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About the Institute

The Hunt Institute for Botanical Documentation, a research division of Carnegie Mellon University, specializes in the history of botany and all aspects of plant science and serves the international scientific community through research and documentation. To this end, the Institute acquires and maintains authoritative collections of books, plant images, manuscripts, portraits and data files, and provides publications and other modes of information service. The Institute meets the reference needs of botanists, biologists, historians, conservationists, librarians, bibliographers and the public at large, especially those concerned with any aspect of the North American flora.

Hunt Institute was dedicated in 1961 as the Rachel McMasters Miller Hunt Botanical Library, an international center for bibliographical research and service in the interests of botany and horticulture, as well as a center for the study of all aspects of the history of the plant sciences. By 1971 the Library's activities had so diversified that the name was changed to Hunt Institute for Botanical Documentation. Growth in collections and research projects led to the establishment of four programmatic departments: Archives, Art, Bibliography and the Library.

EX

ASSOCIATION FOR THE ARNOLD ARBORETUM, INC.

Incorporated in 1953 as a nonprofit Massachusetts corporation
50 STATE STREET • BOSTON 9, MASSACHUSETTS

The Association is an independent organization having no connection with Harvard University and is not to be confused with the Harvard-sponsored "Friends of the Arnold Arboretum". Organized to protect and support the Arnold Arboretum in the public interest, the Association is opposed to Harvard's present plan for the Arboretum.

To the Members of the Association for the Arnold Arboretum, Inc.:

The enclosed letter and memorandum of November 16, 1956, from Associate Professor Ivan M. Johnston to President Nathan M. Pusey are sent for your information.

Professor Johnston's letter and memorandum were prepared with the advice of his counsel, Richard Wait, Esq., of Messrs. Choate, Hall and Stewart of Boston.

These documents, together with certain exhibits not included herein, were recently printed by Professor Johnston and distributed to a limited group of persons. He has given us permission to reprint the letter and memorandum for distribution to the membership of this Association.

The main immediate objective of the Association continues to be a court hearing on the question whether Harvard's plan for the Arboretum involves a breach of trust. We know we can present a strong case; and the Massachusetts courts alone can decide the legal questions involved. So far, as you know, the Harvard Corporation has been able to block a judicial hearing. We shall, however, continue to resist this denial of justice and, as our main purpose, persist in our effort to be heard in court.

The enclosure, therefore, relates to a subsidiary issue, but one that is nevertheless relevant and important. At this writing Professor Johnston has received no adequate redress.

Mrs. Harold Greene Arnold
Francis Blake
Grenville Clark
John T. Hemenway
Thomas V. Rankin, Secretary

Executive Committee

March 25, 1957

Statement by John T. Hemenway, President of the Association for the Arnold Arboretum, Inc., made at the annual meeting of the Association at Horticultural Hall, Boston, December 15, 1958.

On December 4, 1958 a test suit was filed in the Supreme Judicial Court of Massachusetts to determine whether the Corporation of Harvard University has committed a breach of trust in its administration of the Arnold Arboretum. This suit was begun in accordance with a decision of Attorney General Edward J. McCormack, Jr. which permitted the suit in his name by a group of "relators". This group includes: John S. Ames, former President of the Massachusetts Horticultural Society; Mrs. Oakes Ames, widow of Professor Oakes Ames, former head of the Arnold Arboretum; John T. Hemenway and Francis Blake, respectively President and Treasurer of the Association for the Arnold Arboretum, Inc.; Samuel Eliot Morison, Professor Emeritus of History at Harvard; Dr. Lewis Perry, former Principal of Phillips Exeter Academy; and Silas B. McKinley, prominent lawyer of St. Louis. The suit was filed by Thomas V. Rankin, of Boston, counsel for the relators. It is expected that this group will be later enlarged by the addition of other well-known persons both from Massachusetts and other States.

This suit is the result of six years of persistent effort during which access to the courts was denied to those who claimed breach of trust on the part of the Harvard Corporation. Substantial doubts were raised by responsible persons on the advice of competent counsel as to the legality of the Corporation's administration of the Arnold Arboretum trust, and the Corporation was repeatedly requested to obtain a judicial ruling on the legal questions. Contrary, however, to the established practice of responsible trustees in these circumstances, the Corporation refused any cooperation in obtaining a judicial ruling; and the present suit is the result of action by an independent Attorney General acting in the interests of justice.

The trust establishing the Arnold Arboretum was created in 1872 by an agreement between trustees of James Arnold of New Bedford and the Harvard Corporation, which was made trustee. Early in 1953 the Corporation adopted a plan which called for the removal from Jamaica Plain to Cambridge of most of the Arboretum's fine library and herbarium and which also involved the transfer of Arboretum personnel and the diversion of Arboretum income.

This 1953 plan was protested by various friends and benefactors of the Arboretum who, on the advice of counsel, claimed a breach of trust on the ground that the plan sacrificed the objectives and public usefulness of the Arboretum. They asked the Harvard Corporation, as trustee, to take the usual course of applying to the courts for a ruling. When Harvard refused, there followed the long effort to obtain a judicial hearing which now, after nearly six years, has culminated in the present suit.

This long effort has been supported by the Association for the Arnold Arboretum, Inc., a nonprofit Massachusetts corporation organized in 1953 "to protect and support the Arnold Arboretum in the public interest". The Association has some 1200 members from about 40 States, including many well-known horticulturists and Harvard alumni.

By proving that justice cannot be indefinitely denied, a major objective of the Association has been achieved. The filing of this suit demonstrates that no board of trustees, however influential, is so far above the law that it can permanently prevent a judicial ruling as to whether a trust is being legally administered when serious doubts as to the legality are raised by responsible persons. For this reason, the suit has a wide significance, not entirely confined to the Arnold Arboretum or to Harvard University.

Slate

A CORRESPONDENCE

between

A PROFESSOR AT HARVARD

and

THE PRESIDENT OF THE UNIVERSITY

IVAN M. JOHNSTON

Digitized by Hunt Institute for Botanical Documentation

Jamaica Plain, Massachusetts

JANUARY, 1957

A LETTER TO THE PRESIDENT OF
HARVARD UNIVERSITY

383 South Street
Jamaica Plain (30), Mass.
November 16, 1956

My dear President Pusey:

As a consequence, I believe, of the controversy within the University relating to the Arnold Arboretum, I find myself denied facilities necessary to carry on the work which it is my duty to do for Harvard, and I now have reached the point at which I must apply to you. My case cannot be stated as briefly as I would wish, and in my attempt to keep this letter within reasonable space and at the same time to give you all of the facts which I ask you to consider in arriving at your decision, I am adopting the expedient of enclosing a supporting memorandum which I ask you to read in order to fill in the gaps which I must necessarily leave in this letter.

I am presently a member of the staff of the Arnold Arboretum and occupy the rank of Associate Professor. I received that appointment in 1938. In 1949 I voiced opinions which I then held, and still hold, concerning the Arboretum which were at variance with the decisions since taken and implemented in its administration. I believe that the difficulties I have since experienced, including failure to receive advancement to a full professorship, stem from this fact.

As you know, the new Herbarium Building in Cambridge was opened and the material from Jamaica Plain moved into it in the summer of 1954. The plans included provision of office space for my use in that building. I was scheduled to give my course, Biology 201, in the second half of the 1954-1955 academic year, and I had planned to move into the new building and take possession of my room at the time that the course commenced. On December 15, 1954 I, consequently, waited upon the Arnold Professor and spoke to him about making the move. He thereupon informed me that there would be no office available for me in the new Herbarium Building and that I should content myself with the use of a table in that building for research work. The attitude which he took toward me in this interview was such that I had no alternative but to conclude that he wished to humiliate me.

Having been wholly unsuccessful in my endeavour to obtain from the Arnold Professor the room in the building which I conceive to be my

right, I applied to Dean Bundy by letter dated October 11, a copy of which is annexed to the enclosed memorandum. Negotiations ensued which were continued between the Dean and my counsel. In the course of these it was agreed that I should take sabbatical leave (something I have never done before) for the period January 1 to June 30, 1956.

This fall I renewed my request for a room in the new Herbarium building. Dean Bundy thereupon took the position that so long as I remained a member of the staff of the Arnold Arboretum the assignment of a room in the building was beyond his jurisdiction and rested wholly with the Arnold Professor. The Arnold Professor is not prepared to assign a room to me. However, the Dean stated further that if I would apply for a transfer from the staff of the Arnold Arboretum to the Faculty of Arts and Sciences, in that event the Dean would assign an office to me in the new Herbarium. I do not wish and am not prepared to request this transfer. Any such transfer could be construed only as demotion and punishment arising out of the entirely honest position which I took with reference to the Arboretum controversy.

I am entitled to a room. I had supposed that the Dean had jurisdiction to give it to me without transferring me from the institution within which I have worked for so many years. I know it is within your jurisdiction to make the assignment. I have no recourse other than appeal to you in the matter. Therefore, I respectfully request that you review my case and direct the proper authority to assign to me while still a member of the staff of the Arboretum a room in the new Herbarium Building and that you couple with that direction a further direction that I be accorded the same treatment which is accorded to other persons of my rank to the end that I may complete the work on which I have so long engaged and which it is my duty to Harvard to complete.

Respectfully yours,

IVAN M. JOHNSTON

MEMORANDUM

IN SUPPORT OF LETTER OF IVAN M. JOHNSTON TO NATHAN M. PUSEY DATED NOVEMBER 16, 1956

This memorandum is submitted in support of my letter dated November 16, 1956 to President Pusey requesting assignment to me, Ivan M. Johnston, Associate Professor assigned to the staff of the Arnold Arboretum, of adequate office space in the new Herbarium Building in Cambridge which has been denied to me successively by the Arnold Professor and by the Dean of the Faculty of Arts and Sciences.

Since 1922 I have been associated with taxonomic botany at Harvard and for over thirty years my work and my research has been centered and carried on almost exclusively in the herbaria and libraries of the Arnold Arboretum and Gray Herbarium. In my herbarium duties at Harvard I have done everything from the simplest routine hack-work and janitorial chores on up to those demanding years of training and experience. I have held every herbarium post from that of student assistantship up to that of curator and overall administrator. I have visited and worked in the principal botanical centers and herbaria in the United States and Europe and am well known and have been welcomed in all of them. No other person at Harvard has had so prolonged and varied acquaintance with the use and administration of herbaria. Inquiries outside the University, among leaders in my profession, will establish that I am recognized as the most experienced and highly trained taxonomic botanist at Harvard. I teach the most advanced course in my field. The present Director of the Arboretum did his doctorate thesis under my direction.

I did my undergraduate work at the University of California and studied for my Ph.D. at Harvard under Professor B. L. Robinson, then Director of the Gray Herbarium. After some years on the staff of the Gray Herbarium, I transferred in 1931 to the Arnold Arboretum where I became Research Associate and Lecturer in Botany. In 1938 I was given the rank of Associate Professor of Botany.

In 1949 I spoke up in opposition to the then current "Bailey Plan" and voiced the opinions which I honestly held concerning the Arboretum and the place it should occupy in the University. Since then, I have been denied many things which a Harvard professor normally can expect, certainly in the final decade of his university career. I have been denied promotion to full professor. I have received none of the salary increases benefitting other professors at Harvard during the past few years. More

recently, I have been denied quarters in the new Herbarium Building now housing those herbaria and libraries with which I have been intimately associated ever since I came to Harvard. Over the years I have worked over these collections and added to them many specimens, books, maps, manuscripts, etc., always believing that these would be available when I wanted to use them and particularly late in my university career when I was ready to bring together and summarize the results of my lifetime of research. The large mass of unique material which I helped to assemble and which is now housed in the University Herbarium is available there and nowhere else. If I am to complete my research program I must have it readily available during the few years remaining before my retirement.

After the bulk of the Arnold Arboretum library and herbarium was moved to the newly constructed University Herbarium in Cambridge, I was bluntly told by the Arnold Professor that no room was available for me there. This was a surprise since previously an office had been planned for me in the new building and was even identified with my name in the final plans of the architect. I first learned that I was to be denied an office in the building during a conversation with the Arnold Professor in Cambridge on December 15, 1954, following which I wrote him two letters, copies of each of which are annexed, in an endeavor to be conciliatory. (see pg. 20)

Dr. Howard sent no reply to my letter of December 23 but instead asked for a private meeting with me in Jamaica Plain on December 31, during which he stated that he would not have me in the new building because my presence there would be disturbing to other members of the Arboretum staff. In a desire to have some memorial of this interview, I wrote the letter of January 5, 1955, a copy of which is annexed. (see pg. 25) Again, Dr. Howard made no written reply but again called me into private conference at Jamaica Plain (on January 7). At this meeting he violently berated me, calling me a liar and fancying some parallel with characters in the "Caine Mutiny", a book with which he had just become acquainted, he also called me a paranoiac.

Having been entirely unsuccessful in my endeavor to get along with Dr. Howard, I wrote to Dean Bundy under date of October 11, 1955, a copy of which letter is annexed (see pg. 16) and immediately thereafter at the advice of my friends obtained the services of Richard Wait, Esquire of the Boston Bar (Harvard 1923) as legal counsel. He carried on extensive negotiations with Dean Bundy.

In the course of those conversations Dean Bundy stated that I had been unproductive in research and further stated that he was fearful that

I was on the verge of a nervous breakdown and, as well, perhaps mentally unstable, for both of which reasons I should be denied the use of a room.

To meet the first allegation, a tabulation was prepared which showed that during the previous ten years I had published four times as much as did Dr. Kobuski or Dr. Perry. These were the members of the staff who, it was said, would be emotionally upset were I to be assigned a room in the building. During the year prior to the transfer of the Arboretum collections to Cambridge I published five of the eight taxonomic papers from the Arboretum staff. That my production since that time has suffered is the direct result of excluding me from the herbarium and libraries in which I have always worked and also to the recent very unusual delays in publishing the papers which I have submitted to the editor of the Journal of the Arnold Arboretum.

In order to meet the second allegation, concerning my health, and to put the lie on this vicious fabrication, I submitted to a psychiatric inquest performed by an Internist and two Psychiatrists. On May 10, 1956 the medical panel reported unanimously that I was "not suffering from any recognizable impairment of . . . health, mental or physical". A copy of this report together with a note giving the *dramatis personae* is annexed. (see pg. 27) It having been thus established that the Dean had either been misled or had misjudged, it might be expected that having cruelly forced a professor to submit to the indignities of a psychiatric examination that the Dean would offer his apologies or at least make some public explanation. I have received no apology nor has there been any explanation from the Dean or other officers of the University attempting to justify this unprecedented treatment of a member of the Harvard faculty.

In early June, conversations were resumed between the Dean and Mr. Wait in which the Dean urged that I acquiesce in transfer from the Arboretum to Arts and Sciences, upon which I would be given the room. These conversations were interrupted by successive and overlapping absences abroad by the Dean and by Mr. Wait and were resumed in the fall. At that time the Dean took the considered position I was to be given the choice of two alternatives. He stated these in a letter to Mr. Wait dated October 1 as:

"On one hand, he may prefer to remain a member of the staff of the Arnold Arboretum, in which case responsibility for the administrative decision on the working space available to him will continue to rest with the Arnold Professor. On the other hand, he may choose to request a transfer from the staff of the Arnold Arboretum, in which case the Arnold Professor and I are prepared to join in

recommending his transfer to the Corporation. In the event that such a transfer is made, to the Faculty of Arts and Sciences, I should expect to assign to Professor Johnston an office in the Harvard University Herbarium, but he would naturally no longer have office space in the building of the Arnold Arboretum at Jamaica Plain."

Dean Bundy is well aware, and so am I, that a forced transfer is recognized as punishment and extreme official displeasure by professors at Harvard and elsewhere. Indeed, Dean Bundy, himself, in the course of the second conversation I had with him referred to such a transfer as a possible unpleasant consequence of my differences with the Arnold Professor. My work has been of a sort associated with the Arnold Arboretum and the Gray Herbarium, and a transfer to the Division of Biology would be recognized as a demotion or mistaken for a change in field of research by taxonomists around the world.

The Dean's position is that whether a member of the Arboretum staff should or should not be given office space in the Herbarium Building is for the decision of Dr. Howard, Director of the Arnold Arboretum. This would indicate that Dean Bundy believes that any rights and prerogatives which are mine because I am professor in the University are to be enjoyed by me only at the pleasure of the Director of the Arboretum because my assignment within the University is with that institution. This will come as a surprise to many members of the Harvard faculty. According to Dean Bundy, only if I voluntarily agree to separation from the Arboretum and become an unassigned member of the Faculty of Arts and Sciences will he have the authority to assign me to quarters in the new Herbarium Building and thereby make it possible for me to continue my research work.

This building in which I am being denied opportunity to carry on my research work was constructed and furnished with moneys taken entirely from the unrestricted funds of the University. It is as much a University building as University Hall. The collections and libraries of three distinct institutions are housed therein; those of (1) the Arnold Arboretum, (2) the Gray Herbarium, and (3), those of the Botanical Museum. In 1954 it was announced that costs of maintenance of this new University building were to be apportioned as follows: (1) 42% from Arboretum funds, (2) 38% from Gray Herbarium funds, and (3) 20% from Harvard's general funds. It is to be noted that the building was constructed at the cost of over a million dollars in University funds and that 20% of its current upkeep comes from University general funds. This is the building over which the Dean of the Faculty of Arts and Sciences now claims to have no authority.

During the past two years every effort has been made to deny me quarters convenient for herbarium study. I refuse to believe that attempts to destroy any scholar or that attempts to deny him rights to conclude a long program of research can be good for Harvard or consistent with its best traditions. The Herbarium Building was presumably built to further research and to contribute to the training of students. Those objectives are not furthered by keeping the senior professor and the most experienced taxonomist separated from students working in the building or by stopping his research by denying him the right to work there. Yet this has been done upon the allegation that the senior professor's presence would be "emotionally upsetting" to some of the personnel.

The Dean's position recognizes as a principle that a Harvard professor can be denied quarters in a University building when it is claimed (without any proof offered) that the presence of the professor in the building would upset emotionally any non-faculty personnel working in the building. Student, stenographers, visiting botanists, minor herbarium help and three young professors are given rooms suitable and convenient for herbarium research, but the senior and most experienced taxonomist is denied one! I was offered only a table in the large open herbarium hall. Apparently the morale of the junior staff would be strengthened and salvaged if first a professor at Harvard was publicly humiliated for their edification.

During the past two years stories have been circulated in Cambridge and told visiting botanists that I have refused to use the new University Herbarium Building because I was miffed at the decision to move Arboretum collections, staff and funds to Cambridge. These stories were intended to belittle me and hurt my reputation and were intended to deceive since they continued to be repeated and put into circulation even during the first half of 1956 when it was known that Dean Bundy had insisted that I stay away from the building and that I had yielded to that insistence. They are wholly without foundation. My present difficulties stem from my persistent demands that I be allowed the use of the building.

For two years I have insisted that I should have quarters and facilities suitable for continued work in the herbaria and libraries with which I have been associated for so many years. I have asked for no special favours. I have asked merely that I be given and assured the privileges allowed any responsible older professor or staff member in an institution with which he has been long associated. I have been asking for the right to carry on and finish my research program in a building constructed by the University. Here at Harvard University for two years I have been denied these things.

My own difficulties are not unique or peculiar to me. I am merely one of a group of four Harvard professors, all former administrative officers at the Arnold Arboretum, who in 1949 questioned the propriety and legality of the then proposed dismemberment of the Arnold Arboretum. The position which each of us had taken was promptly misrepresented. With the intent to discredit our opinions, the basest of motives was attributed to us and we were made out to be unreliable, incompetent, senile or insane. This campaign has continued to the present day.

Following is the record.

Professor Oakes Ames for fifty years, beginning as Assistant in Botany in 1898, served the cause of Botany at Harvard University as scholar, teacher and administrator. He became a leader in botanical affairs at the University, carried out many assignments in his field for President Lowell, and at one time or another was administrator of six of Harvard's eight botanical establishments. As Supervisor, he directed the Arboretum from 1927 to 1935 and was instrumental in more than doubling its endowment. In 1943, upon his retirement as Director of the Botanical Museum, his colleagues at Harvard joined in expressing their "esteem and warm affection" for him and hailed "his unique record of devotion and distinguished service."

In the fall of 1949 conflicting reports drew the attention of Professor Ames to the so called "Bailey Plan" for the reorganization of botany at Harvard, which had been authorized in 1946 but in 1949 was still only partly operative. He subjected the "Plan" to a searching analysis. What he found puzzled and alarmed him. He communicated with his old friends and former associates in Cambridge, expressing his concern and asking for further information. His inquiries were received coolly and fended off. When he pressed the matter, his questions were taken as unfriendly. It was suggested pointedly that what he was doing was none of his business. When those in charge of the Bailey Plan refused to listen, he settled down to prepare a detailed discussion of the matter which was published at the close of 1949. His publication raised many questions relating to the propriety and legality of the Bailey Plan and especially as it concerned the Arnold Arboretum.

Although very much later some modifications had to be made in the plan for botanical reorganization to meet questions of legality first raised by Professor Ames, directly after his publication appeared the planners in Cambridge stubbornly insisted that no change in the Plan was needed. Efforts in Cambridge seem chiefly devoted to the tearing down of the reputation of Professor Ames for fairness and good judgment and

to spreading the lie that he was unreliable, incompetent and perhaps even senile. The tactics were to discredit the man rather than try to answer his arguments. He learned of a document, with this purpose, circulated widely in the University which belittled and defamed him and which neither he nor his family was ever able to see or even answer, apparently because they were suppressed with good reason and possibly because they were libelous. A copy of a letter by Mrs. Ames bearing on this episode is annexed. (see pg. 29)

Professor Elmer D. Merrill was a very distinguished botanist and administrator and truly had a world-wide reputation. In the number of honors he had received he greatly surpassed all the professors in the botany department and was equalled or surpassed by few, if any, other members of Harvard University. Without any question, he was one of the foremost botanists of his generation. At Harvard he held the post of Administrator of Botanical Collections (with supervision over all the botanical units in the University) and that of Director of the Arnold Arboretum from 1935 to 1946.

As the Bailey Plan for the reorganization of botany at Harvard was slowly made operative subsequent to 1946, Dr. Merrill more and more began to openly question its wisdom. Many matters of policy and organization mentioned in the Bailey Plan only in very vague and ambiguous terms were now being implemented. In many instances on the basis of vaguely worded paragraphs, orders were being issued that went counter to what some of us had been led to expect when our approval of the Bailey Plan had been sought. In particular, what was now openly planned for the Arboretum we now began to recognize as destructive. The analysis of the matter, published by Professor Ames at the close of 1949, convinced Dr. Merrill that the Bailey Plan was ill-conceived and should be reconsidered before organization proceeded further. When this was refused, he spoke out frankly, stating over and over again in conversation and in letters that what was being done was destructive to the Arboretum. There never was any question as to his stand in the developing Arboretum controversy. Yet recently, Dr. Howard, in the Journal of the Arnold Arboretum has attempted to make it appear that Merrill fathered the Bailey Plan and at all times approved of it.

After the retirement of Dr. Merrill as Director of the Arboretum, and during the administration of his successor, Dr. Sax, he was welcomed at the Arboretum building and given all available facilities for continuing his research in the herbarium and library. However, along with Dr. Sax and

me, Dr. Merrill was also castigated by Dr. Howard when he took over control of the Arboretum at the beginning of February, 1954.

In June, 1954, Dr. Merrill discovered that his desk had been rifled and that among the private papers missing were all his documents and correspondence relating to the Arboretum controversy. Dr. Merrill was outraged. He was convinced that his desk had been violated. When the matter was brought to the attention of the Director, he accused Dr. Merrill of being a trouble maker, ordered him to give up his key, get out of the Arboretum building, and never come back. Kicked out of the building where he had worked for nearly twenty years, he staggered home, had a stroke, and partially paralyzed had to spend the rest of his life in bed.

During the final year and a half of his life, Dr. Merrill was ignored by those who cannot escape some blame for the manner in which he spent the closing months of his career at Harvard. Neither the Director nor any of his staff in Cambridge visited Dr. Merrill, nor sent him good wishes, nor even inquired concerning the state of his health. The only communication with his family occurred a few weeks before his death when his wife was informed by the Director that she would not be forced to move from her home on the Arboretum grounds until six months after her husband died. Two months after the burial of Dr. Merrill, his widow was asked how soon she could move from her home.

