems *in extremis*, but, according to the speaker, timidity often leads the other branches of government to leave these difficulties for the courts to handle. He then provided two illustrations.

In *Horton vs. Mesgall*, the court directed Connecticut to institute a state-wide income tax. The existing system, funding of public schools through property and sales taxes, resulted in disproportionate quality and spending from school district to school district and from municipality to municipality. Although the state had previously set up a commission to investigate and recommend action on the problem, it was the courts which stated that the educational system should be a state-wide burden and directed the state authorities so to act.

In the City of Hartford *vs.* Carla Hills (Secretary of HUD), the City claimed that its suburban neighbors had failed to provide statements of middle and low-income housing needs; therefore, four million dollars of agency money should not be disbursed to these municipalities. Again, since the parties involved would not, or could not, deal with the problem effectively, the courts had to make a decision. The judge found for the City of Hartford, a verdict which has been acknowledged by HUD.

Mr. Noel concluded with a warning on the efficacy of court action and the dependence on the law as an effective medium of social change. He observed that the physical situation must be right for the courts to act; i.e., there must be a pre-existing jurisdiction with which the courts can deal, and the community climate must also be favorable; i.e., there must be a body of citizens eager to solve the problem. The courts themselves must be restrained from replacing the executive and legislative functions, for, by their nature, they are not equipped to direct how a problem should be solved, but simply that it should be. Finally, Mr. Noel remarked that one of the powers of the courts in this country is the universal esteem in which they are held. When the Supreme Court passes a decision, Mr. Noel pointed out, most people believe that decision is *right*. We tap this power of the courts indiscriminately only at great risk of losing their reserve of respectability.

VAST CHANGES IN RECENT DECADES

Judge Fairchild reflected on the vast changes he had seen in the past decades of his service with the courts. Among these changes he cited two cases as examples of the Supreme Court's willingness to protect individual rights by adopting and writing

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ADSTA SEMINAR

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into the Constitution principles to solve problems not adequately dealt with on a case-by-case basis: the 1963 Supreme Court decision on mandatory counsel for indigent defendants and the Miranda warning to defendants that anything said could be used against them in a court of law. Judge Fairchild sees the courts today as providing the individual protection under the law that the states do not provide and contrasts this attitude with the obstructionist character of court decisions of the 1930's. As examples of broad change through litigation, he cited decisions on schools, reapportionment (legislative districting), abortions and contraceptives, sex and employment discrimination, and the rights of prison and mental institution inmates. Although the courts can provide only untailored answers, Judge Fairchild concluded, the fact that they provide action on critical social problems is important and beneficial.



Seminar panelists and ADSTA President Pell

LIMITATIONS OF LEGAL SYSTEM

Judith Lindahl outlined what she considered to be the limitations of the legal system and dangerous misapprehensions of these limitations on the part of the public. With the continuing upsurge of crime and the apparent failure of many prison rehabilitation programs, many see the answer to these problems in the court system through such devices as mandatory, minimal sentencing. According to Ms. Lindahl, the attitude, "the rights of the defendant have been sufficiently attended to, now let's move on to the rights of the victim," is one that has gained much currency of late.

Ms. Lindahl pointed out that the courts are an improper focus of this concern simply because they are not the only, and perhaps not even the most effective, institutional response to

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Editors

Elizabeth Bolgiano

David McQuaid

Julie Neisser

Photographer: Russell Hawkins

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Photographs on page 7: Courtesy of Deep Springs

crime. Completely beyond the purview of the courts lie the legislative functions of determination of the number of judges, the structure and administration of the parole system, and the funding of the prisons. As Ms. Lindahl attempted to show, perhaps the most needed reforms, and certainly the least dangerous, lie in this area.

Given our dedication to civil liberties, she continued, the attitude that the defendants are presently "mollycoddled" by the indulgent legal authorities is a dangerous one. The rights asserted by defendants are the self-same rights of the victim; to trample on one would be to trample on the other. As our whole legal system is a response to 17th century political and social repression, we sacrifice a high rate of conviction in order to make sure that the innocent man or the political dissident does not go to prison. By making the courts the reaction to the causes of crime, we rob the court system of its freedom.

