Correspondence Between Roger J. Traynor and Stanley V. Anderson, 1974 May 23 - 1974 June 17

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January 25, 1974

TO: OFFICE OF PROGRAM DEVELOPMENT  
OFFICE OF ECONOMIC OPPORTUNITY

ATTENTION: MS. PATRICIA STOLFA  
CONSUMER & ENVIRONMENTAL AFFAIRS BRANCH

FROM: PROFESSOR STANLEY V. ANDERSON  
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Re: FINAL REPORT

The Annual Report for the Fiscal Year 1972-73, dated July 12, 1973, contains a comprehensive description of the work of the Ombudsman Activities Project, under the rubrics "What We Have Done," "What We Are Doing," and "What We Intend To Do." I shall not repeat the first; the second is updated in the Progress Report for the Second Quarter FY-74, which accompanies this report; the third will be recapitulated at the end of this report. Before indicating an opinion as to what still needs to be done, it seems appropriate to list the various reports and publications of the Ombudsman Activities Project, apart from the regular Quarterly and Annual Reports which we have submitted.
I. REPORTS.

Erie, Pa.


Iowa


Nebraska


Newark


Seattle-King County


II. PUBLICATIONS.


III. OTHER PUBLICATIONS
PARTIALLY SUPPORTED OR OTHERWISE ENCOURAGED


IV. ACCEPTED FOR PUBLICATION.

18) Albert Liston's article on the Iowa Ombudsman office [see items 2, 3 & 4, above] has been accepted for publication in the Iowa Law Review, subject to the completion of additional revisions.

19) Alan Wyner's monograph on the Nebraska Ombudsman office [see item 6, above] has been accepted for publication by the Institute of Governmental Studies, University of California, Berkeley.

We were most gratified to receive a letter to Dr. Wyner from the dean of Ombudsman scholars, Professor Walter Gellhorn (School of Law, Columbia University), dated January 24, 1974, as follows:

I am happy to have a copy of your monograph, "The Nebraska Ombudsman: Innovation in State Government." I found it to be extremely well written, well structured, and well considered. You and your colleagues in the Ombudsman Activities Project have certainly been doing a mighty fine job.

V. SUBMITTED FOR PUBLICATION.

20) The first 141 pages of Professor John Moore's book on the Hawaiian Ombudsman office have been mimeographed and collated. The manuscript is being submitted to a prominent University press for consideration for publication.
VI. FURTHER STUDIES.

We do not have a monopoly on Ombudsman research, and it is with a view to what others have done and are doing, particularly in Canada, Great Britain, New Zealand and the United States, that I suggest a line of research which would continue the direction indicated by the studies listed above. It seems to me that the greatest current need for research is in categorical applications of the Ombudsman institutions, such as in prisons or as regards medical services.

As for correctional Ombudsmen, the two studies mentioned above [see items 13 & 16] were necessarily speculative, based upon analogy to general Ombudsman offices. Since they were written, the number of prison Ombudsman offices in the United States has burgeoned. A list sent to me recently by the Resource Center on Correctional Law and Legal Services (a project of the American Bar Association Commission on Correctional Facilities and Services)—which is carrying out its own study of correctional Ombudsmen—contains names and addresses of correctional Ombudsmen in a dozen states. Meanwhile, there are still only three State Ombudsman offices (narrowly defined), in Hawaii, Iowa and Nebraska.

The topic of prison Ombudsmen has been included on the agenda of the First North American Ombudsman Conference, to be held in Kansas City, Missouri, on October 10-13, 1974. The conference is sponsored by Jackson County Ombudsman Larry Guillot and Ombudsman Commission Chairman Sidney Willens.
No funds are available to subsidize this conference, and it is expected that participants will provide their own transportation and living expenses. We have received a number of favorable responses (particularly from correctional Ombudsmen and scholars). While scholars will be invited to attend the prison Ombudsman session, ample opportunity will be provided for Ombudsmen to meet by themselves. We do not expect many, or perhaps any, Ombudsmen from other contingents, but we have extended a hearty invitation on the possibility that one or another might be in North America at that time anyway.