Mrs. Merrill believes that the treatment accorded her husband hastened his death.

Professor Karl Sax joined the staff of the Arnold Arboretum in 1923 and was its Director from 1946 to 1954. He is its oldest staff member as well as the one longest in its service. He was Director in 1949 when Professor Ames and others began to question the wisdom and the legality of what those who were putting the Bailey Plan into operation had announced as to the future use of the Arnold Arboretum and its collections and assets. Since as Director possibly he might be subject to criticism or even be held responsible for action which did not have his approval, Dr. Sax very naturally began to ask questions and push for a legal decision on some of the more controversial proposals. As with Professors Ames, Merrill and Johnston he was rebuffed, and when he persisted, was treated as an enemy. As with the others, a campaign was begun intended to destroy his credibility at the University by raising questions concerning his motives and by damning him as unreliable and irresponsible.

In 1953 there were persistent rumors in Cambridge that Dr. Sax was

to be removed from the Arboretum staff and moved to an office in the Biological Laboratory without departmental affiliation. This story was so well known and persistent that its existence was even verified by the Chairman of the Division of Biology. Other insulting or disquieting episodes occurred, as for example, an unprecedented surprise inspection of his business office and accounts by auditors under orders from Cambridge.

In 1954 after being relieved from the directorship of the Arboretum (which he accepted willingly and, indeed, even with some relief) he was removed from his other administrative position, Supervisor of the Bussey Institution. He was requested to resign from this position but refused, since he had good reasons for believing the request to be punitive in purpose. On Dean Bundy's recommendation he was discharged by the Corporation on grounds that he had "lost the confidence of the Corporation".

As with Professors Merrill and Johnston, Professor Sax was also subjected to the coolness and ill will brought from Cambridge when Dr. Howard became Director of the Arboretum in February, 1956. Like Professors Merrill and Johnston, his relations with Dr. Howard have been marred by a sequence of episodes in which the Director has been inexcusably arrogant, insulting and otherwise unpleasant. Typical of these was a remark of the new Director to the effect that Dr. Sax was fortunate since he had only four years before retirement whereas Johnston had to "take it" for ten years, if he remained at the Arboretum. At intervals during the past few years Professor Sax, like Professor Johnston, has continued to learn of attempts by the new Director to discredit his accomplishments and veracity among colleagues and former students.

When most of the Arboretum staff moved to Cambridge, Dr. Sax and Dr. Johnston, the two senior members of the Arboretum staff, continued to occupy offices on the top floor of the former Administration Building in Jamaica Plain. With the departure of most of the staff to the new Herbarium Building three telephones were removed from the top floor of the building in Jamaica Plain where these older members continued to work. When Dr. Sax protested, he was told by the new Director that an extension phone cost too much and that the two professors could use the phone of the Superintendent of Grounds on the lower floor and sarcastically added that they would benefit from the "exercise of walking up and down stairs". All the other permanent staff members of the Arboretum have phones in their offices or in a nearby office on the same floor. Petty discrimination calculated to handicap and annoy the two older men is present also in the Director's refusal to supply them with expert stenographic help capable of

taking dictation or preparing technical manuscript. Howard's decision in both these matters has been supported by Dean Bundy.

Attempts are sometimes made to picture those of us who wished to have the Arboretum controversy settled in court as somehow in rebellion against University authority. To my knowledge at no time has any one of the four protesting professors ever questioned the ultimate authority of the Harvard Corporation in University affairs. Nor do I believe has any one of them ever knowingly gone counter to its orders. When the Corporation has made a decision concerning the Arnold Arboretum, such as the presently effective one of January 19, 1953, that decision has been recognized as setting the condition under which the Arboretum and its staff are to operate until further notice. I am sure that neither Dr. Sax nor I have ever knowingly acted in violation of that order. We do not believe that the Corporation has been properly advised and we hope that it can be prevailed upon to change its orders, but as long as its orders are effective we follow them.

I make no attempt to hide the belief that because of suppression of free discussion I think the Corporation had no fair appraisal of the facts and that as a consequence it made an unwise decision, harmful to Harvard and destructive to the Arnold Arboretum. That, however, does not mean that I fail to recognize that the decision still binds me. Nor, furthermore, does it mean I am any more disloyal to the University or the Corporation than I am to my country when I openly express disapproval of a particular act of Congress. If Harvard is a free university, certainly it cannot be called treason if I join a movement with the purpose of getting the Corporation to change what I, both as alumnus and member of the faculty, believe honestly to be an unwise decision, hurtful to the Arboretum and to the University.

Harvard can take no pride in the attempts since 1949 to silence, to discredit, and to drive from the University the group of professors who claimed the privilege, to be expected in a free university, the right to express an honest opinion without fear of reprisal. What has happened here at the University is not a passing momentary flare-up of intolerance. This has been a campaign lasting seven years.

This campaign of repression has been possible only because successive deans have openly allied themselves with those anxious to suppress certain opinions regarding University policy. Because of their willingness to believe, repeat and act upon unverified derogatory stories, they have become the instrument by which independent opinions are punished.

Malicious tales from obviously biased sources are accepted as true without verification and the injured party has not been informed as to what was said against him nor has he been given an opportunity for rebuttal. The maligned person is fortunate if he chances to hear of these stories that are whispered against him and can pin them down and effectively dispose of them. If he insists that he be given a chance to hear all charges held against him and be given an opportunity to refute them, he is said to be a trouble maker.

The charges I make are serious ones. Perhaps I am unrealistic and sentimental, but I believe what I have to relate is not in the best tradition of Harvard University. At Harvard no group of professors should be punished for possibly unpopular views, nor should they be denied advancement or salary increases, or kept from doing research, or subjected to any other evidences of official displeasure on the basis of gossip and false and secret charges.

LETTERS MENTIONED IN THE MEMORANDUM

October 11, 1955

Dean McGeorge Bundy,
Harvard University,
Cambridge, Mass.

Dear Dean Bundy:

The time has arrived when I must appeal to you for some clarification as to what I should expect as a member of the faculty of Harvard University. It has been my disillusioning experience to discover that because one may hold certain opinions, that here at Harvard he can be treated with great unfairness and can be subjected to much pettiness and vindictive intolerance. I can only hope that the treatment I have received is not in the best tradition of Harvard and that it does not represent local notions of academic freedom. In any case, I would appreciate it if you could find time to give me official reactions on several matters that should be faced up to and settled in the near future.

For more than thirty years (since 1922) I have been intimately associated with the herbaria and libraries of the Arnold Arboretum and the Gray Herbarium and have done considerable in building them up into their present eminence as research centers. However, because of my views on the Arboretum Controversy, I am now denied the right to continue my research in these collections, except only under the most humiliating restrictions and under the threat of constant petty harassment. In effect this denies me the use of a Harvard building and shuts me off from research materials of the University that I have been using daily for many years. The results are disastrous for my work and research program, as those responsible for this punitive action are fully aware. My usefulness as a research botanist and teacher has been affected. My rights as a professor have been abridged. My use of University property has been curtailed. Has all this been sanctioned by University authorities? If this be possible then perhaps a member of the University can also be denied use of Widener Library and thereby also be harmed as a scholar and so punished should the Librarian, perchance, not like his thinking. I can not believe that such bald vindictive intolerance should pass unchallenged at Harvard.

Of late there has been a great to-do at the University concerning Academic Freedom and the right of qualified professors to hold and express an opinion even though it might be unpopular in some quarters. I would

like to know if these principles are paraded forth only to shield certain members of the University, or if they are applied to all professors, even to members of the botany department who might be holding opinions that are not appreciated in some places. Does the University condemn persecution for beliefs and damn intolerance outside of Harvard, while at the same time it blinks at or even condones such manifestations inside its walls? At Harvard I have imagined that the right to pursue research and the right to arrive at and express independent judgment would be vigorously defended as fundamental in society of scholars. From my experience, I say it is not the case! Is this of any concern to the University authorities?

As a member of the Harvard faculty I need information as to my obligations to the Director of the Arboretum. I have worked under the three previous directors of the Arnold Arboretum. These men showed continuing interest and helpfulness in my research and other activities, but none of them ever made an attempt to boss me, or tell me peremptorily, with threats, that I was or was not to do thus and so. My loyalty to my institution has never been questioned, nor has my devotion in furthering its interests. As seems to be the pattern at Harvard, as a faculty member I was independent, given freedom of action, and allowed to carry on my research and teaching as I thought best without interference from the director. In the past I have been treated as a faculty member associated with the Arboretum, and not as part of the hired help that has its every task assigned by the director. My allegiance to the director of the Arboretum has been that to a leader and a friend, not to the man with the bull-whip!

The independence and individualism of the Harvard faculty member is well known to you. I mention it only because the new director of the Arboretum is not only arbitrarily withholding the facilities for research formerly available to me, but is also asserting the right to control my remaining activities both at the Arboretum and away from it, and, furthermore claiming the right to be constantly informed of all I do. I do not believe this accords with University practice. I can not believe that my independence within the University and the other prerogatives I have exercised as a free member of the Harvard faculty can be arbitrarily revoked by the present Director of the Arboretum. I would like some information from you on this matter.

The third matter on which I need some trustworthy information concerns the conditions under which it is permissible for a Harvard faculty member to receive pay from an outside source for expert services rendered. I have been told that I can be paid for such services only during my month of vacation. This surprises and puzzles me for it is scarcely in accord with

examples of professors who have received and continue to receive pay for expert services not only during vacations but also over various periods during the year. As far as I can determine it seems to be a general rule that outside services for pay are not frowned on by the University administration if such assumed obligations add to the experience of the professor and bring credit to the University, and, if, in addition, they do not take a disproportionate amount of time and always remain distinctly secondary to the professor's primary obligations to the University.

I have an opportunity to do botanical work in the forests of Panama cooperating with the United States Army Engineers. I am the only one at Harvard and one of a few botanists in the country fitted for this particular technical work. The work is stimulating and gives me a marvelous opportunity under exceptional circumstances to continue my past studies of jungle flora. It happens that the engineers with whom I collaborate are well paid and as a botanist I see no reasons why I should not be paid also. I am a better botanist and teacher because of this unusual work; I am helping in an important job for the U. S. Army; and I assure you, bringing credit to my university. Is such field work to be restricted solely to my vacation? Must I refuse to again join the engineers in Panama, for two or three weeks in November and again in February, simply because I will be paid and because my month of vacation is spent?

I find that paid work with the Army can be open to me from time to time if I am free to accept it. Trips to Asia, the Pacific, and other areas are a possibility. The opportunities for a botanist are superb! Very important, the money realized could be put to very good use. For reasons not far to seek, I have not been advanced to a full professorship or to a full professor's salary, and, significantly, I was passed over in the general salary increase of the Harvard faculty publicized last spring. What is more, it has been made clear that in my research I can no longer hope for financial help from Arboretum funds. I hope, therefore, that there will be no objections by University authorities if from time to time I absent myself from the University for outside paid use of my technical knowledge. In this way I can obtain funds for the financing of my research and field-work, and for travelling to New York and Washington from time to time for the herbarium work which has been made impossible to carry on in Cambridge.

I am enclosing copies of my correspondence with Howard late last year. These letters (all that were exchanged) have some bearing on the matters mentioned in the present communication and should be available to you.

Trusting I may look to you for some help and advice on the matters I have mentioned, I am,

Sincerely yours,

IVAN M. JOHNSTON,
Associate Professor of Botany.

Jamaica Plain
December 15, 1954

Professor Richard Howard, Director
Arnold Arboretum,
22 Divinity Ave., Cambridge, Mass.

Dear Dr. Howard:

This morning in your office in Cambridge, I asked you concerning office-space in Cambridge.

My lectures in *Biology 201* start the first of February. As you know it has been my plan to transfer my headquarters (from Jamaica Plain) to Cambridge when my spell of lectures begin.

This morning you stated that there was no office for me in the new Herbarium Building, and you remarked that since I have had an office usually assigned to me in the Biological Laboratories that I should make my headquarters there. You assured me, however, that for use in research a table in the Herbarium Building would be reserved for my work. You also expressed the opinion that my lectures should be given in the Biological Laboratories since Rollins and Barghorn both had prior claims on the lecture room in the Herbarium Building.

I believe I have given the important points covered in the conversation this morning. I would appreciate it, however, if you would favor me with a letter confirming them. I want to be certain that there has been no misunderstanding.

Hoping you will send me an official statement, I am,

Sincerely yours,

IVAN M. JOHNSTON.

Jamaica Plain
December 28, 1954

Dr. Richard A. Howard, Director
Arnold Arboretum,
22 Divinity Ave., Cambridge, Mass.

Dear Dr. Howard:

In answering your letter of Dec. 21st, I must first disclaim the statement you attribute to me, namely, "I will take no part in this organization until the legal cases have been settled to my satisfaction". If you believe you heard such an absurd statement from me, I assure you that you are the victim of a misunderstanding. Neither the statement nor the sentiment expressed are mine. They have never been mine! I consider them unrealistic and ridiculous. It is regrettable that you, the Director of the Arboretum, could believe you had heard such an astonishing statement from me, a staff member, and failed to have repeated and rephrased it so as to be certain you had heard and understood it correctly. How could you have accepted such an idea without some comment at the time? At this late date all I can say is that I am very sorry to learn that you have been deceived so long by a gross misunderstanding of some harmless remarks made by me. I regret that it is only after the lapse of the better part of a year that I have been informed of the mistake and given my first opportunity to correct it. You may rest assured that I have never subscribed to the sentiment it expresses. I can not imagine what possible remark of mine could have been so incredibly misunderstood.

In your letter you accuse me of being uncooperative. Only if you have accepted the statement discussed above as true, can I understand why you should believe me uncooperative and act accordingly. As a matter of fact your appointment as Arnold Professor I favored and pushed. I did all I could to prepare the Arboretum staff for your coming and to have their full support assured you. I was there to welcome you when you assumed control of the Arboretum last February, and was prepared to give wholeheartedly any and all help and support you wished in your new position. For what transpired last February I was totally unprepared. I was treated coldly and subsequently in many ways it was made known that in your sight I was a discredited member of the discredited previous administration. After some weeks, having been received coolly when I sought you out, and having some time before been stripped of all my administrative duties, I turned to my research and became engrossed in it. The very few times you sought me out, you will admit I was agreeable. I wanted to be

so. I am and have been willing to work under the Director and, to the best of my abilities, supply him with any information or advice he might request.

If I have not been sociable it is not because it is my nature or because I do not wish to be so. If I have not been "cooperative" it is because I was given good reasons to believe my help was not wanted and would not be accepted. I have been ignored and told practically nothing of the developments at the Arboretum during the past months. From their behavior I assume that the other members of the staff have been told to clam up in my presence and to have as little to do with me as possible. Since what has transpired has so much of the same pattern as that with which I have become familiar in Cambridge, I assumed that the attitude towards me, established in the Morphological Institute, had come with you to Jamaica Plain. To learn at this late date, that a year of strained relations goes back to words misunderstood last February, is saddening. With a bit more determination to remain friends, on the part of both of us, this spell of unpleasantness would have been still-born.

On the afternoon of Thursday, May 27th, you dropped in at my office and we had a fifteen minute talk. It was a pleasant one and unique. You told me plans for moving were fixed and asked me what my plans were. I told you that if I could be of any help with the moving I would be available. I also told you that I had on hand material and notes for research in sufficient quantity to keep me busy in my office at Jamaica Plain until fall when I would like to move to Cambridge. You asked me what function I would take in the new organization in Cambridge, whether it would be in the field of Asiatic plants, Mexican plants, or horticultural plants. I felt you were trying to be friendly. Your questions, however, caught me by surprise and as I was fumbling for an answer you were called away to answer the phone. In leaving you said, "We will continue this later". You did not come back. That was the end of the matter. The old coolness was reassumed. For some reason you seemed to have a change of heart. I was not asked to help with the moving. No quarters were assigned me in the new building in Cambridge.

The organization of the so-called "Horticultural Herbarium" has some unusual features. A year ago, some months before you became director, Kobuski was called to Cambridge and there told, presumably by Irving Bailey, to start segregating horticultural specimens from the then intact Arboretum Herbarium. Although Sax was then Director of the Arboretum and I was in charge of the herbarium, and Kobuski supposedly taking orders from me, neither Sax nor I was contacted by those who were trafficking with Kobuski. The latter told me he had instructions to select

out material for a Horticultural Herbarium. On the assumption that the work was authorized by those who spoke for the Harvard Corporation I raised no objections, even when he enlisted the services of Perry and Hu. I was not consulted as to the nature of the specimens to be selected out. I am sure that if I was expected to participate in the work that I would have been consulted and asked to carry on the work by those authorizing the job. I would not have learned of it from a subordinate!!

Since 1922, over thirty years, I have held positions either at the Gray Herbarium or at the Arnold Arboretum, and have continuously worked in their herbaria and libraries. No one knows them as intimately as I! More to the point, in recent years I have made it my job to become especially well informed in all details concerning the Arboretum herbarium and library, and especially those features which would need consideration if there was to be any change in their status. Nevertheless, since you became Director I have not been consulted concerning the herbarium or the library, even once. I have had absolutely no part in the decisions concerning the disposition of the herbarium or library, or of their parts. I have not been approached on these matters by you, Kobuski, Schwarten, Wyman, or Perry. Any statement to the contrary is incorrect.

I cannot believe that you take seriously some of the things you mention as reflecting on my willingness to cooperate with you. The lessup matter you bring up is not my affair. I turned over to you the letter of transmittal from the Chicago Museum when it arrived, as you had previously ordered me to do. Much later you suddenly accuse me unjustly of withholding the package of specimens concerned. I had not received nor had even had a glimpse of these specimens. Since last summer packages addressed to me in Jamaica Plain, without my permission or knowledge, have been opened, taken to Cambridge, and disposed of without my ever seeing them or even learning that they have arrived. Accordingly, why should the non-arrival of a package from Chicago disturb me? The day I was unjustly accused of sequestering the package it occurred to me to look where missing packages have been found in the past—in the fumigating case in the front hall at Jamaica Plain. That is where the package was. Where doubtless Kobuski or Perry had placed it when it arrived. This matter should be taken up with them.

The loan from Florence should be covered by letters in your file in Cambridge. As I recall I wrote Florence when the specimens arrived saying that the official acknowledgement would come from the new director. My letter should be in my file (which Kobuski carried off to Cambridge) or it may be filed with the covering correspondence which I turned over to

you for your official reply. If you can not find the letters I will write to Florence asking for copies. I do not believe that this matter shows any lack of willingness to cooperate. Indeed, I would say it shows the contrary. The matter involved, however, is one to be straightened out between the Director and his curator, Kobuski.

According to your letter I have "backed out" of my written and published promise to supervise the "Flora of China Project". This is all news to me. Your curator knows my relation to the project and if he had briefed you correctly you should know I had nothing to do with its functioning. Merrill has directed it, as published statements indicate and as Miss Hu will tell you.

Your letter of the 21st was in reply to mine of Dec. 15th in which I asked you to confirm the important points covered in our conversation of that date. For your convenience I quote from my letter, "This morning you stated there was no office for me in the new Herbarium Building, and you remarked that since I have had an office usually assigned me in the Biological Laboratories that I should make my headquarters there. You assured me, however, that for use in research a table in the Herbarium Building would be reserved for my work. You also expressed the opinion that my lectures should be given in the Biological Laboratories since Rollins and Bagnhorn both had prior claims on the lecture room in the Herbarium Building." In your letter of the 21st you enlarged on the desirability that Biology 201 be given in the Biological Laboratories. This is agreeable to me. In your letter, however, you stated that several topics in my letter were not touched on in our conversation. Do you, by any chance refer to any of the statements just quoted? If so, will you please let me know just where I misunderstood you?

Our relations since you became Director have been marred by a series of very serious misunderstandings. Certainly I am not happy with the situation and I would be very pleased if bygones could be forgotten and if we could make a fresh start at continuing the easy congenial relationship which was formerly maintained over a good many years. For the future, I beg that in possibly questionable matters involving me that you give me the benefit of the doubt and also the opportunity to explain or defend myself.

Sincerely yours,

IVAN M. JOHNSTON

Dr. Richard A. Howard, Director
Arnold Arboretum
22 Divinity Avenue, Cambridge, Mass.

Jamaica Plain
January 5, 1955

Dear Dr. Howard,

In our conversation of Friday afternoon last week (Dec. 31st) you were very outspoken on a number of topics. I have been hoping that some of these would be given official written statement in a letter replying to the one I mailed you on Dec. 23th. Apparently you have considered my recent letter answered by our conversation. However, so that there can be no further misunderstanding, such as that which has so unhappily marred our relationship recently, I am putting on paper my understanding of the most important matter touched on during our last talk. Since this is a matter of some importance to me I beg a letter of confirmation.

Last Friday (as previously also on Dec. 15th) you stated that you would not assign me an office in the new Herbarium Building in Cambridge. As I understand it the Arboretum pays the largest share towards the upkeep of the building and accordingly has some claim on the office-space therein. In our earlier conversation you had intimated that no room was free in the building. Friday, however, you said there was a vacancy and that, furthermore, you had sufficient authority to free office-space for me, were that your pleasure. You could not have made it more clear that I was being denied an office in the building in a very deliberate manner.

The reasons given for excluding me from the Herbarium Building were a surprise. I have been expecting something of the nature as that which has transpired, since back in 1948 Irving Bailey held out the threat of exclusion from the building when I dared to differ from him when he insisted on planning an Institute of Morphology rather than the kind of University Herbarium originally promised the taxonomic botanists. To my surprise I learn from you that pressure to exclude comes not from this anticipated source. You state it comes from the staff-members who only a year ago were working under my direction in Jamaica Plain and giving no evidence of being unhappy or nervously upset because of it. According to you I am now so hated by these same staff-members that my presence in the Herbarium Building with them would destroy their morale and would disastrously lower their efficiency as workers.

I am given to believe, accordingly, that because some of the supporting staff objects to it, that a member of the Harvard Faculty is now being denied a room (which he needs for research) in a University building. Because those who formerly worked under my direction might be upset, I am denied

quarters in a building which all my past work and research associates me. Students here at the university and visitors from outside are given the convenience of a room in the Herbarium Building. The most experienced taxonomic botanist at Harvard and the one who has been associated with, has worked in and done much to build up the Gray Herbarium and Arnold Arboretum Herbarium, is, after thirty odd years of constant association with them, now being denied quarters in the new building housing them.

The reason given me is that the happiness of the house-keepers of the Arboretum herbarium staff is now paramount and must be guarded. Since Clarence and Lily for their own reasons have now decided they dislike me, I am denied facilities adequate for the continued efficient use of the herbarium in my research. Since I was added to the Arboretum staff as an expert taxonomist, being shut off from the herbarium in which I must work, must affect in some degree the nature and quality of the work which the Arboretum should expect in return for my salary. It would appear that I am expected to start de novo a new type of work in which the detailed use of the Arboretum herbarium and library is no longer required.

If I have misunderstood your reasons for denying me an office in the Herbarium Building I do hope you will provide me with a corrected statement in writing. In replying to questions from inside and outside the University, as to why I am not quartered in the new Herbarium Building, I would like to feel sure I am giving correct answers.

Sincerely yours,

IVAN M. JOHNSTON

May 10, 1956
34 Fernald Drive
Cambridge 38, Mass.

Dean McGeorge Bundy
5 University Hall
Harvard University
Cambridge 38, Massachusetts

Dear Sir:

In compliance with your request of February 24th, Drs. Cobb, Solomon and Stetson have met eight times as a panel (and Dr. Stetson has performed one physical examination.) At these meetings they interviewed six members of the staff of the Arnold Arboretum, one former member, three other officers of the University, and an attorney, to wit:

Dean Bundy
Mr. Bentink-Smith
Dr. Farnsworth
Mr. Wait (attorney for Professor Johnston)
Professor Johnston
Professor Howard
Curator Kobuski
Professor Sax
Miss Perry
Miss Hu
Professor Smith

They have also had access to a considerable amount of correspondence, notes and published material.

As a result of this investigation, it is the unanimous opinion of the panel that Professor Johnston is not suffering from any recognizable impairment of his health, mental or physical. None of the other persons interviewed gave evidence that they were mentally ill or incapacitated at the present time.