RESPONSE OF COURTS TO SOCIAL PROBLEMS QUESTIONED

Michael Davidson expressed his doubts as to the effectiveness of certain responses of the courts to social problems, and of the landmark litigation of the past years to problems such as school desegregation. He pointed out that there are different types of social change with which the courts are better able to deal than others.

There are first changes in popular attitudes, or what Mr. Davidson referred to as incremental, individual, societal changes. Cases of sexual freedom are classic examples of this type. He sees as effective the usual court response of negation of crime against personal acts and the ratification of change in social attitudes.

There are also changes which the court mandates: decisions that require systems of seniority to be reconstructed; or, decisions that require a person to sell a house to someone of a different color. These are measurable problems in which compliance or noncompliance can be easily determined. As such, they are susceptible to legal solutions.

Mr. Davidson then pointed out a third set of related issues: those concerning public policy which are normally the responsibility of local authorities with some voice in planning. A classic example was the Chicago public housing site planning which was accused of encouraging *de facto* segregation because of its inordinate emphasis on inner-city construction of low-income projects, without providing cheap housing in the predominantly white suburbs. The court could have issued an injunction against such construction, but what resources have the courts to deal with problems of planning and implementation? At any step in the positive process with which state and federal authorities are intimately involved, there are infinite possibilities for subversion which is almost impossible for the courts to monitor.

Mr. Davidson concluded that the courts are an irritant; a "gadfly" to push the government into action, but that there is little likelihood of success without good faith on the part of all concerned. The courts can provide a hearing and a reasoned response, but implementation is beyond their power. This aspect will always be one of frustration for the courts when dealing with social change, but Mr. Davidson confessed he saw no other alternative.

After the panelists' presentations, discussion was energetic and continued for some time on the topics of medical malpractice and court action to apportion tax systems, coming to a conclusion with the announcement that coffee was available in the next room.

Robert Dawidoff, TA66, has been awarded the prestigious Allan Nevins Prize for his doctoral dissertation, "The Education of John Randolph." The award was presented at a banquet in New York City on April 13, 1976.

Senior Plans and Honors, Honors, Honors

TELLURIDE FUTURES

- Russell Donnelly: Johns Hopkins Medical School
- Katharine Eisaman: Full fellowship to Johns Hopkins University in English
- Bruce Hamilton: Working in computer programming or related fields
- Laurie Mylroie: Fellowship to Harvard University in Government
- Beryl Schlossman: Fulbright Teaching Fellowship to France; full fellowship to Johns Hopkins University in French
- Kathleen Sullivan: Marshall Scholarship to University of Oxford, Wadham College; Harvard Law School and Yale Law School

OTHER AWARDS

- Herbert Lehman Fellowship: Laurie Mylroie
- Phi Beta Kappa: Seniors: Katharine Eisaman, Laurie Mylroie and Beryl Schlossman
- Music Critics Association Scholarship for Summer Institute: Bruce Hamilton

TELLURIDE AWARDS

- Lincoln Scholarship: Harold Levy
- Dunham Award: Fred Maus and Thomas Windmuller
- Pemberton Cup: Katharine Eisaman

CORNELL AWARDS

- Dean's Essay Contest: First Prize: Katharine Eisaman
Second Prize: Fred Maus
- Judge Henry White Edgerton Award in International Law: Harold Levy
- Messenger-Chalmers Essay Award—given by the History Department: Fred Maus
- English Department Award for Honors Thesis: Katharine Eisaman
- George Harmon Coxe Award in American Literature: Russell Hawkins
- Cornell Outstanding Senior Award—given annually by the Federation of Cornell Clubs to one man and one woman: Kathleen Sullivan
- Juliette MacMonnies Courant Prize—given by Department of Romance Languages: Beryl Schlossman
- Graduated *magna cum laude*: Beryl Schlossman
- David Chrystall Memorial Prize—for essay on foreign policy: Kathleen Sullivan

1976 TASP Scholarship Winners

Cornell I: The Making of Critical Readers

- Nancy J. Cooper, New York, New York
Mark R. DeRocco, Seattle, Washington
Leslie M. Feder, New York, New York
Janelle E. Ford, Anchorage, Alaska
Joshua Fried, Beverly Hills, California
Frank Gearhart, Chesapeake, Virginia
Stephen J. Goodman, Shaker Heights, Ohio
Alison E. Hirshel, Southfield, Michigan
Jayme N. Koszyn, Yonkers, New York
Andrew G. Laties, Rochester, New York
Susan J. Launi, Manchester, Connecticut
Robert M. Meeks, Murrayville, Georgia
Matthew S. Nathan, Brooklyn, New York
Andrew H. Patner, Chicago, Illinois
Jodi B. Poole, Scottsdale, Arizona
Paula A. Tavrow, Englewood, Colorado
- Alternates: Elizabeth E. Ryan, Hackensack, NJ
Brian B. Warnock, Wilton, NH