In addition to other purposes, it is my hope that the conference will serve as a clearinghouse for exchanging experience and research notes in the correctional field. So far, political scientists have dominated numerically in Ombudsmen research. A more wholesome balance is being struck in prison Ombudsmen research, to which the legal profession is making a substantial contribution.

Health services are another area suitable for experimentation and study. Under contract HSM 110-73-461, I have submitted a report dated January 2, 1974, to the Bureau of Health Service Research and Evaluation, Health Services Administration, Department of Health, Education, and Welfare, entitled "Assessment of General Ombudsman Activities in
Response to Complaints Regarding Long-Term Care" (typescript; Pp. 70, plus appendices). This is a baseline study, meant to bridge into studies of experiments with health care Ombudsmen, such as the Nursing Home Ombudsman Demonstration Project sponsored by the Department of Health, Education, and Welfare.

From the number of typographical errors, the perceptive reader will already have inferred (correctly) that I am typing this report myself. With a full teaching load and other normal University assignments, I find that I cannot maintain my Ombudsman correspondence. The steady (and otherwise welcome) stream on inquiries from Ombudsman proponents and scholars—at least one a week and sometimes one a day—continues to arrive, but, without the secretarial assistance provided by the Office of Economic Opportunity through the Ombudsman Activities Project, remains unanswered. Copies of this report will serve as an interim reply. Most of all, however, this new circumstance reminds us—and I speak for John Moore and Alan Wyner as well as myself—how very, very much we have appreciated three—and—one-half years of support from the Office of Economic Opportunity, not only in money, but in cooperation with our Washington counterparts, first Gordon Wilcox (now an attorney in Seattle), then Patricia Stolfa and Ira Kaye. Thank you!

* * * * * * *
17 June 1974

Professor Stanley V. Anderson
Department of Political Science
University of California at Santa Barbara
Santa Barbara, CA 93106

Dear Professor Anderson:

Two transcontinental journeys in rapid sequence, along with a forthcoming one and, in addition, a mountain of details attendant on my leaving for a year’s assignment at Cambridge University, England, beginning in September, have thrown my department of correspondence in disarray. I am only now catching up.

I have read your letter of 23 May and the enclosures with the greatest interest and only wish that it had been possible to discuss your interest in media questions that are also a continuing interest of the National News Council.

I think that by all means you should be in communication with the Council and am taking the liberty of enclosing a copy of this letter to its executive director, William B. Arthur at Council headquarters:

One Lincoln Plaza
New York, N.Y. 10023

The Council will soon be publishing a study on the complex problem of access to the media, undertaken by Professor Renzo Schmidt of the Columbia University Law School. Problems of comparable magnitude are awaiting its exploration. Meanwhile it is accumulating experience of long-range value in its hearing procedures on grievances.

It is heartening to see growing interest in these problems in such departments as yours.

Sincerely yours,

Roger J. Traynor

cc William B. Arthur Esq.
Professor Eric Bellquist
May 23, 1974

Hon. Roger J. Traynor
2643 Piedmont Avenue
Berkeley, CA 94704

Dear Dr. Traynor:

"Miss," "Mrs." and "Ms." are nothing compared to the difficulty I had in choosing a style of address for this letter to you. I will leave out "Professor" and "Chief Justice," and simply congratulate you on the recent Alumnus of the Year award.

Your recent service as chairman of the National News Council cuts across two scholarly interests of mine, grievance mechanisms (see the enclosed reports on the Ombudsman Project) and flow of information (see the enclosed reprint). My mentor friend Eric Bellquist suggested to me that I ought to try to see you before you leave for England. While the News Council (and its Swedish counterpart) is not at the very top of the list, it is a subject which I would like to explore within the next two or three years.

I am Vice Chairman of the Academic Senate on this campus. Suddenly, the Chairman asked me to sit in for him at the Meeting of the Assembly of the Academic Senate at Berkeley on Thursday, May 30. The agenda is not a crowded one, and we should adjourn in the early afternoon. If it can be arranged, I would like to meet you, even if briefly, later in the afternoon. I will take the liberty of giving you a telephone call early next week, to see if it is possible.

Sincerely yours,

Stanley V. Anderson
Professor

cc: E. Bellquist