Very truly yours,

H. C. SOLOMON
RICHARD P. STETSON
STANLEY COBB (Chairman)

PSYCHIATRIC INQUEST; *person mentioned in the report of May 10, 1956*

- Dean McGeorge Bundy
Dean of the Faculty of Arts and Sciences, Harvard University.
- Mr. William Bentink-Smith
Assistant to Nathan Marsh Pusey, President of Harvard University.
- Dr. Dana Lyda Farnsworth
Professor of Hygiene and Director of Harvard University Health Service.
- Mr. Richard Wait, Attorney
Choate, Hall & Stewart, 30 State St., Boston.
- Professor Ivan M. Johnston
Associate Professor of Botany, Arnold Arboretum.
- Professor Richard A. Howard
Arnold Professor of Botany, Professor of Dendrology,
Director of the Arnold Arboretum (since 1954).
- Dr. Clarence Emmeren Kobuski
Curator of the Arnold Arboretum and Gray Herbarium,
and Supervisor of the University Herbarium Building.
- Professor Karl Sax
Professor of Botany; Arnold Arboretum and Bussey Institution.
- Dr. Lily Perry
Botanist, Arnold Arboretum.
- Dr. Shiu-Ying Hu
Flora China Project, Arnold Arboretum.
- Dr. Albert C. Smith
Smithsonian Institution, Washington, D. C.
Resigned from the staff of the Arboretum in 1943.
- Dr. H. C. Solomon
Professor of Psychiatry, Harvard Medical School;
Medical Director, Boston Psychopathic Hospital.
- Dr. Richard P. Stetson
Assistant Clinical Professor of Medicine, Harvard Medical School.
- Dr. Stanley Cobb
Professor of Neuropathology, Emeritus, Harvard Medical School;
formerly, Chief Psychiatrist, Massachusetts General Hospital.

North Easton, Massachusetts,
October 4, 1950.

Dear Dr. Mangelsdorf:

I appreciate the courtesy of your letter with its offer and assurance, even though it reveals a fundamental lack of understanding on your part which is the basis of my feeling that some one other than yourself should write the biography to be read to the faculty and be published in the University Gazette.

Your letter says "The fact that Professor Bailey and I have made a vigorous defense against the widely circulated charges of breach of trust means only that we, in common with all men of honor and spirit, do not remain silent when our integrity and that of our colleagues is questioned." Surely you know that your integrity was not questioned by Oakes Ames. In his letter of October tenth, 1949, he told you that he did not imply that any one had not been honorable and he finished his letter as follows: "I hope this long and painfully composed letter makes it clear that I hold only the sincerest respect and affection for you and Irving and impute no evil intentions to any one." In his brief, "The Arnold Arboretum and Other Botanical Institutions", he constantly asks the question whether the vote of the corporation creates breach of trust in each of the institutions. His arguments are addressed to the underlying theories and principles of the reorganization, not against you and Irving Bailey. The Provost was criticized because he represents the Corporation and should have procured legal advice for you. His secretiveness was deplored but his integrity was not questioned. Oakes Ames wrote you on November eleventh, 1949, "I feel troubled by the thought that Dr. Buck may have blundered deeply, so deeply, indeed, that my friends may become involved in his mistakes, etc.". In his Brief, he said that the approving biologists ought to be mad as hell for not having received full knowledge of the legal aspects from the Provost.

Events have proven that Dr. Buck did blunder in not obtaining legal interpretation of the trust instruments in relation to the reorganization and the votes of the Corporation. The Corporation, in order to avoid breach of trust, rescinded the third vote, concerning the sale of botanical real estate and sale of duplicate books. Mr. Lowell's legal opinion states that Dr. Barghoorn's position on the Arnold payroll squarely raises the much disputed *quid pro quo*, and the Coordinating Committee requested that the situation with respect to his salary be altered, which has been done. Lastly comes the opinion of Herrick, Smith, Donald, Farley & Ketchum confirming the correctness of Oakes Ames' analysis of the Bailey Report.

Now you complain that Oakes Ames questioned your integrity. *It just is not true.* But since you feel that way, it would seem fitting to have his biography written by another of his colleagues. Some three weeks ago, I was told that Dr. Sax had been approached by the chairman of the Biology Division for this task, a wise choice in my opinion. I am appreciative of the consideration which allows my feelings to be consulted in this matter.

You are mistaken in assuming that Oakes Ames must have hoped that you would write his biography when he placed certain material in your hands. The correspondence he entrusted to you, much of it confidential, was to be filed in the archives of the University at the proper time. The use you have made of it recently was never dreamed of by him as a possibility.

There is another event which has troubled me grievously. You wrote a reply to Oakes Ames' "brief". It is referred to in the legal opinion delivered five weeks before he died; it is referred to in the Report of the Coordinating Committee. He was told it had been suppressed, but it now appears in circulation again for the new legal review being made at the request of the Visiting Committee of the Arnold Arboretum.

Rumor has it that your "Reply" was a vicious attack on Oakes Ames, an argument *ad hominem* accusing him of inconsistency, dishonesty, etc., etc., and of being *non compos mentis*.

I have been reluctant to accept such reports of your handiwork, and inclined to believe that they are exaggerated, but Mr. Edmonds questions whether it should be shown to me. If he allowed Mr. J. Paschall Davis to see it, he would want him to take the responsibility for showing it to me.

One would not object to a fair fight in the open, but Oakes Ames was never allowed to answer your criticisms and I am not allowed to defend his fair name.

In your letter of September twenty-seventh you say that "we in common with all men of honor and spirit do not remain silent when our integrity and that of our colleagues is questioned." In my code "men of honor and spirit" do not go around a man's back surreptitiously attacking him and his record, keeping secret the charges against him and now after his death preventing those loyal to him from even seeing your charges. It appears as though you were afraid to let him know your accusations and as though you are ashamed to show them to me. Furthermore your hiding behind the privilege of the confidential nature of your reply allows it to go from one group to another of Oakes Ames' acquaintances as it has to

his colleagues, to the President and members of the Corporation, to the staff of Mr. Lowell's legal firm, to the individual members of the Coordinating Committee and, for all I know, to all the Fellows and the Board of Overseers. At the present time it must be in the hands of Mr. Farley's partners and assistants as a semi-legal document. And now, no doubt, it must go into the hands of lawyers for the Corporation and if the case should reach the courts, your reply would still be in circulation and finally arrive in the archives with no rebuttal permitted.

It may be that our sons and daughters will decide that the record of Oakes Ames' life and the corroboration of his principles by events and by the lawyers' reports is defense enough. But even the shadow of this unknown cloud is disturbing to me.

I am informed that I have a legal right to this document. This is a formal request for a copy of your "Reply".

Sincerely yours,

BLANCHE AMES AMES
(Mrs. Oakes Ames)

THE REPLY FROM
THE PRESIDENT OF HARVARD UNIVERSITY

Harvard University
Cambridge, Massachusetts

Office of the President

November 27, 1956

Dear Mr. Johnston:

Both the physical facilities and the program of the Arnold Arboretum, including that part of the new herbarium building which has been assigned for the use of the Arnold Arboretum, are under the direction of the Arnold Professor. You of course act within your right in appealing to me from a decision he has made in respect to you, but since I have complete confidence in the leadership he is bringing to the Arboretum I have no wish to interfere to set aside any of his decisions.

Sincerely yours,

NATHAN M. PUSEY

Mr. Ivan M. Johnston
383 South Street
Jamaica Plain 30, Massachusetts

THE PRESENT STATUS OF PROFESSOR JOHNSTON

Harvard University
Faculty of Arts and Sciences

Office of the Dean

5 University Hall
Cambridge 38, Massachusetts
January 7, 1957

Dear Professor Johnston

I have now had an opportunity to discuss with Professor Howard the arrangements which he wishes to make for your access to the Harvard University Herbarium, and I write this letter so that the matter may be clearly understood.

Professor Howard expects that your principal office will continue to be in the administration building in Jamaica Plain, and it is his opinion that in the interest of the Arnold Arboretum you should be there on Tuesdays and Thursdays, and responsible there for a share of the services required, such as answering questions and supplying identifications of plant materials. He recognizes of course, that at hours when you may have teaching obligations, you will not be able to perform this service in Jamaica Plain.

If you wish to work in the Herbarium building in Cambridge on Mondays, Wednesdays, and Fridays, Professor Howard will make arrangements to have provided for you appropriate work space* and essential equipment during regular working hours from 9 a.m. to 5 p.m.

He expects that in the use of the Herbarium building you will abide by the posted herbarium and library regulations and other normal University procedures. I am enclosing a copy of these regulations.

Unless I hear from you to the contrary, I shall assume that these arrangements are understood on your part.

Sincerely yours,

McGEORGE BUNDY

Professor Ivan M. Johnston
Arnold Arboretum
Jamaica Plain, Massachusetts

*Questioned on January 23, 1957, Dr. Howard stated that "appropriate work space" for Dr. Johnston would consist of "table space only".

"VALUES THAT GUIDE THE ORGANIZATION OF SCHOLARLY ACTIVITY AT HARVARD"

"What members of the faculty think of 'The Climate for Intellectual Activity at Harvard' is revealed in a section of the new *Report on the Behavioral Sciences*. On the whole, the University comes off quite well in this report, for with very few exceptions the members of the faculty interviewed state frankly that they would rather be here than at any other university. They like Harvard's devotion to excellence and feel pride in her recognized standing among universities. They enjoy the twofold responsibility for both teaching and research, though this report says less about teaching than one might wish. They recognize and are grateful for the unusual opportunities to do research, for fellowships, for sabbatical leaves, and the like. They enjoy their colleagues and receive stimulation from them. Most of them appreciate the relative freedom to inquire where and as they will, and are grateful for the deeply imbedded tradition here which permits each man to be 'the conscientious judge of his own responsibilities.'"

Nathan Marsh Pusey, in Harvard University President's Report for 1953-54
(issued Feb. 1955).

"President Lowell's ideal of staffing Harvard with the best men to be found anywhere is an ideal with organizational implications. We take it to imply that the University has sought eminence not in collective, but in individual brilliance. A large element of individualism must be present in an organization which puts its hopes on the quality of its component members, rather than on the way they fit together in a co-operative scheme. In this survey, we repeatedly heard mention of a 'Harvard pattern' which seems to consist in appointing an outstanding man and then letting him have his hand to do as he pleases. Such a pattern is inimical to hierarchy, to fixed assignments to fields, and to the activities which depend on these organizational devices. We accordingly find resistance among the Harvard faculty to large, hierarchical research organization and rigid commitments of scholars to fixed responsibilities. If it proves desirable in a man's own judgment that he should enmesh himself in collaboration with his colleagues or build for himself a little principality of subordinates, the pattern does not forbid it. Basically, however, the ideal seems to be that of a company of scholars more or less on the same footing and working independently."

The Behavioral Sciences at Harvard, pg. 57, Report of a Faculty Committee
(issued June 1954).

The Arnold Arboretum Controversy

A Question and Answer Review

by a Special Committee of the
Association for the Arnold Arboretum, Inc.

The Association is an independent organization having no connection with Harvard University and is not to be confused with the Harvard-sponsored "Friends of the Arnold Arboretum". Organized to protect and support the Arnold Arboretum in the public interest, the Association is opposed to Harvard's present plan for the Arboretum.

May 1958

ASSOCIATION
for the
ARNOLD ARBORETUM, INC.

(Incorporated in 1953
as a nonprofit Massachusetts corporation)

84 State Street • Boston 9, Massachusetts

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THE
ARNOLD ARBORETUM CONTROVERSY

A QUESTION AND ANSWER REVIEW

In March 1956, the undersigned Special Committee of the Association for the Arnold Arboretum, Inc. issued a statement entitled "A Denial of Justice and a Matter of Principle". That statement stressed the obdurate resistance of Harvard University to a judicial hearing as to the legal validity of a plan for the administration of the Arnold Arboretum adopted by the President and Fellows of Harvard College (the Corporation) as trustee for the Arboretum. It made the point that this resistance is contrary to the established practice and duty of responsible trustees and has resulted in a serious denial of justice. The statement declared that a persistent effort to obtain relief from this injustice is not only proper but is also a matter of principle.

The 1956 statement was widely approved, but also gave rise to various questions. Developments in the intervening two years have emphasized the continued denial of justice. Hence this review for the information of the many persons interested in the issues raised by the "Arnold Arboretum Controversy".

QUESTION: What is this "Arnold Arboretum Controversy" all about anyway?

Answer: In general the controversy involves the public usefulness of the Arnold Arboretum, which was established in 1872 at Jamaica Plain, Massachusetts and for which the Harvard Corporation is trustee. In particular, it involves the legality of an administrative plan for the Arboretum adopted by the Corporation. Above all it concerns the injustice of the Corporation's opposition to a judicial determination as to the legal validity of that plan.

In January 1953, the Corporation adopted this controversial plan, which modified a previous plan (known as the Bailey Plan) adopted early

in 1946. Under the 1953 plan the Arboretum has since been disintegrated and the focus of its activities has been shifted from Jamaica Plain to Cambridge. This has come about through the removal to Cambridge of most of the Arboretum's library and herbarium, and also through the diversion to Cambridge of some of the Arboretum's income, and the transfer to Cambridge of a substantial part of its staff.

On the advice of experienced lawyers that the courts might hold the 1953 plan illegal as involving a breach of trust, the contention was made that the legal issues should be submitted to the courts of Massachusetts which can alone decide them. Nevertheless, the Corporation refused to ask for a judicial ruling, and in 1954 went ahead with the disputed plan.

QUESTION: How then do you define the main issues?

Answer: The main issues are: (1) whether or not a legal breach of trust is involved; and (2) the injustice of Harvard's resistance to a judicial decision of the legal questions.

QUESTION: Please remind me about the origin of the Arnold Arboretum and its purposes.

Answer: The Arnold Arboretum was founded in 1872 by an indenture between trustees under the will of James Arnold of New Bedford, Massachusetts and the Harvard Corporation.

Under that indenture the Corporation became the sole trustee for the Arboretum. In this way the Arboretum, although affiliated with Harvard University, is administered by the Corporation under an express trust for the purposes set forth in the indenture of 1872.

The main purpose therein stated is the "establishment and support" of an arboretum "to be called the Arnold Arboretum, which shall contain, as far as practicable, all the trees shrubs and herbaceous plants, either indigenous or exotic which can be raised in the open air" in the climate of what is now Jamaica Plain. The indenture also provides that the Arboretum shall be under the "care and management" of a professor, to be called the Arnold Professor, who is to "teach the knowledge of trees" in Harvard University. It further provides that the Arboretum's

funds shall not be used for "any other object however meritorious, or kindred in its nature."

QUESTION: What is the relation between the Arboretum and Boston?

Answer: Under an agreement between the Harvard Corporation and the City of Boston in 1882, the Arboretum has virtually permanent possession (under a 1000-year renewable lease) of its large acreage in Jamaica Plain. By the agreement the city maintains the roads and walks. It also polices the property which is resorted to by many thousands of visitors each year.

QUESTION: Will you tell me about the Arboretum's physical resources?

Answer: The Arboretum has a superb collection of living trees and shrubs situated on its 265 acres at Jamaica Plain. It also owns about 50,000 books and 16,000 pamphlets and some 700,000 dried herbarium specimens. In addition it has an experimental area at Weston, Massachusetts.

QUESTION: What about its endowment and finances?

Answer: The Arboretum has (in 1958) an endowment of some \$5 million at market value. Its endowment income in the year ended June 30, 1957 was \$211,494. With other income from various sources, its total income in that year was about \$247,000.

QUESTION: Please tell me something about the Arboretum's reputation and standing.

Answer: The Arboretum has had a world-wide reputation as a horticultural-botanical institution. In former years it became famous for its explorations which brought to the United States many new shrubs and trees, and for its scientific work in the horticultural-botanical field.

For nearly fifty years until 1927 the distinguished scientist, Charles S. Sargent, was the Arnold Professor and Director of the Arboretum. During that period such famous men as Ernest H. ("Chinese") Wilson and Alfred Rehder were on its staff, but it was Professor Sargent who gave the Arboretum its fundamental direction and character.

QUESTION: How would you describe Professor Sargent's conception of the Arboretum?

Answer: His conception was that the Arboretum should be an *integrated* horticultural-botanical institution, combining at one place: (a) its superb collection of living trees and shrubs, (b) its comprehensive horticultural-botanical library, and (c) its famous collection of dried specimens. The removal to Cambridge of the great bulk of the library and herbarium, combined with the diversion of funds and the transfer of staff members, has destroyed that integration.

QUESTION: Who have been the administrative heads of the Arboretum since Professor Sargent?

Answer: Subsequent administrative heads were the late Professor Oakes Ames (1927-36); the late Professor Elmer D. Merrill (1936-46); and Professor Karl Sax (1947-54). The present Arnold Professor and Director is Richard A. Howard, appointed in 1954.

QUESTION: Is there not an advisory committee of some sort on the Arboretum?

Answer: Yes, there is a "Committee to Visit the Arnold Arboretum", consisting of some twenty-five persons appointed by the Harvard Board of Overseers. The function of this Committee is to advise as to the policies of the Arboretum. Its advice, however, is not always followed, as was shown in this particular case.

QUESTION: How did this occur?

Answer: In April 1952, the Visiting Committee, by a nearly unanimous vote, adopted a statement opposing the disintegration of the Arboretum. The Committee declared it "inconceivable" that the Corporation would permit any such action as was later taken under the 1953 plan until a judicial ruling as to its legality had been obtained. This statement, however, was entirely ignored.

QUESTION: Concerning this question of the legality of the 1953 plan, just what was the advice of the experienced lawyers which you mentioned?

Answer: Their advice was that the 1953 plan was very likely illegal as a breach of trust.

QUESTION: What were their reasons?

Answer: Their main ground was that the 1953 plan would sacrifice the work and prestige of the Arnold Arboretum for the benefit of the purely botanical work of Harvard outside the Arboretum. They advised that the Harvard Corporation as trustee for the Arboretum is obligated to administer the trust primarily in the Arboretum's own interest and not in a way which subordinates its position to other activities for which the Corporation happens to be responsible. Counsel advised that this is a basic principle of the law of trusts; and that the Massachusetts courts should hear the evidence and decide the issue of law on the facts presented.

QUESTION: What are the essential facts of the case?

Answer: The most essential facts are that the 1953 plan, as actually carried out in 1954, has caused: (1) the removal of about six sevenths of the Arboretum's library and about six sevenths of its herbarium from its headquarters in Jamaica Plain to a new Harvard University Herbarium building in Cambridge; (2) the diversion of Arboretum income to Cambridge; and (3) the transfer of Arboretum personnel to Cambridge.

QUESTION: Well, what harm has this done to the Arboretum?

Answer: The harm is that the Arboretum has been virtually disintegrated by shifting the main focus of its activities to Cambridge.

QUESTION: Do you claim, then, that this has damaged the Arboretum's work and prestige and subordinated its interests?

Answer: Yes, we certainly do.

QUESTION: Is there reliable evidence to support this claim?

Answer: There is plenty of reliable evidence. For example, a group of eleven horticultural-botanical authorities who met at Winterthur, Delaware, in November 1956, to discuss this situation declared:

"The present situation at the Arboretum makes it evident to us that the administration of the Arnold trust by the Harvard Cor-

poration has advanced the interests of the Harvard Department of Botany in theoretical botany at the expense of the best interests of the Arboretum. The present situation at the Arboretum has developed gradually from policies of the Harvard Corporation over recent years, culminating in actions that followed its resolution of January 19, 1953. These actions include removal from the Arboretum headquarters at Jamaica Plain to Cambridge of a major part of both the library and herbarium belonging to the Arboretum, transfer to Cambridge of a majority of the Arboretum's professional staff, and devotion of the Arboretum's funds to activities at Cambridge.

"We are informed that the above mentioned removal of property, together with certain other features of the present policy, form the basis of a claim involving breach of trust. In our view it is proper and essential that the various legal issues be decided by the courts."

There is no doubt that in a court hearing there would be weighty testimony that the 1953 plan sacrifices the Arboretum's interests. The lawyers tell us that if the court accepted that view, the plan would have to be declared illegal as a breach of trust.

QUESTION: What has been said by way of explanation of the Harvard Corporation's resistance to a judicial hearing?

Answer: Various excuses have been made, none of which we believe to have any validity.

It is said, for example, that since the members of the Corporation assert that they themselves have no real doubt as to their legal right to adopt the 1953 plan, this fact alone excuses their refusal to apply for court instructions. This amounts to saying that the Harvard Corporation is "above the law", in that if the Corporation declares its own conduct legal that is the last word and the courts ought to have nothing to do with it.

QUESTION: I have heard a good deal about the famous McKay case of 1915-17. Was there anything in that case to support the Corporation's position in this case?

Answer: No, quite the contrary. That case concerned the legal validity of a plan for the administration of a large bequest for engineering education under the will of Gordon McKay. The Corporation adopted a plan for joint administration of the bequest with the Massachusetts Institute of Technology. Doubts were expressed as to the legality of this plan, and a group of Harvard alumni protested the carrying out of the plan without a judicial determination. Despite advice by its own counsel that the plan was entirely legal, the Corporation, in deference to the doubts and protests of others, decided to obtain a judicial ruling. Accordingly, the Corporation submitted to the Supreme Judicial Court of Massachusetts a petition which, while formally stating the Corporation's own belief in the validity of the plan, asked for a final determination of the legal issues. That court took jurisdiction of the case and in a unanimous opinion declared the plan invalid as involving a breach of trust.

QUESTION: What else has been said in defense of the Corporation's position?

Answer: It has also been asserted that if the Corporation should ask the court for instructions it would be obliged to take a neutral position and could not argue for its own contention that the 1953 plan is legally valid. We are assured that this assertion is utterly without basis, since the Corporation, as in the above-mentioned McKay case, would be at liberty to employ independent counsel to argue on behalf of its contention.

QUESTION: Hasn't it also been said that the Attorney General of Massachusetts decided in favor of Harvard?

Answer: Yes, but this represents a misapprehension as to the function of the Attorney General and the applicable law.

The point has been made in Harvard's defense that the Attorney General declared that no legal breach of trust was involved when he refused the application of a group of interested persons to bring a test suit. However, the attempt to use this *executive* ruling as an excuse for not having a *judicial* hearing is without justification.

The Attorney General's ruling (in July 1953) was made without taking any testimony or con-

ducting any hearing in any proper sense. Moreover, this ruling was contrary to the precedents requiring the Attorney General to permit a test suit when any substantial question is raised as to the legality of the conduct of a charitable trustee. Both the arbitrary character of the ruling and the fact that it was admittedly nonjudicial render it inadmissible as an excuse for Harvard's resistance to a judicial hearing.

QUESTION: How about the claim that the Supreme Judicial Court of Massachusetts has upheld Harvard? I have heard that said.

Answer: This claim also is without foundation. What happened was that after the above-mentioned refusal of the Attorney General to permit a test suit, those who had applied to the Attorney General appealed to the Supreme Judicial Court of Massachusetts. They alleged the erroneous and arbitrary character of the Attorney General's refusal and asked in the alternative for a writ of mandamus or certiorari directing the Attorney General to permit the suit. In February 1955, the Supreme Judicial Court denied this appeal but upon the ground that the decision of the Attorney General, right or wrong, was wholly within his executive discretion and "not reviewable" by any court.

In attempting to excuse Harvard's conduct, it has been often stated or implied that by this decision the Supreme Judicial Court of Massachusetts settled the controversy in Harvard's favor. This is flatly and wholly untrue. The fact is that the Court did not purport to pass on the merits of the claim that the 1953 plan for the Arboretum is illegal as a breach of trust.*

QUESTION: Do you mean to say, then, that there has never been any judicial decision at all as to the legality of the 1953 plan?

Answer: Yes, we mean precisely that. No court whatever has to this day (May 1958) had an opportunity to pass upon the merits of the case. The Harvard Corporation has so far been

successful in blocking any judicial hearing or decision whatever on the main question of the legal validity of its conduct.

QUESTION: Is there any other instance in Harvard's history where the Corporation has similarly tried to avoid a judicial ruling when the legality of its administration as trustee has been questioned in this way?