Cornell II: American Foreign Policy: An Historical Perspective

- Kristin A. Barnard, San Francisco, California
Nancy J. Brown, Tacoma, Washington
Miriam J. Goldstein, Delmar, New York
John M. Hamilton, Indianapolis, Indiana
Steven P. Lee, Knoxville, Tennessee
James H. Mann, Bethesda, Maryland
Mary C. Mansfield, Lexington, Massachusetts
Aviva A. Orenstein, South Orange, New Jersey
Hal E. Osterweil, River Vale, New Jersey
Bennett M. Rose, Shelburne, Vermont
Henrietta T. Saunders, Kenilworth, Illinois
Thomas Struppeck, New Orleans, Louisiana
Tyrone Taborn, Los Angeles, California
Louisa R. Vinton, Hockessin, Delaware
Jimmie L. Wilson, Fairfax, Virginia
Anthony R. Wuersch, Fall River, Massachusetts
- Alternates: Patricia A. Mahoney, Stamford, CT
Kendall P. Brown, Lake Oswego, OR

A clean sweep was made by Telluride in the recent elections of The Cornell Forum, an organization which brings speakers on major and cultural topics to the campus.

President: Thomas Windmuller
1st Vice-President: Tom Christina
2nd Vice-President: Maureen Graves
Secretary/Treasurer: Susan Bianconi

SIX ACCEPT PREFERMENT AT CORNELL BRANCH

Louis Crandall	Kenneth Pomeranz
William Haines	Daniel Segal
Patrick O'Connor	Lilian Stern

Charlie Chaplin, Synchrotron, Seminar and

Friday evening Cornell Branch Faculty Guest Professor David Cast launched the festivities of Alumni Weekend with a witty critique of Charlie Chaplin's movie, *Modern Times*. The combination of film and commentary evoked much amusement from an appreciative audience. Welcomed by Bea MacLeod, returning alumni who enjoyed the presentation were: Erik Pell, Barry Weller, Mike Davidson, Mr. and Mrs. Don Noel, Mr. and Mrs. Earl Ohlinger, Marilyn Migiel, Paul Greenberg and Professor Cast's guest, Jacqueline Falkenheim. During the movie, the Telluride taxi went to the Ithaca airport to meet and bring back seminar panelists, Judy Lindahl and Judge Thomas Fairchild, who joined the lively group for a congenial nightcap and conversation around the open bar.



Saturday morning found approximately twenty Associates and Housemembers gathered at the Wilson Synchrotron on the Cornell campus for an illustrated talk and tour of the installation by its executive officer. After this impressive and stimulating excursion, all returned to the House where they found that more friends and associates had arrived. Among those who joined the throng for a delicious buffet luncheon were: Mr. and Mrs. Allen Galson, Mr. and Mrs. Carl Ashley, Robert Gatje, Mr. and Mrs. Bertil Peterson and their son, Brent, former Alumni Secretary LeGrace Benson, and Boston area Chairman David Cole. A pleasant addition was the arrival of ADSTA Treasurer Paul Szasz, who had previously thought he would be unable to attend because of a conflict with a meeting in Washington, D.C.

Saturday afternoon's activity centered in the living room where ADSTA President Erik Pell welcomed everyone before turning the chair over to the seminar coordinator, Mike Davidson, who introduced the panel members. Unfortunately, at the last minute, Frederick Rarig was unable to participate, due to illness. At four o'clock Chairman Davidson proclaimed a coffee break, after which people continued in informal discussion until it was time to change before gathering again for sherry and the Reunion Banquet. Just before dinner Gayatri Spivak and Michael Ryan joined those going down to the dining room.

The sumptuous feast was enjoyed by one and all. After-dinner comments by Pell, TA President Weller and Branch President Fix added to the aura of well-being produced by good food, good wine and good friends. The evening's gaiety was heightened by an after-concert reception which the Cornell Glee Club had arranged to hold at Telluride House.