Answer: There is apparently no other instance whatever of this sort in the whole course of Harvard's history since the Corporation was established in 1650. In this connection, the distinguished historian, Samuel Eliot Morison, who is the recognized authority on the history of Harvard, has authorized us to say that he believes no such opposition by the Corporation to a judicial hearing on the legality of its administration of trust funds has ever before occurred.

QUESTION: What is the underlying reason for this apparently unprecedented attitude? How do you explain it?

Answer: The basic cause for the Corporation's attitude seems to lie in the peculiar position of irresponsibility which the Corporation enjoys. This body of seven persons, consisting of the President and Treasurer of Harvard College and five Fellows, still operates under the charter granted by the General Court of the Colony of Massachusetts Bay in 1650. Its members serve for life and appoint their own successors subject only to the "consent" of the Board of Overseers. Moreover and still more important, the members of the Corporation are apparently subject to removal by no one but themselves.

This combination of great powers, together with indefinite tenure and extraordinary freedom from accountability, is possibly unique among all corporate or governmental bodies in the United States. Even the members of the Supreme Court of the United States are subject to impeachment; but not so the members of the Harvard Corporation.

It has often been said that it is simply "incredible" that Harvard has followed this arbitrary course. The fact is, however, that the incredible has happened and is happening. And when its special position of immunity is taken into con-

*Note: The nature and effect of the decision of the Supreme Judicial Court and of the Attorney General's ruling of 1953 are fully analyzed and discussed in a Memorandum of September 1955 by Robert G. Dodge and J. W. Farley, leading lawyers of Massachusetts.

sideration, it is not so surprising that the Corporation may occasionally be led into an abuse of power as in this Arboretum case.

QUESTION: What is the Association for the Arnold Arboretum, Inc.? What are its purposes and activities; what is its membership and how is it financed?

Answer: The Association was incorporated under the laws of Massachusetts in July 1953 as a nonprofit membership corporation. Its purpose is to protect and support the Arnold Arboretum in the public interest. It has a membership of about 1200. They come from 41 states and include many persons interested in American horticulture. The membership also includes many graduates and friends of Harvard who feel that the Corporation's resistance to a judicial hearing is discreditable to Harvard's reputation.

The Association's activities include the maintenance of a modest office in Boston and the issuance of occasional bulletins for the information of those interested. The affairs of the Association are directed by a Board of twenty-five Directors and by an Executive Committee. The Association is financed entirely by voluntary contributions except for a nominal entrance fee for new members.

QUESTION: When Harvard refused voluntarily to ask for a judicial ruling and the Attorney General refused to permit a test suit, why didn't the protestants against Harvard's plan take the legal issues to court independently?

Answer: They were advised that they could not do so under the law of Massachusetts.

QUESTION: What then can be done if Harvard continues obdurate in refusing to go to court voluntarily?

Answer: The protestants can apply to any future Attorney General of Massachusetts for leave to bring a test suit. In view of the precedents applicable to a case of this sort, we are confident that the Attorney General to be elected in November 1958 will permit such a suit.

QUESTION: If a court hearing is obtained and a breach of trust is declared, what relief could the court give?

Answer: The decreed relief would presumably be that the steps taken under the 1953 plan whereby the Arboretum has been disintegrated, shall be reversed to the utmost extent possible. This would necessarily involve the return from Cambridge to Jamaica Plain of most of the books and herbarium specimens which were removed in 1954.

QUESTION: Supposing you do prevail and the court orders the Arboretum reintegrated, how do you propose to meet the problem of housing facilities for its continued growth at Jamaica Plain?

Answer: Plans have been discussed to provide first-class, permanent housing for a restored library and herbarium at Jamaica Plain. The present large headquarters building with suitable alterations and additions could provide entirely adequate facilities for many years to come. There would be so many supporters of the Arboretum who would be relieved to see the Arboretum reintegrated that it should not be difficult to raise the necessary funds.

QUESTION: I have heard it said that Harvard has been ruthless in its treatment of members of the Arboretum staff who have disapproved the Corporation's plan. Is there substance to these allegations?

Answer: Yes, there have been serious instances of harsh and improper treatment of members of the Arboretum staff simply because they had the temerity to disagree with the Corporation's plan. This ruthless treatment of staff members has caused indignation and has brought discredit to the University.

This is especially so because of Harvard's traditional toleration of the independence of its Faculty. For example, in 1956 Judge Charles E. Wyzanski, when President of the Harvard Board of Overseers, declared that Harvard's Faculty is "a fellowship of independent scholars answerable to us only for academic integrity", and added that "so long as in his instruction, his scholarship, his relations with his associates and juniors a teacher maintains candor, and truth as he sees it, he may not be required to pass any other test". Many have been outraged at the

violation of this principle through the infliction of indignities upon dissenting members of the Arboretum staff, including several distinguished men.

QUESTION: How do you account for the extraordinary persistence of the protest against the conduct of the Harvard Corporation in this matter? How long may the controversy continue?

Answer: The main reason for the persistent protest is the injustice resulting from the lack of a judicial hearing on the legal issues. The average American is disposed to resist a clear injustice, no less so when he believes it is being carried out by powerful and respectable persons or institutions.

This trait is being strikingly proved in the present case. Depending on developments the controversy may continue for an indefinite time.

John T. Hemenway

Francis Blake

Thomas V. Rankin

Mrs. Oakes Ames

Mrs. Harold Greene Arnold

Grenville Clark

Lewis Perry

Special Committee

[Additional copies of this statement are available on request to the Association for the Arnold Arboretum, Inc., 84 State Street, Boston 9, Massachusetts.]

THE ASSOCIATION
FOR THE ARNOLD ARBORETUM, INC.

(a nonprofit Massachusetts corporation organized
to protect and support the Arnold Arboretum
in the public interest)

NOVEMBER 1954

Digitized by Hunt Institute for Botanical Documentation

THOMAS V. RANKIN
Executive Secretary
50 State Street
Boston 9, Mass.

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--

Thomas V. Rankin
Executive Secretary
50 State Street
Boston 9, Mass.

contributions for a substantial gift to the Arboretum for special purposes at Jamaica Plain. It is emphasized, however, that by joining the Association a member incurs no financial obligation whatever except for the annual dues.

In general, it is intended to build up the Association so as to enable it to conduct a sustained effort to prevent the disintegration of the Arnold Arboretum.

HOW TO JOIN • • •

A membership card and return envelope are enclosed. Your \$2 annual dues can be sent with the card or later. Please note the space for names of others likely to be interested in joining the Association. If you will suggest a number of such persons and indicate whether you are willing to have your name used in writing to them, it will greatly assist us.

CHRONOLOGY OF THE ARNOLD ARBORETUM CONTROVERSY • • •

1945-46

In June 1945 Prof. I. W. Bailey of Harvard submits to the Dean of the Faculty of Arts and Sciences the Bailey Plan for coordination of the various Harvard agencies in some way concerned with botany. The Bailey Plan (calling for the "integration" of the Arboretum with other activities and agencies, the removal of most of the Arboretum's library and herbarium from Jamaica Plain to Cambridge and the use in Cambridge of some of the Arboretum's endowment income, and in general the subordination of the Arboretum's interests to other interests centering in Cambridge) approved by the Harvard Corporation in January 1946. Prof. Karl Sax appointed Acting Director of the Arboretum in August 1946 (Director in July 1947), succeeding Prof. E. D. Merrill.

1947-49

Preparations for giving effect to the Bailey Plan; in late 1949 questions raised and opposition expressed to the application of the Bailey Plan to the Arboretum by Prof. Oakes Ames, members of the Visiting Committee and others.

[See over]

1950-'52

In early 1950 reference of the complaints to the Coordinating Committee on the Biological Sciences of the Board of Overseers; legal opinion by Mr. Alfred P. Lowell in March 1950; report by the Coordinating Committee in May 1950 upholding the Bailey Plan and adopting the view that the Arboretum could be treated as "a tool to be used in the development of botany as a whole and in the overall interests of the University". In June 1950 Mr. J. W. Farley (of Herrick, Smith, Donald, Farley & Ketchum) retained as counsel by 14 members of the Visiting Committee; in September 1950 opinion by Mr. Farley that the application of the Bailey Plan to the Arboretum would be a breach of trust and illegal. Postponement by Harvard Corporation. In January 1951 opinion by Mr. Robert G. Dodge concurring with Mr. Farley's opinion; in May 1951 opinion of Ropes, Gray, Best, Coolidge & Rugg to the Harvard Corporation differing from Messrs. Dodge and Farley. Early in 1952 Messrs. Dodge and Farley retained as joint counsel for the Visiting Committee; in March 1952 opinion of Mr. Dodge and Herrick, Smith, Donald, Farley & Ketchum to the Visiting Committee reaffirming their previous opinions that the application of the Bailey Plan to the Arboretum would involve a breach of trust. In April-May 1952 submission by the Visiting Committee to the Harvard Corporation of a plan for settlement of the controversy calling for retention of the library and herbarium at Jamaica Plain and for raising funds for their improved housing; this plan ignored by the Corporation. In the latter part of 1952 negotiations for settlement but no agreement reached.

1953-'54

On January 19, 1953 adoption by Harvard Corporation of new vote recognizing special trust for the Arboretum and in form repealing the Bailey Plan as applied to the Arboretum but retaining features of that Plan, including the removal of most of the library and herbarium to Cambridge, previously objected to as a breach of trust. In February 1953 formal request to the Harvard Corporation to apply to the courts for instructions; refusal by Corporation to do so. In April-June 1953 application by a group of 10 persons to the Attorney General of Massachusetts for leave to bring a test suit on the issue of breach of trust; on July 2,

1953 denial by the Attorney General of this request. In September-November 1953 further, but unsuccessful, efforts to obtain Harvard's consent to a court test. In December 1953 filing of suits by 10 petitioners in Supreme Judicial Court of Massachusetts asking review of Attorney General's decision; oral argument of these suits in October 1954. On February 1, 1954 Prof. R. A. Howard becomes Director of the Arboretum, succeeding Prof. Karl Sax.

MATERIAL ON THE ARNOLD ARBORETUM CONTROVERSY . . .

The following material is available on request to the Executive Secretary:

- (1) A Statement by Grenville Clark (member of the Harvard Corporation 1931-'50) dated December 3, 1953. [A brief review of the controversy; leaflet 4 pp.]
- (2) Letters to the Harvard Alumni Bulletin from the Harvard Corporation and Messrs. Ellery Sedgwick, John S. Ames and Grenville Clark dated December 12, 1953 and March 18, 1954. [An exchange of arguments pro and con; leaflet 9 pp.]
- (3) The Harvard-M.I.T. Case. [Reprint of an Article by Hon. Nathan Matthews in the Harvard Graduates' Magazine of March 1918 on the 1917 decision of the Supreme Judicial Court of Massachusetts relative to Gordon McKay's bequest for engineering education; interesting because of similarities between the McKay case and the Arboretum controversy; pamphlet 11 pp.]
- (4) Statement of March 18, 1954 by the Board of Directors of the Association for the Arnold Arboretum, Inc. [Description of the purposes of the Association and main issues; leaflet 3 pp.]
- (5) A Report to the members of the Association for the Arnold Arboretum, Inc. dated August 5, 1954. [A report by the Board of Directors of the Association reviewing the Association's activities and policies; leaflet 3 pp.]
- (6) Brief of Messrs. Robert G. Dodge, J. W. Farley, Harold S. Davis, John M. Woolsey, Jr., and Endicott Peabody as attorneys for the petitioners in *John S. Ames and others vs. the Attorney General* in the Supreme Judicial Court of Massachusetts; also the record before the court in this case. [These are documents in the suits brought by a

group of 10 petitioners to review the decision of the Attorney General of Massachusetts denying leave to bring a test suit on the question whether Harvard's plan is illegal as a breach of trust. The brief is a booklet of 143 pp. and the record a booklet of 67 pp.]

(7) A leaflet giving the names and addresses of the members of the Association for the Arnold Arboretum as of November 30, 1954.

(8) This leaflet, containing statement of purposes and program of the Association for the Arnold Arboretum and list of Directors and Officers.

STATEMENT
of the
WINTERTHUR CONFERENCE
on the
ARNOLD ARBORETUM

The undersigned met and conferred at Winterthur, Delaware on November 12 and 13, 1956 on the invitation of Mr. Henry F. du Pont at the suggestion of the Association for the Arnold Arboretum. Our purpose was to canvass the problems resulting from the present policies of the Harvard Corporation with respect to the Arnold Arboretum. We are all deeply interested in the future of the Arnold Arboretum as a leading horticultural institution devoted to scientific study of trees and shrubs.

PRELIMINARY COMMENT

The Harvard Corporation is the trustee not only of the resources of Harvard University but also, by virtue of a specific trust agreement entered into in 1872, it is trustee of the property and endowment of the Arnold Arboretum.

The present situation at the Arboretum makes it evident to us that the administration of the Arnold trust by the Harvard Corporation has advanced the interests of the Harvard Department of Botany in theoretical botany at the expense of the best interests of the Arboretum. The present situation at the Arboretum has developed gradually from policies of the Harvard Corporation over recent years, culminating in actions that followed its resolution of January 19, 1953. These actions include removal from the Arboretum headquarters at Jamaica Plain to Cambridge of a major part of both the library and herbarium belonging to the Arboretum, transfer to Cambridge of a majority of the Arboretum's professional staff, and devotion of the Arboretum's funds to activities at Cambridge.

We are informed that the above mentioned removal of property, together with certain other features of the present policy, form the basis of a claim involving breach of trust. In our view it is proper and essential that the various legal issues be decided by the courts.

CONCLUSIONS

We believe that to restore public respect and confidence and to enable the Arboretum to resume its former high position in the field of scientific horticulture, it is necessary that the Harvard Corporation adopt and carry out the recommendations, expressed and implicit, in our conclusions stated below. The necessity for such action exists irrespective of the present legal controversy and its ultimate outcome.

A. Facilities and Funds

1. We are united in the conviction that the usefulness of the Arnold Arboretum has been drastically decreased and the effectiveness of its functioning undermined by the removal from the Arboretum headquarters at Jamaica Plain to Cambridge of a major part of both its library and herbarium; by the similar removal of a majority of its professional staff and by changes in the character of that staff; and by the use of its funds for activities unrelated to the Arboretum and conducted at another place.

2. It is our belief —

a. that the Arboretum's herbarium, with the possible exception of certain tropical material, should be returned to Jamaica Plain;

b. that the Arboretum's library, being necessary for its efficient operation, should be returned to Jamaica Plain;

c. that the original Arnold Fund, as greatly increased by Professor Charles Sprague Sargent and his friends in his memory, should be allocated to the operations at Jamaica Plain; and

d. that all staff compensated from its funds should be stationed at Jamaica Plain.

B. Status and Program

3. The unique contributions the Arnold Arboretum has made in the past are in basic research serving horticulture. Such work can be successfully accomplished only in a stable institution with adequate facilities and funds. Under the present administration of the Arboretum, as controlled by Harvard University, the Arboretum has deteriorated in the effectiveness of its program and correspondingly in its reputation.

4. The only effective remedy is the reestablishment of the Arboretum as an integrated and separate institution with administrative personnel favorably disposed toward the objectives set forth in the original trust agreement.

5. Among the program objectives recommended for the reorganized Arboretum are the following:

a. Assigning to the living plant collection a higher priority in the allocation of attention and of Arboretum funds;

b. Research on the classification and nomenclature of *cultivated plants*, looking toward the publication of technical and other works, with emphasis on the trees and shrubs of the temperate zones of the world.

c. Establishing a comprehensive program of plant exploration, introduction, and exchange to discover plants better suited to American horticulture.

d. Strengthening the program of breeding and screening of improved ornamental woody plants. The living plant collection of the Arboretum constitutes one of the great sources of materials available for this purpose.

e. In its affiliation with Harvard University in the training of students, giving top priority to scientific horticulture, with special attention to the taxonomy and breeding of woody cultivated plants.

6. The implementation of the above program presupposes the reassemblage at the Arboretum in Jamaica Plain of herbarium and library resources, adequately housed and staffed.

The foregoing conclusions set forth our individual and unanimous convictions and are not presented in our representative capacities.

Formulated, stated, and approved by us at Wintertur, Delaware, November 13, 1956.

Directed to be transmitted to the members of the Harvard Corporation, Harvard Board of Overseers, the Association for the Arnold Arboretum, Inc., the American Association of Botanical Gardens and Arboretums, the American Association for the Advancement of Science, the American Institute of Biological Sciences, the American Society for Horticultural Science, the Botanical Society of America, the American

Horticultural Council and its member organizations, the American Horticultural Society, and other interested persons.

George S. Avery, Jr.	Henry T. Skinner,
Brooklyn, N. Y.	Washington, D. C.
Henry F. du Pont,	George L. Slate,
Winterthur, Delaware	Geneva, N. Y.
Ivan M. Johnston,	Henry Teuscher,
Jamaica Plain, Mass.	Montreal, Quebec
Frederic P. Lee,	John C. Wister,
Bethesda, Md.	Swarthmore, Pa.
L. H. MacDaniels,	P. W. Zimmerman,
Ithaca, N. Y.	Yonkers, N. Y.
Karl Sax,	
Jamaica Plain, Mass.	

NOTATION

Dr. Avery is director, Brooklyn Botanic Garden; Mr. duPont, an eminent amateur gardener; Prof. Johnston, taxonomist, Arnold Arboretum; Mr. Lee, chairman of the Advisory Council, United States National Arboretum; Dr. MacDaniels, professor emeritus, Department of Floriculture and Ornamental Horticulture, New York State College of Agriculture, Cornell University; Prof. Sax, former director, Arnold Arboretum; Dr. Skinner, director, United States National Arboretum; Prof. Slate, professor of pomology, New York State Agricultural Experiment Station; Mr. Teuscher, curator, Montreal Botanic Garden; Dr. Wister, director, Arthur Hoyt Scott Horticultural Foundation and the Tyler Arboretum; Dr. Zimmerman, plant physiologist, Boyce Thompson Institute for Plant Research, Inc.

Messrs. Zimmerman and Teuscher composed the conferees' Committee on Facilities and Funds; Messrs. Avery, MacDaniels and Skinner, the conferees' Committee on Status and Program; and Messrs. Lee, Avery, Skinner and Zimmerman, the conferees' Committee on Form. Mr. Lee served as chairman of the conference.

ASSOCIATION FOR THE ARNOLD ARBORETUM, INC.

JOHN T. HEMENWAY
President

FRANCIS BLAKE
Treasurer

THOMAS V. RANKIN
Secretary

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New Brunswick, N. J.
WILLIAM P. WHARTON
Groton, Mass.
JOHN C. WISTER
Swarthmore, Pa.

January 25, 1957

To Members of the Association for the Arnold Arboretum:

With this letter we send the report of a conference of horticultural-botanical authorities concerning the effect of the Harvard Corporation's plan of January, 1953, on the Arnold Arboretum. This conference of eleven highly qualified men was held on November 12 and 13, 1956, at Winterthur, Delaware.

The report of the conferees contains interesting, and constructive recommendations as to the mission and future activities of the Arnold Arboretum. Its outstanding feature, however, is the unanimous opinion of the conferees as follows:

"The present situation at the Arboretum makes it evident to us that the administration of the Arnold trust by the Harvard Corporation has advanced the interests of the Harvard Department of Botany in theoretical botany, at the expense of the best interests of the Arboretum." (Italics supplied.)

"We are united in the conviction that the usefulness of the Arnold Arboretum has been drastically decreased and the effectiveness of its functioning undermined by the removal from the Arboretum headquarters at Jamaica Plain to Cambridge of a major part of both its library and herbarium; by the similar removal of a majority of its professional staff and by changes in the character of that staff; and by the use of its funds for activities unrelated to the Arboretum and conducted at another place." (Italics supplied.)

These statements have an important bearing on the main issue of the "Arnold Arboretum Controversy," namely, the avoidance by the Harvard Corporation, as trustee for the Arboretum, of a judicial hearing on the question whether the Corporation's 1953 plan for the Arboretum is illegal as a breach of trust.

The Harvard Corporation is trustee of the endowment and property of the Arboretum under a trust agreement made in 1872. The claim that the 1953 plan is illegal is based upon the contention that the plan (which has disintegrated the Arboretum by the removal of six-sevenths of its library and herbarium from Jamaica Plain to Cambridge) is contrary to the interests of the Arboretum, whether or not helpful to botany in Cambridge; and that since trustees of an institution must, as a matter of law, administer the trust in the institution's interests and not to benefit any other interest, the plan constitutes a breach of trust.

Experienced counsel have advised that the legal issues should be adjudicated by the Courts of Massachusetts, whereby alone the question of legality can ever be decided. Nevertheless, although trustees in such circumstances usually welcome a judicial determination, the Harvard Corporation has strenuously, and so far successfully, resisted and avoided any judicial hearing on the breach of trust issue. One of its excuses presumably has been that the complainants could make no case if the issues were submitted to court because evidence would be lacking that the 1953 plan is actually adverse to the Arboretum.

That excuse, always specious, is now exploded by the above-quoted opinion of the eleven conferees. This makes it certain that a powerful case could be made that the 1953 plan is definitely adverse to the Arboretum. And if the court so concluded, a decision would necessarily follow that the plan is illegal and that the Arboretum must be reintegrated.

Thomas V. Rankin

Thomas V. Rankin
Secretary

Statement by John T. Hemenway, President of the Association for the Arnold Arboretum, Inc., made at the annual meeting of the Association at Horticultural Hall, Boston, December 15, 1958.

On December 4, 1958 a test suit was filed in the Supreme Judicial Court of Massachusetts to determine whether the Corporation of Harvard University has committed a breach of trust in its administration of the Arnold Arboretum. This suit was begun in accordance with a decision of Attorney General Edward J. McCormack, Jr. which permitted the suit in his name by a group of "relators". This group includes: John S. Ames, former President of the Massachusetts Horticultural Society; Mrs. Oakes Ames, widow of Professor Oakes Ames, former head of the Arnold Arboretum; John T. Hemenway and Francis Blake, respectively President and Treasurer of the Association for the Arnold Arboretum, Inc.; Samuel Eliot Morison, Professor Emeritus of History at Harvard; Dr. Lewis Perry, former Principal of Phillips Exeter Academy; and Silas B. McKinley, prominent lawyer of St. Louis. The suit was filed by Thomas V. Rankin, of Boston, counsel for the relators. It is expected that this group will be later enlarged by the addition of other well-known persons both from Massachusetts and other States.

This suit is the result of six years of persistent effort during which access to the courts was denied to those who claimed breach of trust on the part of the Harvard Corporation. Substantial doubts were raised by responsible persons on the advice of competent counsel as to the legality of the Corporation's administration of the Arnold Arboretum trust, and the Corporation was repeatedly requested to obtain a judicial ruling on the legal questions. Contrary, however, to the established practice of responsible trustees in these circumstance, the Corporation refused any cooperation in obtaining a judicial ruling; and the present suit is the result of action by an independent Attorney General acting in the interests of justice.

The trust establishing the Arnold Arboretum was created in 1872 by an agreement between trustees of James Arnold of New Bedford and the Harvard Corporation, which was made trustee. Early in 1953 the Corporation adopted a plan which called for the removal from Jamaica Plain to Cambridge of most of the Arboretum's fine library and herbarium and which also involved the transfer of Arboretum personnel and the diversion of Arboretum income.

This 1953 plan was protested by various friends and benefactors of the Arboretum who, on the advice of counsel, claimed a breach of trust on the ground that the plan sacrificed the objectives and public usefulness of the Arboretum. They asked the Harvard Corporation, as trustee, to take the usual course of applying to the courts for a ruling. When Harvard refused, there followed the long effort to obtain a judicial hearing which now, after nearly six years, has culminated in the present suit.

This long effort has been supported by the Association for the Arnold Arboretum, Inc., a nonprofit Massachusetts corporation organized in 1953 "to protect and support the Arnold Arboretum in the public interest". The Association has some 1200 members from about 40 States, including many well-known horticulturists and Harvard alumni.

By proving that justice cannot be indefinitely denied, a major objective of the Association has been achieved. The filing of this suit demonstrates that no board of trustees, however influential, is so far above the law that it can permanently prevent a judicial ruling as to whether a trust is being legally administered when serious doubts as to the legality are raised by responsible persons. For this reason, the suit has a wide significance, not entirely confined to the Arnold Arboretum or to Harvard University.