Continental breakfast was available Sunday morning before President Pell called the spring ADSTA Council meeting to order around the fireplace in the living room. This meeting concluded the formal activities of the weekend.

The unflinching effort and cooperation of the entire House were greatly responsible for the success of the weekend. In the absence of the Alumni Secretary, due to a back injury, Sue Bianconi did more than yeoman's service as CBTA's Alumni Relations Chairman. Cooks Jean and Bob Renzetti created culinary delights throughout the weekend, while in the background, Houseman George Krebs quietly kept the House in good order.



Banquet are Features of Alumni Weekend



The ADSTA Agenda

The spring ADSTA Council meeting was called to order by President Pell on Sunday morning, April 25, at Ithaca, New York in conjunction with Alumni Weekend. Present were: Cole, Fairchild, Gatje, MacLeod, Peterson, Szasz and Weller. Highlights of the meeting are noted below.

1. Membership: Present paid membership stands at 123. The perennial question of how to increase membership was discussed. Follow-up letters to the original mailing have been sent out.

2. Treasurer's Report: Szasz reported that almost all of ADSTA's operating capital is raised from membership dues, with donations and bank interest adding a small amount. It is crucial, therefore, that the alumni support ADSTA with their dues.

3. Area reports: See individual reports below.

4. Deep Springs Reunion: Will be held over Labor Day weekend this September. ADSTA has allocated \$500.00 in support of the Reunion.

5. Alumni Weekend: Several donations, as suggested in the invitation, were gratefully received from participants. It was noted that the panelists should do more pre-planning for the seminar and that controversy should be planned in hopes of engendering discussion.

6. New Business: It was moved and carried that \$200.00 be appropriated to be distributed as a gift of \$100.00 each to DS and CBTA for the purchase of books and records to be labelled "Gift of ADSTA." A second motion was made and carried that ADSTA appropriate up to \$350.00 to send the Alumni Secretary to the TA Convention at Deep Springs in June.

BOSTON

During the evening of April 11th some twenty alumni, mainly from recent Summer Programs, gathered at Currier

House on the Radcliffe campus for supper and a discussion of the TASP experience. Robert Dawidoff, current chairman of the Telluride Summer Programs, was on hand to raise key questions and hear the views of the exTASPers.

There was strong support for continuation of the programs and regret that the Cremona program had been discontinued. There was also an expression of interest in trying to develop a more active program for TASP alumni in the Boston area, especially to help new arrivals make contact with other alumni in the fall. It was agreed that some effort would be made in this direction next September. During the academic year, there are nearly one hundred TASP alumni in the Boston area and at least the more recent ones seem interested in maintaining some link with the Telluride Programs.

CHICAGO

Plans are under way for a meeting in the fall.

LOS ANGELES

Associates assembled for dinner May 27th. Ed Cronk, newly designated Director of Deep Springs, spoke of plans and current activities at Deep Springs.

NEW YORK

A dinner meeting was held November 17, 1975 at which associates had the pleasure of meeting Mrs. Beatrice Renfield, the newly appointed and first woman Trustee of Deep Springs.

ROCHESTER

A small luncheon was organized by Bob Van Duyne on December 11th. On February 7th associates from Rochester and Buffalo met for dinner at the University of Rochester Faculty Club.

NEWS FROM ALUMNI AND FRIENDS OF TELLURIDE

■ In December 1975 *Patti Skigen*, CB61, was appointed Deputy Superintendent and Counsel for the New York State Banking Department. She writes, "the work is extremely interesting and varied, but leaves me far too little time for my husband or other 'extracurricular' interests."

■ Television viewers of the Syracuse Public Broadcast channel were pleased to note that *Gordon Davidson*, TA53, was the Director of Oliver Hailey's play, "*Who's Happy Now?*", one in the series of Great Performances: Theatre in America.

■ In May 1974 *Tom Beale*, TASP66, married Laura Nash, who teaches at Connecticut College. This past summer he began a three-year term as a Junior Fellow in Harvard's Society of Fellows, studying the early civilizations of the Near East.

■ *Miles Brennan*, TASP74, is studying at Stanford University. Last summer he worked as a guide on backpacking trips in the Sierras.