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MRS. FRANCIS W. BIRD
East Walpole, Mass.
FRANCIS BLAKE
Dover, Mass.
PETER CASCIO
West Hartford, Conn.
THEODORE CHASE
Dover, Mass.
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WILLIAM P. WHARTON
Groton, Mass.
JOHN C. WISTER
Swarthmore, Pa.

January 15, 1959

To Members of the Association:

From the date of its organization in 1953, this Association has pressed for a judicial solution of the Arnold Arboretum Controversy. Hence it gives me special pleasure to announce to the members that a suit has been filed for this purpose in the Supreme Judicial Court of Massachusetts.

The enclosed statement, which I read at our recent annual meeting, provides some of the details of the accomplishment of our long-term objective.

While we take justifiable pride in this occasion, we must not lose sight of the fact that we are now at the beginning of a crucial, new phase of the battle to reintegrate and restore the Arnold Arboretum.

As there are developments we shall endeavor to keep our members informed. At the same time, we shall look to our membership for continuation of the support which has brought us successfully to this stage of our fight for the Arboretum.

JOHN T. HEMENWAY
President

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February 10, 1958

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North Easton, Mass.
MRS. HAROLD GREENE ARNOLD
Boston, Mass.
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Memorandum to the Members of the Harvard Board of Overseers and to the Members of the Committee to Visit the Arnold Arboretum.

As each of you has received a copy of the minutes of the Arboretum Visiting Committee's meeting in October, 1957, you may be interested in having our views as to what we conceive to be certain misleading statements therein.

First, the minutes refer to Dr. Clarence Kobuski as "the Arboretum's senior taxonomist." While Dr. Kobuski has been attached to the Arboretum staff for a longer period than Professor Ivan M. Johnston, it seems to us that by the standards generally applied Professor Johnston is in fact the "senior taxonomist" at the Arboretum. Professor Johnston is senior to Dr. Kobuski in age, with respect to the date of acquisition of his college and graduate school degrees, and also with respect to assignment to taxonomic duties at Harvard. You may not be aware that Professor Ivan M. Johnston, who disapproves Harvard's current plan for the Arboretum, has been denied an office in the new Harvard University Herbarium Building in Cambridge (where six sevenths of the Arboretum herbarium specimens are currently kept), except under conditions so humiliating that he has been unwilling to accept them.

Second, the above report states that the Arboretum's program of introducing new plants is "fully as active as ever." In our opinion this is absolutely contrary to fact. Only by resort to statistical legerdemain could this statement find warrant.

Finally, the minutes explain that the gross budget is \$247,000 and that 80% of this amount is applied to personnel, which would indicate salaries and wages in the area of \$200,000 per year. Then appears the statement, "Two thirds of our payroll is wages for services which keep the Arboretum in shape." While we do not have access to the itemized budget, it is submitted that this assertion must be in error; that something of the order of one third--not two thirds--of the payroll was applied to wages for maintaining the Arboretum in Jamaica Plain.

Mrs. Harold Greene Arnold
Francis Blake
Grenville Clark
John T. Hemenway
Thomas V. Rankin
EXECUTIVE COMMITTEE

MEMORANDUM FOR THE BOARD OF DIRECTORS OF
THE ASSOCIATION FOR THE ARNOLD ARBORETUM, INC.

At the Annual Meeting of the Board of Directors of the Association, December 10, 1957, there was discussion of a proposed conference between President Pusey and myself on the Arnold Arboretum controversy. No formal vote on this was taken at the meeting, but general approval was expressed, it being the sense of the meeting that if I engaged in such a conference I would make it clear I did so without authority to represent the Board's position.

President Pusey invited me to confer with him January 3rd, and we spent two hours in intensive and cordial discussion of many aspects of the Arboretum controversy. Part of this time was devoted to a tour of the new Harvard University Herbarium Building in Cambridge, to which books and specimens of the Arnold Arboretum have been moved.

I can best sum up the conference by stating that President Pusey was unwilling to consider any proposal to resolve this problem outside of court and that he expressed the firmest conviction that the Corporation had no obligation voluntarily to submit the issue to court.

This meeting was unsuccessful in discovering a common ground for resolution or compromise. However, it may have had some value in clarifying certain of the views held on both sides, in demonstrating Mr. Pusey's own sincerity, and in showing a willingness on the part of the Association to discuss the matter amicably.

THEODORE CHASE

January 15, 1958

Return to State

MINUTES OF THE ANNUAL MEETING
OF THE ASSOCIATION FOR THE ARNOLD ARBORETUM, INC.
December 10, 1957

The fourth Annual Meeting of the membership of the Association for the Arnold Arboretum, Inc., was held at Horticultural Hall, Boston, on December 10, 1957, at 11:00 a.m. The President called the meeting to order and read the notice of the Annual Meeting, which the Secretary had mailed to all the members on November 30th. Sixteen members were present.

The Secretary read the minutes of the last Annual Meeting, and it was unanimously voted to approve said minutes as read.

Mr. Blake, Treasurer, read his report for the fiscal year ending June 30, 1957, showing a balance on hand at the beginning of the period of \$4,511.61, receipts during the period of \$10,977.02, expenditures during the period of \$10,795.14 (including \$1,000 applied to repayment of a loan), and a balance at the end of the period in the amount of \$4,693.49.

Mr. Blake then read the Treasurer's report for the period June 30, 1957 to November 30, 1957, showing receipts during the period of \$8,187.33, disbursements of \$4,312.46 (including \$500 applied to repayment of a loan), and a balance at the end of the period of \$8,568.36.

The Treasurer, Mr. Blake, then summarized the Treasurer's report for the period July 24, 1953 (the date of incorporation) through November 30, 1957, with receipts of \$74,162.69, disbursements of \$65,594.33, and a balance on hand at the end of

the period, as stated above, of \$8,568.36. Mr. Blake called attention to the reports for the fiscal years ending June 30, 1954, and June 30, 1955, respectively, and stated that these would not be read but would be filed with the minutes of the meeting in order to furnish records of the four fiscal years in the Association's existence in our minute book. He stated that any or all of the five reports were, of course, available for inspection by members at the end of the meeting.

Upon motion duly made and seconded, it was VOTED: to accept the foregoing Treasurer's reports.

The said reports are filed with these minutes as Annex "A," "B," "C," "D," and "E," respectively.

The Treasurer summarized the results of the 1955 and 1956 Finance Committee campaigns and compared them with the results to date in the 1957 campaign as follows:

<u>FISCAL YEAR</u>	<u>MEMBERS PARTICIPATING</u>	<u>AMOUNT CONTRIBUTED</u>
1955-56	409	\$ 14,907.77
1956-57	246	10,699.05
1957-58	258	8,120.50

Mr. Rockwell inquired if the smaller annual contributions in the last couple of years represented a diminution of interest. It was explained that this was not necessarily the case, that for purposes of economy our budget had been reduced and that we had eliminated the legal fees for litigation which had accounted for considerable expense in the first two years of operation.

The President then turned the attention of the meeting to the election of Directors, noting that Theodore Chase, Esq., has been named to the Board by the Executive Committee on July 24, 1957, and that Herbert T. Stoddard had died in September, 1957.

Mrs. Arnold, as Chairman of the Nominating Committee, read the names on the slate for the Board of Directors, comprising the Directors now serving. There were no further nominations from the floor.

It was, upon motion duly made and seconded, VOTED: to waive the requirement of individual ballots for the election of Directors.

Upon motion duly made and seconded, it was VOTED: that the Secretary cast one ballot for the slate presented by the Nominating Committee as follows:

Mrs. Harold Greene Arnold
Mrs. Oakes Ames
Mr. John S. Ames
Mr. Francis Blake
Mr. Peter Cascio
Mr. Theodore Chase
Mr. Grenville Clark
Mrs. Francis B. Crowninshield
Mr. Henry F. duPont
Mrs. F. Reed Estabrook, Jr.
Mrs. J. W. Farley
Mr. Laurence B. Fletcher
Mr. Childs Frick

Mr. John T. Hemenway
Mr. Walter Hunnewell
Dr. L. H. MacDaniels
Mr. Silas McKinley
Dr. Lewis Perry
Mrs. Ellery Sedgwick
Dr. George L. Slate
Mrs. Fife Symington
Mrs. John C. Vosoff
Mrs. William J. Walters
Mr. William P. Wharton
Mr. John C. Wister

The President summarized distribution of the material during the past year, including 4,000 copies of the Winterthur Statement, copies of Dr. Johnston's correspondence, as well as Professor Slate's letter. The President reported membership at 1209, and in answer to a question by Mr. Hunnewell, Mr. Rankin stated that the membership at the end of 1956 was 1169. The President called upon the Secretary to report on the exchange of correspondence between Mr. Pusey and Mr. Hemenway. Copies of Mr. Hemenway's letter to Mr. Pusey dated December 21, 1956, were distributed. Mr. Rankin read this letter and the ensuing letters in the exchange, during which Mr. Pusey refused to retract his statement of December 21, 1954, and refused to grant permission to circulate the correspondence with Mr. Hemenway.

Certain of the members then raised the question of whether it might be advisable to publish this correspondence notwith-

standing Mr. Pusey's refusal of permission. Mr. Rankin stated that from the legal standpoint it seemed inadvisable, and he stressed that the Association had carefully maintained a record of fair play throughout the Controversy. Mrs. Parker commented that the decision regarding President Pusey's correspondence seemed to her to be the correct one.

The President then called upon Dr. Sax, who presented a paper entitled "A Survey of the Arnold Arboretum Controversy," dated September 30, 1957. This was received with appreciation and was the subject of discussion.

Mr. Rankin briefly summarized some of the strategic problems of the past year. He pointed out that the Ames Case having failed to bring the Arboretum issue to court, careful study had been given to other legal approaches, for example, a taxpayers' suit or a possible action by surviving trustees under the will of James Arnold. He said that after careful consideration it was decided that there was no possibility of forcing the issue to court by either of these methods.

Mr. Rankin mentioned parenthetically the 1955 petition by the Harvard Corporation for court permission to sell the Gray Herbarium Building and to use the money for research and instruction in the botanical sciences. There was discussion of this matter and comment to the effect that it indicated an intent to divert funds originally given for the special purposes such as the Gray to general botanical objectives.

The Secretary also reported that attention had been given to the question of whether the Association's charter ought to be changed to permit it to engage in promoting legislation in

order that the Association might sponsor a bill which in general would permit a controversy of this nature to be presented to the court notwithstanding the refusal of the Attorney General to lend his name. He stated that the result of such consideration had been the decision to take no action regarding such charter change.

Mr. Rankin pointed out that it appeared that a new Attorney General would be elected in Massachusetts a year hence. And Thus there would be afforded a new approach to that office.

There being no further business, the meeting was adjourned at approximately 12:15 p.m.

A true record.

ATTEST:

Thomas V. Rankin
Secretary

January 2, 1958

Comments on Marbury Speech of March 25, 1957.

1. Origin of the Arnold Arboretum.

a. At the outset Mr. Marbury conveys in a subtle way the old fallacious idea that the Arnold trustees intended to divide the income of the fund between growing of trees and shrubs and teaching at Harvard. Jerome Greene based much of his argument on this fallacy in his letter three years ago. As we know, none of the Arnold Professors taught a course in the knowledge of trees at the University until Professor Howard did so in 1956. The main point, however, is that the Arboretum was not founded as a teaching institution "for the advancement of learning at Harvard," and its endowment, from the time of the original Arnold gift forward, was not given for this purpose. (p.1)

2. Bailey Plan

a. Mr. Marbury naturally omits to explain that the Plan was conceived without regard to the Arboretum as a separate trust and that the Corporation adopted it in 1946 without legal advice.

b. He states that the staff and director approved the Bailey Plan, but he does not state that since its adoption by the Corporation, in 1946, the three directors of the Arboretum since Sargent's time each vigorously opposed the plan. (p.5)

c. He omits stating that the Corporation purported to disavow the Bailey Plan, by the vote of January 19, 1953, insofar as it applied to the Arboretum.

d. There is not a word in his talk about the almost unanimous opposition of the Arboretum Visiting Committee to the Bailey Plan, under advice of eminent counsel.

3. Effect of the Bailey Plan's Implementation upon Arboretum. 3

a. Mr. Marbury says reassuringly, "Some books are in Cambridge, others in Jamaica Plain. Some specimens are in Cambridge, some in Jamaica Plain." He does not say that six sevenths of the books and specimens are in Cambridge, which would reveal to what extent the facilities of the Arboretum have been decimated. (p.8)

b. Mr. Marbury speaks blandly of certain books and specimens relating strictly to horticulture being kept at Jamaica Plain, "...because that was the place where it appeared that they would be of greatest use." He does not say that these books and specimens represent only a fragment of the Arboretum's facilities and that they are virtually unused at present. (p.5)

c. Mr. Marbury at no point in his speech specified that the present director and the major part of the technical staff of the Arboretum ^{have} had their headquarters in Cambridge at the Harvard University Herbarium Building.

4. Does the Effect of the Bailey Plan upon the Arboretum Constitute a Breach of Trust?

a. Pretending to be somewhat mystified as to the basis of the complaint of the "dissenters," Mr. Marbury treats the move to Cambridge as a mere geographical question, a question of what physical location is preferable for certain phases of the Arboretum's work. The Association's contention is that the Harvard plan has worked to the benefit of Harvard, as trustee, at the expense of the Arboretum itself. This is thoroughly documented in the Winterthur Statement, by a responsible group of authorities. Mr. Marbury does not mention this Statement nor the real reason why the Association has alleged a breach of trust. (p.6)

5. Harvard Corporation's Conduct in Avoiding a Court Decision.

a. Once again is raised the old assertion that the trustee here (the Corporation) has no doubts. We have covered this ground in recent memoranda, and as Mr. Dodge has said, it is simply not the law that the trustee who lacks (subjective) doubt may refuse to consider going to court for a decree on a breach of trust issue. (p.7)

b. In a clever fashion Mr. Marbury makes it appear that the Attorney General acting under our statutes had decided finally that there was nothing to our case, and that the Supreme Judicial Court, in the Ames Case, had sustained the Attorney General's sound discretion. He does not intimate that the Attorney General's decision was based on specious reasoning (furnished by a secret document from the Corporation's counsel) nor that the Ames Case has no bearing upon the right, indeed the duty, of a different Attorney General to hear the petitioners and as a matter of course to lend his name. This is one of the weakest points in the speech, as it smoothly glosses over the continuing problem of the Arboretum case as an issue Harvard must ultimately face and resolve. (pp. 6-7)

T. V. R.
Thomas V. Rankin

Dec. 11, 1957

Notes on conference at Somerset Club, 12:30 - 1:45, between Dr. George Taylor, John T. Hemenway, Francis Blake, Dr. Sax and Thomas V. Rankin.

1. John Hemenway introduced the subject of the controversy historically by discussing the role of the Visiting Committee, the Board of Overseers, and the Corporation. Dr. Taylor did not seem familiar with the power of the Corporation and its self-perpetuating feature. It was pointed out that the Visiting Committee opposed the Corporation on this issue for some years, that it retained counsel and that briefs were exchanged by counsel for the Committee and counsel for the Corporation. (This was in reply to Dr. Taylor's suggestion that it was unfortunate that this controversy got so far without proper attempt to settle it). Dr. Taylor said that the Corporation regarded the matter as settled. We pointed out that it was stalemated for the present, but that any new attorney general, whether the next one or another in years to come might re-open the matter by lending his name. At a later point Francis Blake explained that in the McKay case the Corporation had refused to act until the attorney general indicated he was ready to do so, whereupon the Corporation petitioned the court for instructions and the court declared they were engaged in a breach of the McKay trust.

2. Dr. Taylor said Dr. Johnston was his oldest botanical friend in the U.S., they having first met in 1950 when Dr. Johnston was abroad. Dr. Taylor lamented the fact that Johnston was not now productive (was "biting his nails"). However, Taylor said Johnston's "correspondence" sent him by Johnston last winter was "abominable." Taylor did not acknowledge it. It was pointed out to Taylor that Johnston had been through a humiliating psychiatric examination. It was also pointed out that morale was obviously poor at the Arboretum. Taylor went on to say that Johnston should not assert he was denied access to the new building, when in fact he could have an office there like Kobuski any time. We said this was a misunderstanding, that Johnston's principal complaint was that he was denied such office as long as he remained a member of the staff of the Arboretum. Taylor is to talk with Johnston about this tomorrow.

3. Dr. Sax set forth the position of former directors, Oakes Ames, Merrill and himself. Dr. Taylor mentioned somewhat blithely that Merrill was brought in to promote the adoption of the Bailey Plan. Dr. Sax said it was not called the Bailey Plan then and tried to show that Merrill's responsibilities were broad, incorporating other institutions than the Arnold Arboretum, which would help explain his early attitudes. (Taylor is to call upon Mrs. Merrill tomorrow).

4. Dr. Taylor had a number of ideas that reflected indoctrination by the other side:

- a. The idea that Merrill perpetrated the plan (above).
- b. The view that there was nothing new about horticulture being slighted at the Arboretum: this situation obtained years back. For years none of the taxonomic work (or little of it) was in the horticultural area. He cited Johnston's work. He implied that some features of the present plan were the natural results of a tendency rooted in the past.
- c. A statement that Howard had been in England two years ago looking for a horticultural taxonomist for Jamaica Plain.
- d. An obvious satisfaction with the air-conditioned efficiency of the new building.
- e. (This represents the effect not of indoctrination of Taylor but rather Taylor's prior prejudice in favor of the Harvard plan). The acknowledgment that he, Taylor, favored combining the herbaria at Kew and the British Museum, as Gray and Arnold have been combined.

5. Dr. Taylor spoke of the fundamental demands if the present complex were to be unscrambled. Dr. Sax spoke on this, and we drew attention to the four main points of the Winterthur Statement. Dr. Taylor did not show any recognition of the staff problem. He asked about the number at Jamaica Plain, etc., but it was apparent that this point struck him as administrative or discretionary.

6. Dr. Taylor sought to disassociate himself from any discussion of the legal aspects. Francis Blake and others tried to show him that the legal and technical aspects were intermingled and that one could not "solve" this problem without having a clear realization of its legal bases. It was not clear to me that Taylor grasped the legal point. I tried to point out that the Arnold was not the same as the Gray and the Farlow; that the Arnold was held as a separate trust and the trustee had to use care to take no action that was for his benefit rather than for the benefit of the trust. He said the other side said it was for the benefit of the trust. He admitted this became a very subtle problem.

7. As to future action, Taylor intimated that he regarded himself as a potential go-between. He asked about our channels to the Corporation, and we assured him we tried to keep the door open for communication, but pointed out that efforts such as Mr. Clark's to confer with the other side only met with rebuffs. Taylor stressed his objectivity and mentioned that he

would help do whatever he could to work out a solution to this issue that was now of worldwide significance. We stressed that we were determined to press for a court hearing because of our conviction that there was a breach of trust. However, we added that we could welcome any attempt to solve the problem without going to court, as long as it meant a permanent solution firmly based on legal agreement.

8. Taylor was candid on the whole, rather blunt in a Scottish way, not very flexible in his thinking but altogether decent in his reactions. He spoke, for instance, of noting in the minutes of the Visiting Committee that when the controversy was brought up the Chairman immediately ruled this not within the scope of their deliberations. He was impressed by the lack of capital gifts in the past ten years, a point Dr. Sax made with persuasiveness. He listened with interest when John Hemenway pointed out that there was little doubt that a good deal of money could be raised for the permanent endowment of the Arboretum and for needed new facilities at Jamaica Plain, as soon as the controversy was satisfactorily terminated. Dr. Taylor said to Dr. Sax, "There is nothing irreversible about the transfer to Cambridge, is there?"

T.V.R.

To: The Secretary, Board of Overseers, Harvard College

Subject: Fall Meeting of the Committee to Visit the Arnold Arboretum, held on Friday, October 4, 1957.

The Committee met at the Administration Building of the Arnold Arboretum at Jamaica Plain at 10:00 A.M.

Present were: Mr. John S. Ames, Mrs. George L. Batchelder, Jr., Mr. Benjamin S. Blake, Mrs. William H. Claflin, Mrs. Malcolm Donald, Dr. Vining C. Dunlap, Mr. Henry F. du Pont, Dr. John M. Fogg, Jr., Mr. G. Peabody Gardner, Mr. Clarence L. Hay, Mr. Seth Kelsey, Mrs. Susan Delano McKelvey, Dr. Philip A. Munz, Mrs. Ellery Sedgwick, Mr. Stanley N. Shurcliff, Dr. Oswald Tippe, Mr. Richard T. Wareham, Mrs. Roger S. Warner, Dr. H. Bradford Washburn, Jr., and Mr. Oliver Wolcott. For the staff: Dr. Richard A. Howard, Dr. Clarence E. Kobuski, Dr. Lily M. Perry and Dr. Donald Wyman.

Members absent: Mrs. Charles C. Cabot, Dr. Godfrey L. Cabot, Mrs. Francis B. Crowninshield, Mr. Frank R. Kelley, Mrs. James H. Perkins, Mr. Harold S. Ross, and Dr. George Taylor.

At 10:25 the committee entered a large bus and started a general tour of the Arboretum under the direction of Dr. Donald Wyman, whose intimate knowledge of the area made him an outstanding guide. He was assisted by Dr. Kobuski. It was a clear warm day and evidence of the terrible drought was visible on all sides, despite the valiant efforts of the staff to carry out emergency watering with all available resources. Dr. Wyman pointed out that there had been a deficit of rain in all but two of the last 9 months and that at the moment there had been 10 inches less rain than the 30 inches normally expected before October 1st. He pointed out that much of the ground was dry to a depth of 3 or 4 feet and a very serious loss might result unless substantial rain fell before the freeze-up.

The first of three stops revealed that not only the boggy areas of the Arboretum are bone-dry, but for the first time in the remembrance of any of the staff, the larger of the two ponds was completely dry and its partner across the street nearly empty. In the shrub-collection area the committee was again shown the progressing experiments with cocoa shells (in lieu of spent hops) as a mulch. This new material, which does not burn, appears to have considerable merit, and the lack of the spent-hops mulch may easily have forced us to use something actually better!

After swinging over the top of Peters Hill, with its unusual view of downtown Boston, the bus took the group to the greenhouses, next to the Bussey Institution where a 20-minute stop permitted Mr. Roger G. Coggeshall to describe the work which he is doing there on plant propagation. After rooting the small, frail specimens in the greenhouse, they are moved to the Case Estates where they gain size and strength before being transplanted back to long-term locations in the Arboretum itself or elsewhere. In particular, the Committee was shown how Mr. Coggeshall has been using polyethylene sheets and experimenting with 24-hour lighting to accelerate early growth of certain plants.

It was pointed out again that if and when the State takes over this part of the Bussey property by eminent domain, it will be necessary to build new modern greenhouses for Arboretum use in another part of our Jamaica Plain property. The date of this threatened action by the State is not as yet definite.

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The Committee returned to the Administration Building where they were joined by Dr. Richard A. Howard and Dr. Lily M. Perry. After refreshments and a delicious luncheon, served in the lecture hall, recently red~~ec~~orated through a generous gift of Dr. Godfrey L. Cabot, the formal meeting was called to order by the Chairman, Dr. Washburn, at 2:15 P.M.

The chairman introduced two new committee members who were present (Drs. Dunlap and Munz) and announced with keen regret the death of Mrs. Stephen Van R. Crosby on August 22, 1957. Mrs. Crosby had been a member of this committee from 1926-1929 and then continuously from 1931 to the time of her death. Throughout these three decades she had been an ardent lover of plants, flowers and gardening and a devoted friend of the Arboretum.

Dr. Washburn distributed a new list of the members of this committee and called attention to several important additions in the last two years, made in order to strengthen it from the professional standpoint. These and the dates of their elections follow:

Dr. Vining C. Dunlap, 1957

Dr. John M. Fogg, Jr., 1955

Dr. Philip A. Munz, 1957

Mr. Harold S. Ross, 1957

Mr. Sidney N. Shurcliff, 1957

Dr. George Taylor, 1957

Dr. Oswald Tippo, 1957

Mr. Richard T. Wareham, 1957

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Dr. Washburn briefly described his recent tour of European science museums during which he visited the Royal Botanic Gardens at Kew, the Jardin des plantes (Paris), and the botanical gardens at Bern, Cologne and Munich. He announced that Dr. George Taylor, director of Kew and a new member of this committee, will pay a visit to Harvard later in the fall. He will be unable to attend the spring meeting (because of the arrival at that time of a new assistant director at Kew), but hopes to come over at least once a year after that.

Professor Howard opened his remarks by calling attention to the fact that 1957 is the Arnold Arboretum's 85th Anniversary. The enclosed leaflet on this subject was distributed. He showed a heavily-laden fruiting branch from the "Henrietta Crosby" crabapple and then made a number of fascinating comments about the founding of the Arboretum and its early reports. The following exchange of letters between Professor Charles Sprague Sargent and George Perkins in 1879 was particularly interesting:

Dr. Kobuski was then introduced. He is the Arboretum's senior taxonomist and has been here for 30 years. As Curator, he has been in charge of the Herbarium reorganization and integration and, as a real expert in horticultural taxonomy, is the ideal man for the job. After Kew (6 million specimens)

and Leningrad (5 million) our integrated Arnold Arboretum-Gray Herbarium with 2½ million is the world's best -- and our new building is undoubtedly the first of its sort anywhere. The Arboretum's collection is particularly strong in old-world specimens and it beautifully supplements the Gray collection which concentrates on the Americas. This great combined resource, abounding in material from North and South America, the Pacific Islands, China and Asia is constantly in use and 10,421 specimens were loaned for study in the last year. The tremendous task of integration is now two-thirds completed. Three new persons are working on this and it should be completed by the fall of 1959.

Dr. Perry then briefly described her recent European trip made with a grant from the Merrill Discretionary Fund accumulated for this purpose. She visited Kew, the British Museum, Edinburgh, Leyden and Geneva. She was amazed everywhere at the size of the staffs working in these foreign institutions (salaries were not compared with ours!!). Leyden, in particular, had 43 people working on their herbarium and had no backlog of unidentified specimens at all, while it is still a major question whether our huge backlogs of unidentified specimens ever can be overcome without major new funds for this specific purpose.

Dr. Howard continued with a report that the Library integration project is now 85% done, with a new assistant at work on this as well. Our three-year-old public education program has now benefited 488 persons, with popular lectures being given again last year by Professor Howard, Dr. Wood, Dr. Sax, Mr. Coggeshall and Mr. Williams. It is hoped that in the not-too-distant future a plant propagation research program of real stature can be undertaken with Mr. Coggeshall in charge.

Professor Howard introduced Dr. Wyman, the senior Horticulturist, who spoke briefly on the new Horticultural Color Chart and the Arboretum's program of introducing new plants. Quite contrary to some reports, this program is fully as active as ever, with over 1000 new plants having been introduced in the last ten years. We have 40-50 nurserymen all of whom are offered new plants each year for trial. Dr. Wyman also outlined the problems and procedures relative to entry and post-entry quarantine of plants brought to the Arboretum from other countries.

Dr. Howard then presented a number of highlights of his Annual Report, copies of which are enclosed herewith. In general, this report was excellent and the outlook good, but this cannot be said of the budgetary trend. The Arboretum's gross budget this year is \$247,000. Eighty percent of this figure is used to pay personnel manning the Arnold Arboretum. Two-thirds of our payroll is wages for the services which keep the Arboretum in shape. All of our laborer staff joined the union this summer, resulting in an immediate 7% pay increases for 1/3 of the labor payroll. (This means that their wages have advanced an average of 33% during the last 4 years.) This situation is steadily creating a serious lack of balance in our payroll, as our top-pay laborers are now actually getting more than some of our PH.D'S. The resources of the Arboretum are not sufficient to assure us really good scientific personnel in the future, if this trend continues --- unless we reduce either outdoor maintenance personnel or the scientific staff.

Dr. Howard also emphasized that one of the hopes of the "Program for Harvard College" is to raise teaching salaries substantially; possibly as much as 30%. The Arboretum will not benefit from the drive directly, but if the salary-scale is raised upwards for professors in the College, it should also apply to professors at the Arboretum. The University, naturally, does not contribute to Arboretum Professors' salaries; thus the funds for such a raise would have to come out of the Arboretum budget. The only alternative would be to have "Arboretum Corporation appointments" on a different salary-scale from the regular Harvard College Corporation appointments. Such a policy would of course be disastrous to the morale of the Arboretum staff.

The question as to whether the town of Weston will take more of the Case Estates land by eminent domain for further school expansion is still undetermined. Harvard's appraisal of the value of the desired land is so far from the town's figure as to be ridiculous. If the town takes the 45 acres under discussion, this will very seriously reduce our valuable property in Weston.

In 1943-5 we were bequeathed approximately 180 acres by the Case sisters.

In 1946 Weston took 41 acres for a new high school.

They now propose to take 45 acres more, which will leave less than 50% of the original tract.

It has been definitely decided to sell both the Peters house and the Butler house in Jamaica Plain, as neither is of any value to the Arboretum and both represent an increasing liability.

At the end of the meeting, a 20-minute executive session was held, with only the members of the Committee present.

1. Dr. Fogg expressed great appreciation for the Arboretum's professional services to other arboreta and individuals throughout the world.

2. It was agreed that the spring is the best time to solicit the friends of the Arboretum for gifts. It was recommended that Dr. Howard and his staff consider the desirability of starting an Arboretum Membership, with fixed dues in various classes, as a way in which more income could be secured than through the medium of the present annual gift-appeal. Other Arboreta should be consulted on this matter and a report made to the Committee at the spring meeting.

3. The Chairman and Dr. Howard were asked to investigate the possibility of a) charging admission to the Arboretum; b) closing the grounds at night; c) having the Metropolitan District Commission rather than the Boston Park Department as landlord.

4. The meeting adjourned at 4:05 P.M. The Chairman was asked to convey to the members of the Arboretum staff the special thanks of the Committee for the excellent arrangements for this meeting and especially to Drs. Wyman, Kobuski and Perry for their interesting reports and assistance during the morning tour.

Respectfully submitted,

H. Bradford Washburn, Jr.
Chairman

Errata: Mrs. Crowninshield's name was omitted from those present at the evening meeting last spring and it should be added on page 3 paragraph 2 of the minutes of May 6, 1957. The Chairman wishes to beg Mrs. Crowninshield's pardon for this error.

October 11, 1957

Professor Slate

You may be interested in the
attached.

T. V. R.
T. V. R.

C O P Y

ASSOCIATION FOR THE ARNOLD ARBORETUM, INC.

Incorporated in 1953 as a nonprofit Massachusetts corporation

50 STATE STREET • BOSTON 9, MASSACHUSETTS • LAFAYETTE 3-6604

The Association is an independent organization having no connection with Harvard University and is not to be confused with the Harvard-sponsored "Friends of the Arnold Arboretum". Organized to protect and support the Arnold Arboretum in the public interest, the Association is opposed to Harvard's present plan for the Arboretum.

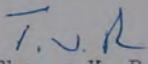
October 9, 1957

Memorandum to the Executive Committee

We have been aware that the Harvard Corporation brought a petition to the Supreme Judicial Court regarding the Botanic Garden. As it was stated by the Dodge-Herrick-Smith brief of March 1, 1952: "Under a cy-pres decree of the Supreme Judicial Court, dated August 3, 1948, income from its funds may now be used for any botanic purposes." I do not think that any of us realized that Harvard had brought a petition regarding the land and building of the Gray Herbarium, in a location adjoining the Botanic Garden.

Recently I noticed that Radcliffe had brought a petition regarding the disposition of the Thompson Fund. In checking this at the office of the Supreme Judicial Court (where I found that the college was represented by Palmer Dodge and that the petition was brought under our Declaratory Judgment Statute, General Laws, Chapter 231A), I decided to look through the index for recent petitions on the part of the Harvard Corporation, and I found that the Corporation, in April, 1955, had submitted the following to the Supreme Judicial Court, Suffolk County (in Equity, No. 68536): President and Fellows of Harvard College v. Fusey, Burchard, Tripp, and the Attorney General. The decree in this case, dated April 6, 1955, provided as follows:

The land and building of Gray Herbarium to be sold free of trust upon condition that the Corporation credit \$118,000. of its restricted funds to a new endowment fund to be known as the "Gray Herbarium Endowment (1955)" which shall be held and administered by the Corporation "the income only to be used for general purposes of the Gray Herbarium of Harvard University, namely, research and instruction in the botanical sciences, including, without limitation, the taxonomy, evolutionary relationships and geographical distribution of, and garden experimentation with, the higher plants."


Thomas V. Rankin

Copy to Professor Slate

October 10, 1957

Memorandum to the Executive Committee

The enclosed is a list of the members of the Committee to Visit the Arnold Arboretum, 1957-1958.

Four members of the Association who were on the Committee last year are not named on the enclosed list: Mr. Blake, Mr. Frick, Mr. Lockwood, and Mrs. Crosby (who died in August). We have seven members on the 1957-1958 Committee, and their names are indicated by an asterisk.

There are six additions to the Visiting Committee this year, and their names are indicated by (N). One of these, Mr. Sidney N. Shurcliff, is a member of the Association.

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TVR/ap
Enclosure

Thomas V. Rankin

MEMBERS OF THE COMMITTEE TO VISIT THE ARNOLD ARBORETUM

- * Ames, John S.
North Easton, Massachusetts
- Batchelder, Mrs. George L., Jr.
Moraine Farm
Beverly, Massachusetts
- Cabot, Mrs. Charles C.
Dedham Street
Needham 92, Massachusetts
- Cabot, Dr. Godfrey L.
77 Franklin Street
Boston, Massachusetts
- Glaflin, Mrs. William H.
531 Concord Avenue
Belmont 78, Massachusetts
- * Crowninshield, Mrs. Francis B.
Seaside Farm
Marblehead, Massachusetts
- * Donald, Mrs. Malcolm
638 Blue Hill Avenue
Milton 86, Massachusetts
- (N) Dunlap, Dr. Vining C.
Research Department (retired)
United Fruit Company
80 Federal Street
Boston, Massachusetts
- * du Pont, Henry F.
Winterthur, Delaware
- Fogg, Dr. John M., Jr., Director
The Morris Arboretum
Chestnut Hill
Philadelphia, Pennsylvania
- Gardner, G. Peabody, Vice Chairman
10 Post Office Square
Boston, Massachusetts
- Hay, Clarence L.
Trustee: American Museum of
Natural History
One Sutton Place South, N.Y. 22, N.Y.
- Kelley, Frank R., Commissioner
Parks and Recreation Department
33 Beacon Street
Boston 8, Massachusetts
- Kelsey, Seth L.
Harlan P. Kelsey, Inc. (nurserymen)
Kelsey Road
East Boxford, Massachusetts
- McKelvey, Mrs. Susan Delano
191 Commonwealth Avenue
Boston, Massachusetts
- (N) Munz, Dr. Philip A., Director
Rancho Santa Ana Botanic Garden
1500 North College Avenue
Claremont, California
- Perkins, Mrs. James H.
510 Clapboardtree Street
Westwood, Massachusetts
- * Sedgwick, Mrs. Ellery
Long Hill
Beverly, Massachusetts
- (N) * Shurcliff, Sidney N.
Shurcliff, Shurcliff & Merrill
(landscape architects)
14 Beacon Street
Boston, Massachusetts
- (N) Taylor, Dr. George, Director
Royal Botanic Gardens
Kew, England
- (N) Tippe, Dr. Oswald
Chairman, Department of Botany
Osborn Botanical Laboratory
Yale University
New Haven, Connecticut
- (N) Wareham, Richard T.
Head, Science Department
D. C. Heath & Company
285 Columbus Avenue
Boston 16, Massachusetts
- * Warner, Mrs. Roger S.
Five Chestnut Street
Boston 8, Massachusetts
- Washburn, H. Bradford, Jr., Chairman
Director, Museum of Science
Science Park
Boston 14, Massachusetts
- Wolcott, Oliver
(Vice President, Old Colony
Trust Company)
Hamilton, Massachusetts

COMMITTEE TO VISIT THE ARNOLD ARBORETUM

MINUTES OF MEETING

April 29, 1952

Pursuant to notice duly given the meeting was called to order at the Harvard Club of Boston at 1 p.m. Twenty members of the committee were present and in addition Dr. Karl Sax and Messrs. R. G. Dodge and J. W. Farley. Mr. Wolcott was appointed Secretary Pro Tem.

On recommendation of the Sub-Committee and after discussion the following Resolutions were adopted with one dissenting vote:

RESOLVED: That the Committee to Visit the Arnold Arboretum adopts the following statement and authorizes and requests the Chairman to transmit it to the Board of Overseers of Harvard College with a copy for information to the President and Fellows.

FURTHER RESOLVED: That the Sub-Committee of five (Arthur W. Page, Chairman, Mrs. Grenville Clark, John S. Ames, Edward A. Weeks, Jr. and Oliver Wolcott) be continued and that the employment of counsel (Messrs. R. G. Dodge and J. W. Farley) be continued, with authority to have such discussions with the Governing Boards of Harvard University or their representatives as may be necessary or advisable.

STATEMENT OF THE COMMITTEE TO VISIT
THE ARNOLD ARBORETUM

First: The Committee wishes to emphasize that, while the Committee considers that it has an obligation to do what it can to safeguard the proper interests of the Arboretum, it is by no means unmindful of the interests of botany at Harvard or of the general interests of the University. The Committee does not consider that these several interests are opposed. On the contrary, the Committee believes that they are entirely reconcilable. It is from this standpoint that the following plan is submitted as a constructive solution, intended to be helpful not only to the future of the Arboretum but to the development of botany and the overall interests of the University.

Second: As a first step in any constructive plan, the Committee believes it is essential that the Bailey Plan (including the present plan for the removal to Cambridge of the major part of the library and herbaria) be completely rescinded so far as the Arboretum is concerned. In the light of the recent carefully considered legal opinion of Messrs. Robert G. Dodge and J. W. Farley, there is at the very least serious doubt as to the legality of the Bailey Plan as applied to the Arboretum. In these circumstances, whether or not one agrees with the Dodge-Farley opinion as against the Ropes, Gray opinion, it is inconceivable that any attempt would be made to apply the Bailey Plan to the Arboretum without at least a petition by the Corporation for a court decision.

There are, however, serious objections to a court proceeding. It would involve further delay and considerable expense; and no court could dispose of the non-legal questions in the situation relating to possible breach of faith with donors and as to the wisdom of subordinating the Arboretum to the claims of botany. On the other hand, there are strong reasons for arriving at a solution as soon as may be.

It is clear that while the Bailey Plan overhangs the Arboretum, it is impracticable to obtain the acceptance of the Arnold Professorship and Directorship of the Arboretum by a distinguished and vigorous man highly qualified in horticulture and otherwise. It is also virtually impossible to obtain substantial gifts or legacies while the impression prevails that the Arboretum's former mission and work may be abandoned or impaired.

The rescission of the Bailey Plan as it concerns the Arboretum would not, in the Committee's opinion, mean sacrificing the principal benefits the plan was designed to accomplish. We believe, indeed, that the desirable objectives of the Bailey Plan can be better achieved if the initiative and executive supervision with regard to Arboretum affairs are left with the Arboretum's management. This would conduce to harmonious relations and thereby to effective solutions of particular problems such as duplications in libraries, herbaria and teaching loads; and it would promote voluntary cooperation with the botanical agencies of the University in projects of common interest. Such cooperation has existed in the past under relations that have brought distinction both to the Arboretum and the University among botanists and horticulturists throughout the world. If the Arboretum is allowed to continue its own work within the breadth of purpose permissible under the Indenture (which includes herbaceous plants as well as trees and shrubs), without impairment of its prestige and under strong leadership, there is every reason to believe that it can make still greater contributions in future to the welfare of Harvard botany.

For all these reasons, the Committee considers it essential (as a foundation upon which to build) that the Bailey Plan be rescinded as regards the Arboretum.

Third: The Committee respectfully suggests that simultaneously with the exclusion of the Arboretum from the Bailey Plan the University should announce the following:

(a) The organization of a Finance Committee for the Arboretum, with the understanding that if not less than \$150,000 is subscribed within, say, two years, the University will contribute \$150,000.

(b) The organization of a Finance Committee for Botany at Harvard, with the understanding that if not less than \$500,000 is subscribed within, say, three years, the University will contribute \$500,000.

It is believed that both efforts should be successful. While it is true that substantial gifts for the Arboretum have been lacking since announcement of the Bailey Plan, this is not surprising in view of the implications of that plan for the Arboretum when they were understood. When, however, it is made clear that the identity of the Arboretum will be preserved, that its library

and main collections will remain at Jamaica Plain and that its horticultural work will be continued under the management of its Director, (the Arnold Professor when appointed) pursuant to the method which brought it prestige and prosperity for over 70 years, the atmosphere will be entirely different. It can then be expected that the friends of the Arboretum will respond with subscriptions of at least \$150,000 to safeguard its collections and supplement its resources.

As to botany, it might be difficult to raise \$500,000 from individuals. But in view of the possibilities already revealed in the field of economic botany, it should be possible to obtain considerable gifts from foundations, with an excellent prospect of finding at least \$500,000 within a few years.

If these funds were raised, the minimum amount of new outside money would be \$650,000 and the maximum contribution of University funds \$650,000. The minimum amount provided for the Arboretum and botany would be \$1,300,000, of which \$300,000 would be for the Arboretum and \$1,000,000 for botany.

The Visiting Committee believes that important and beneficial results would follow from the success of such a plan. Litigation would be avoided and harmony restored. Coordination could be established on the basis of cordial cooperation. The Arboretum's identity and work would be preserved and the way opened for the appointment of an Arnold Professor fully qualified and interested to undertake the position. Moreover, its resources would be increased by at least \$300,000, with every prospect that it would again begin to receive large legacies and gifts as in the prior years. With regard to botany, the use of the additional income from at least \$1,000,000 would obviously be of great help; and as to the general interests of the University, it seems clear that the result would be advantageous.

The Visiting Committee hopes that the Governing Boards will see fit to adopt this plan or one substantially similar.

It was reported that the statement as adopted had been circulated to the members of the Committee and had been approved by all those who were absent, being Christian A. Herter, Benjamin S. Blake, Mrs. Joseph M. Cudahy, Childs Frick, Mrs. Henry V. Greenough, and Clarence L. Hay.

Dr. Sax then reported on some of the work being done at the Arboretum and answered questions from members of the Committee.

The meeting then adjourned.

A true record.

A t t e s t:

/s/ O. Wolcott
Secretary Pro Tem

BOTANICAL LIBRARIES AND HERBARIUMS.

By John C. Wister

Dean Bundy in defending the Harvard action of moving the library and herbarium of the Arnold Arboretum to Cambridge made the statement "many distinguished botanical institutions have their living collections in one place and their main research collections of books and specimens in another!"*

He did not name these institutions. As we believe that many of Dean Bundy's statements have been misleading it seemed worthwhile to ascertain how many botanical gardens and arboretums did have their libraries and herbariums in the same place and how many had them in another place as Dean Bundy claimed.

Accordingly the 1947 publication "The Arboretums and Botanical Gardens of North America" by Donald Wyman was consulted. It listed a total of 90 gardens and arboretums of which about a third reported having libraries and herbariums. The facts about location of libraries and herbariums of some of these were known through personal inspection. The others were sent a questionnaire.

The following information is now given concerning the institutions listed below. They are presented in the order given by Dr. Wyman. The Wyman list is as of 1947. Information is not available concerning botanical institutions established since that time.

I. Two Botanical Gardens and Arboretums, besides the Arnold Arboretum, have their main library and herbarium in a separate place as follows:

- #36. Nichols Arboretum, Ann Arbor, Michigan.
Library is contained in that of Department of Landscape Architecture one mile away.
There is apparently no herbarium.
- #68. Morris Arboretum of the University of Pennsylvania, Chestnut Hill, Philadelphia, Pennsylvania. The Arboretum uses the library and herbarium of the Botanical Department of the University of Pennsylvania in West Philadelphia, some 10 miles away. They were established a half century or more before the Morris Arboretum was given to the University and are not the property of the Arboretum but of the University.

* "Harvard View of the Controversy over the Arnold Arboretum"
by Dean McGeorge Bundy, July 1, 1954, page 6, lines 16 to 20.

In addition to the above, #16, the University of Florida Subtropical Experiment Station, Homestead, Florida, has its herbarium consolidated with the main herbarium of the University of Florida in Gainesville. Its library, however, is on its grounds in Homestead.

II. Thirty-one Botanical Gardens and Arboretums have library and/or herbariums in their garden property. Some of these may be so small as not to qualify as "distinguished" in Dean Bundy's opinion.

- #1. Boyce Thompson South Western Arboretum, Superior, Arizona.
2. Desert Botanical Garden of Arizona, Tempe, Ariz.
3. Roncho Santa Ana Botanic Garden, Anaheim, Cal.
8. Huntington Botanical Garden, San Marino, Cal.
9. Santa Barbara Botanic Garden, Santa Barbara, Cal.
12. Connecticut Arboretum, Connecticut College, New London, Conn.
15. Fairchild Tropical Garden, Coconut Grove, Fla.
16. University of Florida Subtropical Experiment Station, Homestead, Florida. Note: Library only. Herbarium is at the University of Florida, Gainesville as explained above.
21. Morton Arboretum, Lisle, Ill.
26. Iowa State College Arboretum, Ames, Iowa.
29. Reef Point Gardens, Bar Harbor, Maine.
32. Smith College Arboretum, Northampton, Mass.
40. Missouri Botanical Garden, St. Louis, Missouri.
43. Brooklyn Botanic Garden, Brooklyn, N. Y.
45. Long Island Agricultural and Technical Institute, Farmingdale, N. Y.
46. New York State Experiment Station, Geneva, N.Y.
48. New York Botanical Garden, Bronx Park, N. Y.
49. Thomas C. Desmond Arboretum, Newburgh, N. Y.
50. Highland Park, Rochester, N. Y.

61. John J. Tyler Arboretum, Lima, Pa.
62. Arboretum of the Barnes Foundation, Merion, Pa.
63. State Forest Arboretum, Mount Alto, Pa.
70. Botanical Garden of the Reading Public Museum and Art Gallery, Reading, Pa.
71. Scott Horticultural Foundation, Swarthmore College, Swarthmore, Pa.
76. Blandy Experimental Farm, Boyce, Virginia. Library only, no herbarium maintained.
79. University of Washington Arboretum, Seattle, Wash.
81. Botanical Gardens, Charles B. Whitnall Park, Hales Corners, Wis.
84. Montreal Botanic Garden, Montreal, Canada.
85. Experiment Station, Morden, Manitoba.
86. Niagara Parks Commission's School for Apprentice
87. Dominion Arboretum and Botanic Garden, Central Experiment Farm, Ottawa, Canada.

It is entirely possible that Dean Bundy may wish to base his case upon some "distinguished botanical institutions" abroad. No up to date list of foreign botanical gardens and arboretums giving such information is available to me at the present time. I shall endeavor to get this information later.

As far as the matter stands in North America, the Bundy statement is absolutely misleading as the above report shows. Even the Morris and the Nichols Arboretums where the libraries and herbariums are separate are poor examples to quote as has been noted.

H.F. Styer
Some comments attached

Confidential Report on the Arnold Arboretum

Controversy, to the Board of Directors of the American Association of Nurserymen. By J. Franklin Styer, chairman, Committee on Botanical Gardens and Arboretum - Jan. 15, 1957.

Recently several nurserymen have joined an organization known as the Association for the Arnold Arboretum Inc. This is a non-profit but not tax exempt group, with headquarters in the office of Thomas V. Rankin, a Boston attorney. Literature of this Association attacks Harvard University's President and Fellows (the legal university) for removing from the Arnold Arboretum to Cambridge about six-sevenths of the herbarium and library, which were accumulated over a period of nearly a century.

The Director of the Arnold Arboretum, Prof. R.A. Howard, has requested that the AAN, which all sides admit has a special interest in the Arboretum in spite of a complete lack of any official connection, should acquiesce in itself with the whole problem. This is reasonable, and no implication was made that a stand should be taken or any public statement issued.

On December 12 to 14, 1955, the writer visited Boston and spent several hours with Professor Howard and Mr. Rankin, and inspected the Arboretum in detail with Dr. Donald Wyman. Dr. Karl Sax, to our disappointment, was away at the time. It was a gain made clear that the Arnold Arboretum, as a garden and as an institution of learning, has a very important role to play in American horticulture.