■ Via the *Cornell Alumni News* we note that *Charles Christenson*, TA51, is a member of the Instituto de la Estudios Superiores de la Empresa in Barcelona and that "*Flash*" *Gourdine*, CB50, is on the Cornell Council and an executive committee advisor to COSEP.

■ Appearing in a Special Report issue of *Change* magazine,

March 1976, an article by Nancy Pirsig entitled, "What a Historian Should Know," describes a history competency project being developed at Sangamon State University, Springfield, Illinois. The director of this program is *Christopher Breiseth*, TA59, professor of history at Sangamon. Focusing on the skills and knowledge a historian should command, this alternative approach to a BA in history aims at providing the student with means to grasp specific historical understandings. Despite difficulties inherent in organizing any innovative program, *Nina Shapiro Adams*, CB62, who is also a member of this faculty, describes the student response to this course as one of excitement and enthusiasm.

■ In a letter to the editor of *The Orange*, published by the White Plains High School, *Irene Kacandes*, TASP75, described at length the feelings of apprehension, depression and futility she experienced during a recent tour of East Germany as one of a group of twenty White Plains students spending a brief sojourn with host families in Hamburg. "What few people we saw in the streets . . . looked unhappy. . . . It seemed as if the people were not living, they were only existing. As for myself, democracy never sounded so good as it does now after my visit to East Germany."

OAC granted preferment to Cornell Branch of Telluride for the coming academic year to two Deep Springers: Brian Lanter and Leonard Loomis and accorded the Mossner Award to Brian Lanter.

Tales from Deep Springs

by Leonard Loomis

It is now spring. We have seeded one of our fields in oats, as a respite from alfalfa. The sprouts have not yet shown themselves, but hopefully the brown earth will soon change into a wind-rilled green. Our vegetable garden is also begun. The greenhouse is full of young plants, and the garden ground itself is being fertilized, disced and irrigated. Our round up, a dusty, rough part of our western spring, was held May 9th. The calves are roped and thrown, and the sun is brightening; O, how can we know the cowboy from the cow?

Spring is here. The dairy barn has been newly whitewashed,



Making the ice cream, 1950

indeed a confirmation of the regenerative purity of spring. And, as the dairy barn has taken on a new visage, so the students have taken on masks. We are working on a production of Shakespeare's *Henry IV, Part One*, as the embodiment of our spring term of public speaking. A performance is scheduled for June 9th, to serve as an entertaining and edifying welcome for our Telluride guests. Michael Fields, a second year student, is directing this dramatic world of royalty, rebels and drunkards, gravity, wit and farce. In addition to seventeen students, the cast includes Sharon Schuman (English professor), who plays Lady Percy; Harvey Mansfield (professor of Ameri-

can Government), who plays Westmoreland, and Nona Holloway (Ranch Manager's wife), who plays Mistress Quickly. Our set is scheduled for creation in two weeks and costumes are slowly appearing. The emerging accoutrements include several weighty swords, with which practice has already begun in anticipation of the passionate, blood-chilling battle scenes.

Along with the glinting moments of the Deep Springs repertory company, is the continuing regeneration of the Deep Springs student body. Our applications process has now been concluded. Next year's first year class will be a large one of fourteen. This will bring the total of next year's student body to twenty-two.

The Board of Trustees, the formal focus of Deep Springs as a continuing institution, recently held its April meeting. The main issue of concern, as expected, was the college's uncertain financial future. Throughout their meetings, the Trustees showed keen interest in student involvement in discussions about Deep Springs' functioning and purpose. The student body appreciates and values this receptiveness on the part of the Board.

Present at this meeting was Mr. Chet Dunn, DS17, recently appointed honorary Trustee. Mr. Dunn's meal-table conversations were alive with stories, especially when Herb Reich, DE17, was alongside him. (Dr. Reich is presently teaching classes in Physics, Calculus and Differential Equations.) Deep Springs has a history and tradition which are strong and vital. The stories are told—the older men recall, and the younger ones listen and know that they, too, will remember.



Driving the team, 1976

And now, while the cool evening's darkness begins to appear, this season's life moves and can be heard as the "small fowles maken melodye." This is spring. And while we tell stories, we should ride "to goon on pilgrimages"—together to visit to lands of which we have learned—"for the nones."

It is with sadness that we inform the Telluride community of the death of Pat Schrock on May 20th in the Scripps Memorial Hospital in La Jolla.

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