Most universities have numerous special trusts, funds, and bequests which they receive under specific terms. In general, the use of the funds is turned over to the colleges or departments most closely allied to the purpose of the gifts. Department heads are seldom held to a strict interpretation of the terms of bequests; in fact they may not have the personnel or facilities with which to carry them out as originally instructed. Therefore the funds may often be used to further scientific projects which do not exactly conform to the original terms of the trusts. Situations like that develop so gradually, that in most cases no person perceives that an error is being committed. It is around such an alleged situation that the present controversy has erupted.

James Arnold died in 1869, leaving about \$150,000.00 to three trustees to dispose of according to certain instructions. In 1872 these trustees turned the fund over to Harvard and bowed out. An agreement was made by which Harvard, as a corporation, became the trustee, held the fund as a separate fund, and was to apply the income as follows; five per cent to be added to principal, the balance to be applied (1) to the establishment and support of an arboretum which was to contain all the trees, shrubs and herbaceous plants which can be raised in the open air on a specific property at West Roxbury, and (2) to the support of a professor who was to teach the knowledge of trees in the University. In the agreement it appears that other uses were carefully and sharply ruled out.

The Arboretum was established and is still maintained, as originally planned. Three men have held the position of Arnold Professor, Charles Sargent, Elmer D. Merrill, and Richard A. Howard. The policies of the institution have largely been made by these men, in particular by Sargent, who held the position for a lifetime. Sargent expressed his view of the intentions of the three original trustees in his report, "The First Fifty Years of the Arnold Arboretum", published in 1922, as follows: "Two, therefore, of the three men appointed by Mr. Arnold to administer his bequest for the improvement of agriculture or horticulture, were interested in trees and understood the importance to the world of more knowledge in regard to them than could at that time be obtained in this country; and it was natural that the idea of a scientific station for the study and cultivation of trees should have occurred to them." Sargent did not teach in the University, and Merrill and Howard have given graduate courses only. The emphasis has thus been upon the research phases of the institution.

The Arnold authorities took for granted the necessity of preserving herbarium specimens and a library of books related to the collection of plants which grew up under their care. They pursued their project aggressively with two additional results, the raising of extra endowments and the exploration of distant countries for new plants. The adding of new funds to the trust is not now construed as having changed its terms. The expeditions and foreign purchases were also within the terms of the trust, but led gradually to the present problem.

The famous international collecting activities of the Arboretum came to take larger and larger proportions of the budget. According to Prof. Howard, in the year 1930 only 25% of the income was used for horticultural purposes. Of the money spent for botanical collecting, an increasing proportion was used for specimens in the dry state not ever to be grown at the Arboretum. For example, between 1906 and 1909 E. H. Wilson collected only 1,593 packets of seed, and 65,000 herbarium specimens. Since the Japanese-Chinese war closed access to the Chinese sources, practically the whole collecting program has been in the tropics, and has produced nothing that could be grown at Jamaica Plain.

When costs of maintaining the grounds began to rise with inflation in the late 1940s, this program was curtailed. The 1955-56 budget for the purpose was 1,200.00. In 1954, 74% of the funds went to serve the horticultural purposes, that is, the maintenance and study of the plant collection, additions to it, and the Arnold professorship.

The distance which these botanical activities had taken the University away from the original terms is shown by the fact that most of the botanical work supported by the Arboretum was in tropical countries where none of the plants could be transplanted to Jamaica Plain in Boston.

Eight other independently endowed institutions administered by Harvard are classed under Botany. In 1945 Prof. Irving W. Bailey submitted a plan under which all nine would be more efficiently operated. The plan was put in effect with modifications in 1953 and 1954, after a million-dollar building was constructed at Cambridge to house the Gray and Arnold herbariums and corresponding libraries.

Harvard as a corporation has all its power vested in five men, the President and Fellows. About 1900 they set up an advisory body called the Board of Overseers, elected by the Alumni. Each one of these 36 Overseers takes charge of one department and sets up a "Committee to Visit" for his department. The Arboretum has department status and a Committee. When the Bailey plan was adopted, the Committee officially opposed it but the Board of Overseers refused this advisory action. Before the final move was made a rather complete study was made by both sides, and the Corporation modified the plan somewhat. But up to 1955, when three or four members of the Committee were replaced, the Committee was officially opposed to the action taken.

The action consists of removing over two thirds of the herbarium and library to the new building, which is a wonderful improvement in housing. This material is being merged with the Gray material, but under the Arnold label. It is stated that all this material refers to tropical and non-horticultural botany and furthermore, that any found later to refer to horticultural botany will be returned to the collection which remains at the Arboretum. This is confirmed by Dr. Wyman. A large volume of specimens from the tropics have not been worked over and are stored at Arnold, but will later be moved to Cambridge.

The result is a relief of crowded conditions in the Arboretum building. The library can be enlarged. Offices for the staff have been built. A large meeting room for visiting groups is provided.

Prof. Howard states that the herbarium and library which remain are felt by him to be "an appropriate horticultural library and herbarium." This herbarium is probably the largest horticultural herbarium anywhere.

The Arnold Professor, with several of the staff, have offices in the new building at Cambridge. The Arnold collections and staff occupy 40% of the building and 40% of its operating cost is taken out of Arnold funds. This divides the Arnold staff by several miles. The greater part of this personnel non-resident at the Arboretum is therefore devoted to non-horticultural purposes, since the collection now in Cambridge is admitted to be entirely non-horticultural.

Professor Howard divides his time between the two establishments. Dr. Sax and Dr. Wyman are at the Arboretum. The Arboretum has received a gift of a large farm with buildings at Weston, and has transferred there all nursery and testing activities, along with considerable horticultural research; this appears to be an excellent solution of the space problem, and plans have been made and are being carried out to remove some of the old plantings and to set out new groups in the Arboretum. It is evident that the present regime is sponsoring renewed horticultural activity. Prof. Howard has a clear distinction between botanical and horticultural work in mind, which is quite different from earlier attitudes that the institution was purely botanical in nature.

Dr. Wyman is the Secretary of the American Horticultural Council, and thus placed in contact with every such organization here and abroad. He is also taking the lead in a program of plant importation involving the American Association of Botanical Gardens and Arboreta and the USDA at Glen Dale. He is providing nurseries with new plant material on a new program which is meeting with real success.

The situation, as we see it, therefore, has many hopeful elements. The Arnold Arboretum is too important to the nursery industry for us to stand by without protest and see its endowment used for purposes which would not keep it in efficient operation. On the other hand, it undoubtedly benefits from close association with the other botanical agencies of Harvard. At present, about one quarter of its income goes for non-horticultural botanical purposes, largely due to the past accumulation of purely botanical specimens. The Association for the Arnold Arboretum demands the return of these, but we can not see their practical value to the Arboretum nor that their return would do anything but crowd the present building uselessly. We would hope that Harvard, while keeping this material under the Arnold label, could see fit to maintain it without using Arboretum funds.

The Director, who is also Arnold Professor, manages the Arboretum and teaches in the University, meeting the trust terms. We can see no objection to his having one office in Cambridge, where his teaching duties are performed. Prof. Howard is an eminent botanist, but not in the usual sense a horticulturist, and his scientific research is in tropical botany. His selection has been good because he is an able young administrator, but the selection of any person not a horticulturist leaves open to doubt the motives of the Corporation, with respect to the overall policy of the Arnold Arboretum as a separate institution. This remark is made only after finding that Prof. Howard is fully aware of the point, and that he is now operating the institution as best he can to resolve the doubt. He is one of the first botanists to recognize the present importance of ornamental horticulture as a science.

There may well be some question, however, whether Harvard is able to view the Arboretum as a horticultural institution. We are alarmed at this possibility, which is not only supported by the selection of a botanist without horticultural background as director but by the long record of expenditures of Arnold funds in non-horticultural work. Pressure from American horticulture for continuance of the Arboretum as a horticultural institution may be helpful, until Harvard should publicly announce a policy more closely in conformity with the original trust agreement.

The Association for the Arnold Arboretum, Inc., is in our opinion putting too much effort into getting the larger collections of books and specimens returned to a building which can not accommodate them. At the same time this group is saying too little about the longstanding horticultural weaknesses of the University and the Arboretum. In particular, we refer to the general lack of attention to the "teaching of the knowledge of trees."

The greatest of our universities are careful to teach as well as

to study. They are proud to give the world as rapidly as possible the value gained in their research. They seldom seal off research into separate departments and seldom allow research men to neglect teaching what they have learned. But after nearly a hundred years, the Arnold Arboretum has a record with respect to the "teaching of the knowledge of trees" which does not impress. In the entire world of horticulture only a few men can be pointed out as having received their training at Arnold. It is not believable that this condition can exist except through neglect of horticulture in the curriculum and mistaken insistence upon the "purity" of Harvard's botanical activities.

Notes on Styer's report by Karl Sax

3. I was not away from Boston on December 12-14 1955.
4. The Arboretum is a special trust, not a department of Harvard.
8. 25% for horticulture only includes upkeep of grounds. Does not include work of Rehder, Palmer, Jack, Sax and Faull.
9. 74% horticulture in 54? Of the professional staff only Wyman and part of my work in horticulture, rest of staff in botany engaged in work of little or no significance to horticulture.
13. Material moved to Cambridge includes trees & shrubs collected in the wild. Only named varieties left at Jamaica Plains. Impossible to do taxonomic horticultural work without both collections.
14. Administration building largely empty or used for dead storage. Herbarium and library rarely used by staff members.
15. Herbarium and library left in Jamaica Plains of value only for routine identification - of little value for research.
16. Most of Arnold Arboretum staff in Cambridge and almost all of its work non-horticultural.
17. No horticultural research at Weston except some of my work on dwarf trees. Only routine testing work done by Wyman.
18. Arnold Arboretum has always provided nursery men with new plant material.
19. Why should any of Arboretums funds be used for "non-horticultural botanical purposes"? ASSC does not ask returns of non-horticultural specimens.
20. Howard "an able young administrator"? "and is now operating the institution as best he can to resolve the doubt"? Has shown no indication that he is interested in horticultural work.
 1. By leaving cultivars herbarium in Jamaica Plains and moving wild types of specimens - the species - to Cambridge with the taxonomic staff indicates that taxonomic work with trees and shrubs of horticultural interest is to play a minor role. Most of the taxonomic staff, and this includes most of the entire staff, are working on material of no horticultural value in the temperate zone.
 2. Several new staff members have been added to Arnold Arboretum staff, but all have been taxonomists. Dr. Wyman remains the only staff member with a Ph.D. degree in horticulture. Sax is the only staff member doing *some* experimental research in horticulture.

Notes on Styer's report by Karl Sax (cont'd)

21. Objection to expenditure of Arnold Arboretum funds for non-horticultural work justified. It still continues. Although Sargeant Rehder Wilson & I did work in botany it was related to horticulture. The taxonomic work in progress has little or no relation to horticulture.
22. ASSC wants returned only specimens and books of value to horticultural botany and there is room for the specimens. The library requires more space than available at Arnold Arboretum but could be made adequate at modest cost. "Teaching the knowledge of trees" a problem in a university with no department of horticulture has not a single student doing his graduate work under direction of Arnold Arboretum staff member in Cambridge at present.

ASSN Analysis.

17. Howard now spends Wed. & Fri. at Jamaica Plains. Sax has office in Bird Lab suitable for his work and spends most of his time at Jamaica Plains.

Rest of it very good.

Tom's comment.

Chief emphasis should be on --

separation of botanical & hort. interests.

Separation of cultivated plant herbarium from the true species makes it very difficult to do any taxonomic work on trees and shrubs of horticultural value.

² Most of the taxonomists working on material of no horticultural value.

New staff members include only taxonomists *at Cambridge*

Tom Ravenel showed me Styer's report and I made above comments. He said we to OK my remarks & forward to you.

Karl Sax

A SURVEY OF
THE ARNOLD ARBORETUM CONTROVERSEY

Professor Karl Sax

September 30, 1957

A SURVEY OF
THE ARNOLD ARBORETUM CONTROVERSY

Professor Karl Sax

September 30, 1957

A SURVEY OF THE ARNOLD ARBORETUM CONTROVERSY

The trust indenture of March 29, 1872, between the Trustees under the will of James Arnold and the President and Fellows of Harvard College provided for the "establishment and support of the Arnold Arboretum, which shall contain, as far as is practicable, all of the trees, shrubs, and herbaceous plants, either indigenous or exotic, which can be raised in the open air at the said West Roxbury." The indenture also authorized the appointment of an Arnold Professor who was to supervise the Arnold Arboretum and "teach the knowledge of trees in the University... and shall give such other instruction therein as may be naturally, directly, and usefully connected therewith."

In the Harvard University Catalogue of 1886-87 the functions of the Arnold Arboretum are described as follows by Professor Sargent:

"The Arnold Arboretum was founded for the purpose of scientific research and experiment in Arboriculture, Forestry, and Dendrology and as a museum of trees and shrubs suited to the climate of Massachusetts.

"Anyone properly qualified to pursue the study of practical arboreculture or forestry may be admitted to the Arboretum as a student. Such students will be permitted to take part in the work carried on in the Arboretum as well as to make use of its library..."

In 1933-34, when Professor Oakes Ames was supervisor of the Arnold Arboretum, the function of the Arboretum was described in the University Catalogue as follows:

"The Arnold Arboretum was founded in 1872 for the purpose of scientific research in Dendrology and Arboriculture, and as a garden of trees and shrubs suited to the climate of Massachusetts." The only reference to teaching was essentially similar to that of 1886-87.

For all subsequent Harvard Catalogues up to 1951-52, the functions of the Arboretum were described in similar terms. In the May 27, 1957 official register of Harvard University dealing with the Department of Botany, the function of the Arboretum is described as follows: "The Arnold Arboretum, founded in 1872, is concerned with the study of systematic botany with special reference to horticulture and the study of woody plants of the world."

Under the directorship of Professor Charles S. Sargent from 1872-1927, the major efforts of the Arboretum staff were devoted to developing and maintaining the living collections, plant exploration trips, the introduction of new species and varieties of trees and shrubs into cultivation, and taxonomic descriptions of woody plants, primarily those of interest to horticulture and forestry.

When Professor Oakes Ames became supervisor of The Arnold Arboretum in 1928, the staff was enlarged to include a forest pathologist, a plant breeder, an ecologist and an experimental taxonomist, but Professors Wilson, Rehder, and Jack and Mr. Palmer continued exploration and taxonomic work with trees and shrubs of the temperate zone.

Professor Ames initiated the teaching of courses at Harvard by Arboretum staff members, primarily for graduate students, usually a one-semester course every second year. This limited

teaching strengthened the botanical program at Harvard and permitted the Arboretum staff members to have graduate students who supplemented the research programs. During Professor Ames administration the Arboretum endowment was increased more than a million dollars.

When Dr. Merrill became Director of the Arboretum and Arnold Professor in 1935, the taxonomic program shifted more and more to tropical species of little or no horticultural interest. This trend was a natural one since the flora of southeast Asia was Merrill's special field in which he was a world authority, and he was nearly 60 years old when he came to the Arboretum. As older taxonomists retired no one was left to carry on the systematic work with horticultural genera of the temperate zone. Dr. Merrill did, however, appoint a horticulturist to supervise the grounds and work with horticultural plants. During his administration the Arboretum's endowment was increased by more than a million dollars.

By the time Dr. Merrill retired in 1946, the Bailey Plan had been adopted and the major policies of the Arboretum were made by Professors Bailey and Mangelsdorf, the two Chairmen of the botanical agencies at Harvard, during the time Dr. Sax was Director (1947-54). No changes were made pending the implementation of the plans for the Arboretum. The remaining taxonomists continued their work on tropical plants. Dr. Hu was added to the staff and her work on the flora of China was of primary value in relation to horticulture or forestry of the temperate zone.

With the appointment of Dr. Howard as Director and Arnold Professor in 1954, most of the Arboretum's library, herbarium, and staff were moved to the University Herbarium in Cambridge. Several

new staff members were appointed and stationed at Cambridge. Most of the work done there by the half dozen Arboretum staff members is largely confined to the taxonomy of tropical or southern flora of little or no interest to temperate zone horticulture. The only taxonomist remaining at Jamaica Plain is Dr. Johnston who was refused office space in the University Herbarium. Since most of the library and herbarium was moved to Cambridge, he can do little taxonomic work at Jamaica Plain.

The only professional staff members voluntarily remaining at Jamaica Plain are Dr. Wyman, Dr. Sax, and Mr. Coggeshall. In addition there is a full time secretary and a half time typist. Dr. Howard and a secretary or assistant come out about two days a week, but the Director's work is devoted largely to a study of tropical specimens brought over from the University Herbarium. Much of the time Dr. Wyman and his secretary are the only occupants of the Administration building.

Dr. Wyman is in charge of the grounds at Jamaica Plain and at the Case Estate in Weston. He answers most of the questions related to horticulture and names most of the material sent in for identification. He writes books and articles on horticulture and writes most of the articles for *Arnoldia*. He teaches field classes and gives lectures to garden club growers.

Dr. Sax is the plant breeder and does work on rootstocks. During the growing season he is in the field most of the time. During the winter months he has worked on the effects of radiation on chromosomes, a project only remotely related to Arboretum objectives. Every second year he teaches a course in cytology at Harvard.

Most of Mr. Coggeshall's time is spent on routine propagation and distribution of propagating material to other botanic gardens and to nurserymen. He also teaches two popular courses on plant propagation for amateurs at the Arboretum greenhouse and does some experimental work.

Most of the Administration Building is empty or used for dead storage. The "horticultural" herbarium is rarely used by anyone and the library is of value only for superficial work. It too is rarely used and the librarian spends only a few days per year at the Administration Building. Since the Bailey Plan was adopted in 1946, the gifts for the Arboretum endowment have been negligible.

There was little consideration for horticulture in the Bailey Plan, which led to the disintegration of the Arnold Arboretum.

Provost Buck, in the introduction to the Bailey Report wrote:

"What we are primarily concerned with is the health and vigor of Botany itself and what Harvard with its particular set of resources can contribute best towards this central aim." The Coordinating Committee of the Overseers in its report in May, 1950, described the Arboretum as "an integral department of the University, separately endowed, it is true, but a tool to be used in the development of botany as a whole and in the overall interests of the University."

Although this point of view was overruled by the Corporation's vote of January, 1953, with the recognition that "the property and endowment held for the purposes of the Arboretum are held by the Corporation in trust and that in the administration of the trust it is to act with a view to the best interests of the Arboretum," the major recommendations of the Bailey plan were carried out and most of the Arboretum's collections and staff were moved to

Cambridge in 1954 and these staff members are working primarily in the field of taxonomic botany with little reference to horticulture. The fact that the herbarium of horticultural varieties and the horticultural library were left in Jamaica Plain indicates that the Arboretum taxonomists in Cambridge had no intention of working with horticultural plants.

But Dean Bundy and Dr. Howard now emphasize the role of horticulture as a major Arboretum objective. According to Dean Bundy, "The move to Cambridge resolves two very pressing problems. One is the necessity of providing for the housing of extremely valuable books and specimens in a modern, fireproof, air-conditioned, dust-proof building; the other is the great need of the Arboretum staff for more usable space for horticultural activities and research purposes in the Arboretum building (The Controversy over the Arnold Arboretum, page 3). Dr. Howard in the "Bulletin of the Garden Club of America" November, 1954, states that: "In 1945 a study by a staff member [a quid-pro-quo staff member from the Bussey Institution who never worked at the Arboretum] of the Arnold Arboretum proposed that a new building be built in Cambridge to house a portion of the Arboretum collections in conjunction with those of the Gray Herbarium, in order to free space at Jamaica Plain for horticultural work and allow both the horticultural work and the non-horticultural work of the Arboretum to develop for the future."

With the exception of a lecture room and added courses at the popular level, there has been no expansion of horticultural work. Nor has the released space been used to expand research activities. Most of the building remains empty or used for dead storage.

Professor Bailey made no pretence that the advancement of horticulture was a major objective. His only reference to horticulture was: "to abandon the living collections of the Arnold Arboretum not only would serve to 'kill the goose that lays the golden eggs' but also would involve the repudiation of cooperative agreements with the City of Boston and the cancellation of a long series of commitments made by the University in the acceptance of donations and bequests for specific purposes." He is at least honest.

Many of the other statements made by Harvard officials regarding the Arboretum Controversy are highly misleading or false.

The Harvard Corporation in the Alumni Bulletin stated that the Bailey Plan was approved by the former directors of the Arboretum, without mentioning the fact that since 1949 the plan was opposed by Professors Ames, Merrill, and Sax. In referring to the Bailey Plan, Professor Merrill, in a memorandum to Mangelsdorf, one of the "chief architects of the plan," wrote: "No honest man could possibly condone what has been accomplished in wrecking a great heritage."

President Pusey in a letter to Mr. Clark (June 10, 1954) wrote that the decision to move most of the Arboretum collections and staff to Cambridge was "undertaken after most careful counsel with independent experts." Who are these experts and what are their qualifications? Certainly none of them ever consulted those on the Arboretum staff who opposed the move or any recognized horticulturist in other botanic gardens. In view of what has happened would they still approve of Harvard's action?

Much emphasis was placed on the provision of the indenture which provided that the Arnold Professor should "teach the knowledge

of trees at the University." Until the academic year of 1956-1957, no Arnold Professor ever taught a course on trees or any other subject at Harvard. Why was the mandate ignored for 75 years? How many students are using the Arboretum collections or working under the direction of Arboretum taxonomists at Cambridge? Very few, if any.

Dean Bundy in his pamphlet "The Controversy over the Arnold Arboretum" stated that "many distinguished botanical institutions have their living collections in one place and their main research collections of books and specimens in another;" that "Professor Howard has an outstanding reputation as a scholar and leader in the Arboretum field of systematic botany and horticulture," that Dr. Howard "has worked intimately with such (living) collections at...the New York Botanical Garden" and that "it is universally agreed that the Arboretum has been in desperate need of proper housing for these collections."

The facts are that few botanical gardens have their living specimens in one place and their library and herbarium in another. Professor Howard had no reputation as a horticulturist. According to Mr. Everett, Superintendent of the New York Botanical Garden, Dr. Howard never worked with the living plants while there. There would have been no use for more space to house the collections if the specimens of no value to legitimate Arboretum objectives had been removed from the Administration Building at Jamaica Plain.

Dean Bundy also wrote to Mr. Clark on July 7, 1955, of "the unusually difficult situation which is posed when members of a staff deliberately and continuously refuse to take part in its

regular work." None of the staff members of Jamaica Plain have refused legitimate requests. Dr. Johnston did refuse to pack up herbarium specimens for shipment, a job normally done by a herbarium assistant, and Dr. Sax refused to withdraw from the Association for the Arnold Arboretum. Apparently Dean Bundy has forgotten the President's report for 1953-54 in which Mr. Pusey upheld the Harvard tradition that permits staff members to be "the conscientious judge of his own responsibilities." Dean Bundy himself expressed the belief that "The moral standards of great scholarship are stern, but they include a deep regard for the right of a colleague to his own honest convictions and his own choice of freedom." (Harvard Crimson, March 16, 1955.) Yet these staff members who oppose Harvard's plan for the Arboretum have been subjected to derogatory statements and discrimination (listed in Dr. Ivan Johnston's "A Letter to the President of Harvard University" dated November 16, 1956, and sent to members of the Association for the Arnold Arboretum in 1957.)

Dr. Howard, in a letter to the members of the Association for the Arnold Arboretum, stated that the court "upheld" the Attorney General's ruling. In the words of Messrs. Dodge and Farley "Professor Howard's statement is utterly incorrect." Obviously many of the Harvard officials have lacked information or have been misinformed regarding the facts of the Arboretum Controversy. The pretense that Harvard is vitally concerned with the Arboretum's horticultural activities is hardly in accord with the present policies of the Arboretum. The only satisfactory solution has been delayed by Harvard. The Association for the

Arnold Arboretum believes that Harvard's policy in respect to the Arboretum is a moral and probably a legal breach of trust and should make every effort to have the case decided by the courts of Massachusetts.

Professor Karl Sax

September 30, 1957

PLANT SCIENCE BULLETIN

A Publication of the Botanical Society of America, Inc.

VOLUME 3

APRIL 1957

NUMBER 2

16 mm. Instructional Films for College Botany (1956)

Prepared by Committee on Education

Marie Clark Taylor, Howard University

Title	Producer ¹	Date	Timing ²	Sound ³	Color ⁴	Description
LIFE CYCLES						
The Onion	IFB	1950	11	Sd	Bw	
Living Plants	Fltwd	1955	10	Sd	Bw	Shows time-lapse
Life of a Plant (Pea)	EBF	1950	11	Sd	Col	
Dodder	EBF	1931	11	Sd	Bw	Life cycle and destructive effects
Poison Ivy Picnic	NFBCa	1954	2	Sd	Col, Bw	Cycle, effects, treatment
Tree Portraits	Harlow	1955	22	Sd	Col	Identification of 30 species of trees, seasonally, by leaf, flower, fruit, twig, bud, bark
Time Lapse Studies of Growing Trees	NYSt	1953	12	Sd	Col	Unfolding of buds, development of fruits, dispersal of seeds
Birth of a Southern Pine	SoPu	1949	15	Sd	Col	Flowers, cones, seeds, young pls.
Glory of Spring	IFB	1950	11	Sd	Col	Opening of buds of trees and shrubs
Miracle of the Trees	IFB	1950	11	Sd	Col	Opening of buds of trees and shrubs
Seasonal Change in Trees	Cor	1949	10	Sd	Bw	Seasonal aspect and classification
The Fern	Dartm		2 Rls	Si	Bw	
Ferns	AlmF	1951	10	Sd	Bw	Includes evolution of ferns
Life Story of a Fern	UW-ED	1949	10	Sd	Bw	
Miracle of the Moss	AlmF	1952	10	Sd	Bw	Includes physiology
Gathering Moss	Ideal		11	Sd	Bw	
Budding of Yeast Cells	Std		15	Si	Bw	Life processes during 8 hours
Budding Yeasts (Monilias)	SocAB	1947	4	Si	Bw	
Pin Mold	IFB	1950	10	Sd	Bw	A typical fungus
Magic Myxies	Ideal	1936		Sd	Bw	Myxomycetes
Growth of Bacteria, Yeast and Molds	SocAB	1933	20	Si	Bw	Includes methods of culture
Microscopic Plant Life	ASBE		30	Si	Bw	Molds and Yeasts
Life Cycle of a Yeast Cell	SoIll	1951	17	Sd	Bw	Demonstrates micromanipulator and other modern tools
Syngamy and Alternation of Generations in Allomyces	Brice	1953	20	Si	Bw	Phase-contrast in a water mold includes animated sequences
Bacteria, Friend or Foe	EBF	1954		Sd	Col	Types, habits, conditions
Blister Rusts—Enemy of the Pines	UW-Gvt	1948	13	Sd	Col	Includes hosts, methods of control, economic significance
Dutch Elm Disease	NFBCa	1948	10	Sd	Col	Symptoms, efforts to control
Stem Rust	UW-Gvt	1950	20	Sd	Col	Hosts, controls, quarantine
Celite—(Diatoms)	J-M Caravel	1952	35	Sd	Col	First half of film explains diatomaceous earth through life history
PHYSIOLOGY						
Plant Oddities	ITF		10	Sd	Col	Insectivorous, sensitive—influences of light, temperature, and moisture upon motion
Plant Reactions	Acad	1950	11	Sd	Col	Reactions to water, light, gravity, chemicals
Power of Plants	AlmF	1950	11			Lifting of rocks, jars, weights
Climbing Plant	UW-Educ	1950	10	Sd	Bw	
Sensitivity of Plants	AlmF	1950	11	Sd	Bw	Simple laboratory experiments with electricity, carbon dioxide, heat, gravity, light, ether
Carnivorous Plants	FoND					
Carnivorous Plants	Moody	1955	10	Sd	Col	Trap mechanisms under photomicrography
Insect Catchers of the Bog Jungle	Harlow	1954	10	Sd	Col	Time-lapse study of mechanisms

¹ Producer may be identified in Section II, Producers and Distributors.

² Timing = Number of minutes for completion.

³ Si = Silent; Sd = Sound.

⁴ Col = Colored Films; Bw = Black-White Films.

exact—I started to think very seriously of botany as a career. The reason for this was simple. I was studying under an exceptional old professor of botany who had me all excited about his subject. Luckily, I asked my father what he thought of it. Father was a man of practical, good sense and he quickly convinced me that I was much better suited for law than for botany. I have felt deeply grateful to him ever since." (Reprinted through courtesy of New York Life Insurance Co.).

The "exceptional old professor of botany" was, of course, Charles E. Bessey.

Donald Rogers reports that Pound was a charter member of the Mycological Society, that he relinquished his membership in 1954.

LETTER TO THE EDITOR

(This letter, addressed to the Editor, has been circulated to members of the Editorial Board, who have indicated their approval of its publication.)

44 Pond Street
Jamaica Plain, Mass.
January 11, 1957

DEAR DR. FULLER:

As you and so many of your members knew my late husband, Dr. Elmer D. Merrill, who was for a great many years a member of your Society, you have probably noted the review of his life and work which appeared in the July, 1956, issue of the *Journal of the Arnold Arboretum*. This account omitted what seems to me a most important fact relating to his last years and without this fact I feel very strongly that the record is not complete.

The article dwells at length upon my husband's work as Director of the Arnold Arboretum between 1936 and 1946. It refers particularly to his part in drawing up preliminary plans for the policy which became known in due course as the Bailey Plan. This is quite correct as far as it goes, but the article omits to state that in 1946, on study of the plan as it had evolved, Dr. Merrill became convinced that the plan would be injurious to the Arboretum. Notwithstanding Dr. Merrill's opposition, the plan, as qualified by the Harvard Corporation in 1953, was applied to the Arnold Arboretum, resulting in the transfer of most of the Arboretum's library and herbarium from the traditional headquarters at Jamaica Plain to the Harvard University Herbarium Building in Cambridge.

It required, as you must understand, a great deal of courage for Dr. Merrill publicly to reverse his position and to come out against a policy of the University.

It seems proper, as I have pointed out, that the botanical world should know that from 1946 until the time of his death he opposed the above plan both privately and publicly.

I hope you will be good enough to publish this so that your members can know the facts.

Yours sincerely,
(signed) AUGUSTA S. MERRILL
(Mrs. Elmer D. Merrill)

RESEARCH ITEMS WANTED

William S. Hillman, Research Associate, Dept. of Botany, Yale Univ., New Haven, Conn., would like to receive live specimens of any native or exotic Lemnaceae (except *L. minor*), particularly *L. gibba*, *L. trisulca*, *L. valdiviana*, and *Wolffiella*.

NORTHEASTERN SECTION FORAY

The Northeastern Section will sponsor a field foray August 20-22, inclusive, with the Univ. of Maine, Orono, Maine, as headquarters. Trips will be taken to Mt. Katahdin, University forests, Jackson Labs. at Bar Harbor, and blueberry barrens. In addition, one or two evening meetings will be held. Inquiries should be directed soon to Jesse Livingston, Dept. of Botany, Univ. of Maine, chairman of local arrangements, or to T. T. Kozlowski, Dept. of Botany, Univ. of Mass., Amherst, Mass., secretary of the section.

9th PACIFIC SCIENCE CONGRESS

The 9th Pacific Science Congress of the Pacific Science Association will be held Nov. 18 - Dec. 9, 1957, under the auspices of His Majesty's Government of Thailand and the Science Society of Thailand on the campus of Chulalongkorn University, Bangkok. Organizing Chairmen of plant science sections are: M. C. Lakshanakara Kashem Santa (Botany Section), Ministry of Agriculture, Bangkok; Thiem Komkris (Forestry Section), Dept. of Forestry, Ministry of Agriculture, Bangkok; Insee Chandrasitaya (Crop Improvement Section), National Development Co., Ltd., Bangkok. Chairmen of plant science standing committees are: F. Raymond Fosberg (Botany), Pacific Vegetation Project, National Res. Council, 2101 Constitution Ave., Washington 25, D. C.; G. S. Brown (Forest Resources), District Forest Office, Kuala Pilah, Negri Sembilan, Malaya; T. H. Shen (Crop Improvement), Joint Commission on Rural Reconstruction, Taipei, Taiwan, Formosa. American botanists and other scientists interested in attending the Congress or in learning more about its program should communicate with Harold J. Coolidge, Pacific Science Board, Nat. Res. Council, 2100 Constitution Ave., Washington 25, D. C. NRC is the official representative of the U. S. in the Pacific Science Association. The 8th Pacific Science Congress was held in the Philippines in 1953, with 123 U. S. participants.

GENERAL SECTION ASSESSMENT

Members of the General Section of the Botanical Society are reminded that they voted a \$1.00 assessment for each member to defray the expenses of mimeographing abstracts. This is now due. Checks or money orders should be made payable to Barbara F. Palser, Secretary of the Section, and sent to her at the Department of Botany, University of Chicago, Chicago 37, Illinois. The few members who sent \$1.00 last year need not do so this year unless they so desire.

Dublin, N.H.

January 3, 1956

THE ARNOLD ARBORETUM CONTROVERSY

MEMORANDUM FOR PRESIDENT PUSEY

1.

At the annual meeting of members of the Association for the Arnold Arboretum, Inc. on December 1, 1955, the following resolution, proposed by Mrs. Oakes Ames, was unanimously adopted:

RESOLVED: That this annual meeting of the Association for the Arnold Arboretum, Inc. records its conviction that a denial of justice exists by reason of the prevention of a judicial hearing on the legality of Harvard's plan for the Arboretum, notwithstanding serious doubts expressed by eminent counsel; and that it is a matter of principle to seek relief from this denial of justice; and

FURTHER RESOLVED: That the Association should express this conviction and continue to seek a day in court through public statements and other appropriate means.

This was in harmony with a resolution of the Association's Board of Directors adopted on June 14, 1955, as follows:

RESOLVED: WHEREAS, experienced counsel after careful study have raised serious questions as to whether the plan of the Harvard Corporation for the Arnold Arboretum under the Corporation's vote of January 19, 1953, involves a breach of trust; and

WHEREAS, notwithstanding such questions the Harvard Corporation, as trustee for the Arboretum, has refused to apply for judicial instructions as to the legal validity of its plan for the Arboretum, and

WHEREAS, such refusal on the part of the Harvard Corporation is contrary to the generally accepted practice of responsible trustees:

RESOLVED: That the effort to obtain a day in court, whereby the issues as to the legal validity of Harvard's plan for the Arnold Arboretum may be authoritatively determined by the courts, should be persistently continued.

These resolutions reflect a strong conviction that the Harvard Corporation's resistance to a judicial hearing is wholly without justification. They also reflect a belief that the effort to obtain such a hearing should continue indefinitely because the present status, whereby those who claim that Harvard's plan for the Arboretum involves a breach of trust are wholly deprived of an opportunity to present their case in the only forum - the courts of Massachusetts - where the issues can be decided, represents a clear denial of justice.

Accordingly, plans have been made to continue the effort for a "day in court" for an indefinite period.

II.

During the past two years, many persons have commented on the apparent fact that you have evidently not understood the nature of the issues or the motives of those who have sought a judicial hearing. I have often heard it said that this is presumably due to the fact that you were led to commit yourself soon after you became President without sufficient inquiry; and to the fact that you have since preponderantly heard only one side and have obviously been misinformed on certain points.

There are various indications of this which include the following:

- (1) After I saw you around October 1, 1953, with the purpose of informing you that strong convictions were involved and to express the hope that you would look thoroughly into the whole subject before taking a position, you wrote me at some length almost immediately, taking an

argumentative and definite position against the protestants; and this quickness and tone of that reply clearly showed that you could not have studied the documents and carefully considered both sides.

(2) Your identical letter to all the Directors of the Association for the Arnold Arboretum, Inc., dated June 10, 1954, indicated that you did not then apprehend how important the protestants considered the matter of a judicial hearing. In that letter you said that you wished to "begin by putting to one side the argument over going to court" because "we are not likely to agree about this part of the matter"; and that you wished rather to discuss what you called the "central issue," i.e., "our common concern for the best interests of the Arboretum."

Naturally, everyone is or should be concerned with the "best interests" of the Arboretum. But it is impossible to discuss that question as the "central issue" or otherwise, while by-passing the vital question of a judicial hearing on the breach of trust question. Your letter seemed to many evidence of a lack of understanding that when responsible people, under advice of experienced counsel, make a claim that there is a breach of trust in the administration of a public institution, that claim ought to be submitted to the courts which alone can decide it.

(3) Your correspondence with Mr. Malcolm S. Millard of California showed, with respect, a continued lack of comprehension as to the nature of the protest and the motives of the protestants. Thus, in your letter to Mr. Millard of October 20, 1955, you said that you were convinced that "Harvard should not change its direction simply because for some people the issue has become one more of emotion than principle." (Italics mine)

The implication was, of course, that it was the protestants who are governed by emotion and not yourself, whereas many people believe that the shoe is precisely on the other foot. Further, in your long letter of May 19, 1955, to Mr.

Millard, you refer to "the Association" (The Association for the Arnold Arboretum, Inc.) as "bent upon attacking us".

(Italics mine) And you also say that "many have knowingly lent their names to a deliberate campaign about which perhaps the kindest thing that can be said is that it is both exaggerated and misguided."

(Italics mine) This again indicated a distorted view and a lack of understanding since, in fact, the protestants, who include many people devoted to Harvard's interests for as long as 60 years do not, of course, have any such motives or feelings as you ascribe to them; and your doing so, to speak frankly, has created a painful impression.

(4) Your letter to me of September 22, 1955, in reply to mine of June 28, 1955, indicates a lack of understanding on your part of the legal issues involved. In that letter you say:

"I must report that we are confident that the Corporation acted correctly in considering the questions concerning the Arboretum to be questions it was its responsibility as trustee to decide. They were primarily questions of fact, not legal issues, and were decided deliberately after years of discussion, debate, and compromise." (*Italics mine*)

From this it seems that you are under the impression that because there would be important questions of fact before a court, they would not also involve questions of law. However, any such inference is obviously erroneous. If and when this breach of trust question is ultimately litigated, there would of course be important factual issues. Much of the evidence would, for instance, relate to the points: (1) that, as the protestants claim, the Corporation, back in 1946, adopted the Bailey Plan without knowledge that, as later admitted, the Corporation was trustee of a special trust for the Arboretum; and (2) that the Corporation adopted that plan without reference to the Arboretum's interests as an institution and primarily in the interests of botany in Cambridge. The issues of fact on that branch of the case would certainly be important since with these contentions proved, the burden would be thrown upon the Corporation to justify the plan. And then on the other main branch of the case - whether in practical operation the plan is for the best interests of the Arboretum or,

on the contrary, will in the long run operate to injure its work and lower its prestige - there would, of course, be questions of fact to be weighed by the court on the doubtless conflicting evidence of qualified authorities. It does not, however, follow that because there would be various questions of fact that there are not also important questions of law as to the legal effect of those facts. Many lawsuits, perhaps most of them, largely involve and depend upon questions of fact. For example, in nearly all negligence cases, the facts, often disputed, are of prime importance. But it is always necessary for the court to apply the law to the facts as admitted or found; and this is precisely what the situation is in this matter. It is the protestants' claim under advice of experienced counsel, that under the facts that would need to be admitted or could be established to the satisfaction of an impartial court,, Harvard's plan is detrimental to the interests of the Arboretum; and consequently, as matter of law applied to those facts, the court would very likely find the whole plan to be illegal as a breach of trust. This would be under the general legal rule governing the administration of trusts that trustees must administer the trust with an eye single to the interests of the person or institution for whose benefit the trust was created.

Several lawyers to whom I have shown your letter to

me of September 22 agree that it strongly indicates a lack of understanding of the legal position.

III

The main issue is the obdurate and continued opposition of Harvard to a court hearing. That position is so clearly contrary to the accepted practice of responsible trustees where, as here, experienced counsel have given the opinion that there are serious doubts as to the legality of Harvard's plan that many lawyers and trustees are simply baffled when they hear that Harvard not only refused voluntarily to seek court instructions but also went so far as to oppose the application to the Attorney General for the use of his name for a test suit. In the past several years, I have discussed this with a considerable number of experienced lawyers and trustees and have yet to find a single one, who had taken the trouble to inform himself and had not simply heard Harvard's version, who did not agree that Harvard's attitude is without justification. A number of them condemned Harvard's attitude in the strongest terms.

It is, as you should know, really unprecedented for a responsible trustee, in circumstances like these, to resist a judicial hearing. To do so is wholly out of character with Harvard's record and reputation. The asserted

excuse that Harvard is relieved from the usual obligation to obtain a judicial ruling because the Corporation is convinced that it is right does not hold water. This is so because trustees are obviously not justified in resisting a judicial hearing merely because they assert that they are right and that "their own opinion is their law," in the face of weighty opinions of counsel that there do exist serious doubts as to the legality of the trustees' administration. The speciousness of the claim that the Corporation is justified in resisting a court hearing merely because the Corporation believes itself right is so apparent that the assertion of this claim has created a painful impression.

IV.

While the matter of resistance to a judicial hearing is the major issue, there are certain other factors which have contributed to the opposition. These include:

(a) Petty tyranny The inconsiderate, ruthless and even vindictive treatment of various members of the staff of the Arboretum who could not conscientiously support Harvard's plan and had the independence to say so has been a cause of concern and indignation. This has related to a number of faithful servants of the University including persons of distinction and long service.

The policy of harshness and of trying to stamp out

all so-called disloyalty came into effect at once when Professor Howard became Director in February, 1954. The apparent purpose was to crush any dissent by making an example of anyone who in any way expressed views against Harvard's plan. This policy was finally extended to a considerable number of persons. The facts, which have inevitably become known to a number of people, have caused surprise, concern and indignation.

(b) Distortion and superior virtue The assumption of Superior virtue by Messrs. Bundy and Bant^einck-Smith in claiming that Harvard's position is an assertion of its traditional independence and the intimation that the protestants have perpetrated a sort of blackmail in the shape of financial pressure, have naturally been noticed. These insinuations are both false and insulting and have aroused strong resentment.

(c) Professor Howard Evidence has accumulated that besides being inconsiderate and ruthless, Professor Howard has shown a reckless disregard for the truth. It would be too long a story to go into the various instances in this memorandum; but the fact that Dean Bundy and yourself appear to have relied upon Professor Howard confirms the impression that you have probably lacked information or have been misinformed.

In mentioning the above other factors, I have not tried to be exhaustive because there are some other matters that have caused comment and protest. But the above are the principal points (apart from the main issue of a judicial hearing) that I would wish to discuss if we have a talk.

V.

I should like to urge upon you again that Harvard should reconsider its position and cease to oppose a judicial hearing. To do so would, in my view and that of many other friends of Harvard, not be a sign of weakness but rather of strength. The question is insistently asked: If the Corporation is so confident of its position and is right about it, it would be vindicated by the court's decision; what possible harm therefore in the submission of the legal issues for judicial hearing?

The opposition to this usual course leads to the inference that the Corporation is either arrogant and impervious to the issues involved, or else is not actually as confident as it purports to be and is in fact afraid to submit to an impartial judicial hearing and of the humiliation that might follow. There is no use saying that those questions ought not to be asked. They have been and are being asked by responsible and experienced persons; and they will continue to be asked just as long as the matter remains in its present position.

Grenville Clark.

FREDERIC P. LEE
1200 EIGHTEENTH STREET, N. W.
WASHINGTON 6, D. C.

November 21, 1956.

Dr. George S. Avery, Jr.,
Director,
Brooklyn Botanic Garden,
Brooklyn 25, New York

Mr. Henry F. du Pont
Winterthur, Delaware

Professor Ivan M. Johnston
Arnold Arboretum
Jamaica Plain, Massachusetts

Dr. L. H. MacDaniels
New York State College
of Agriculture
Cornell University
Ithaca, New York

Professor Karl Sax
Arnold Arboretum
Jamaica Plain, Massachusetts

Dr. Henry T. Skinner,
Director,
National Arboretum
Washington 25, D. C.

Professor George L. Slate
New York State Agricultural
Experiment Station
Geneva, New York

Mr. Henry Teuscher, Curator
Montreal Botanic Garden
Montreal, Quebec

Dr. John C. Wister, Director
Arthur Hoyt Scott Horticultural
Foundation
Swarthmore College
Swarthmore, Pennsylvania

Dr. P. W. Zimmerman
Boyce Thompson Institute for
Plant Research
Yonkers, New York

Gentlemen:

Enclosed is copy of the Statement of the Winterthur
Conference on the Arnold Arboretum.

Following our meeting at Winterthur I prepared a
draft statement based on the actions taken at Winterthur.

The Statement includes a "Preliminary Comment" that
is in part composed of material from the reports adopted
and in part of a few additional sentences to indicate to
those not familiar with the situation what the controversy
is about.

The second paragraph of the "Notation" was added to make clear that the basic features of the Statement were undertaken by members of the group that were not on the Arnold Arboretum staff or directors of the Association for the Arnold Arboretum.

The draft statement was gone over at length by Dr. Skinner last Friday and on Monday of this week by Dr. Avery who also phoned Dr. Zimmerman regarding certain portions. Mr. Rankin was also present.

Dr. Avery reproduced the copies of the Statement and arrangements were made for their distribution as indicated in the Statement.

I am sending around a copy of the Statement to be signed and passed along to the next member of the group in alphabetical order for signature and ultimately returned to me.

Digitized by Hunt Institute for Botanical Documentation

Sincerely,

Fredrick P. Lee

Enclosure

STATEMENT OF THE WINTERTHUR CONFERENCE
ON THE ARNOLD ARBORETUM

The undersigned met and conferred at Winterthur, Delaware on November 12 and 13, 1956 on the invitation of Mr. Henry F. du Pont at the suggestion of the Association for the Arnold Arboretum. Our purpose was to canvass the problems resulting from the present policies of the Harvard Corporation with respect to the Arnold Arboretum. We are all deeply interested in the future of the Arnold Arboretum as a leading horticultural institution devoted to scientific study of trees and shrubs.

PRELIMINARY COMMENT

The Harvard Corporation is the trustee not only of the resources of Harvard University but also, by virtue of a specific trust agreement entered into in 1872, it is trustee of the property and endowment of the Arnold Arboretum.

The present situation at the Arboretum makes it evident to us that the administration of the Arnold trust by the Harvard Corporation has advanced the interests of the Harvard Department of Botany in theoretical botany, at the expense of the best interests of the Arboretum. The present situation at the Arboretum has developed gradually from policies of the Harvard Corporation over recent years, culminating in actions that followed its resolution of January 19, 1953. These actions include removal from the Arboretum headquarters at Jamaica Plain to Cambridge of a major part of both the library and herbarium belonging to the Arboretum, transfer to Cambridge of a majority of the Arboretum's professional staff, and devotion of the Arboretum's funds to activities at Cambridge.

We are informed that the above mentioned removal of property, together with certain other features of the present policy, form the basis of a claim involving breach of trust. In our view it is proper and essential that the various legal issues be decided by the courts.

CONCLUSIONS

We believe that to restore public respect and confidence and to enable the Arboretum to resume its former high position in the field of scientific horticulture, it is necessary that the Harvard Corporation adopt and carry out the recommendations, expressed and implicit, in our conclusions stated below. The necessity for such action exists irrespective of the present legal controversy and its ultimate outcome.

A. Facilities and Funds

1. We are united in the conviction that the usefulness of the Arnold Arboretum has been drastically decreased and the effectiveness of its functioning undermined by the removal from the Arboretum headquarters at Jamaica Plain to Cambridge of a major part of both its library and herbarium; by the similar removal of a majority of its professional staff and by changes in the character of that staff; and by the use of its funds for activities unrelated to the Arboretum and conducted at another place.

2. It is our belief --

a. that the Arboretum's herbarium, with the possible exception of certain tropical material, should be returned to Jamaica Plain;

b. that the Arboretum's library, being necessary for its efficient operation, should be returned to Jamaica Plain;

c. that the original Arnold Fund, as greatly increased by Professor Charles Sprague Sargent and by his friends in his memory, should be allocated to the operations at Jamaica Plain; and

d. that all staff compensated from its funds should be stationed at Jamaica Plain.

B. Status and Program

3. The unique contributions the Arnold Arboretum has made in the past are in basic research serving horticulture. Such work can be successfully accomplished only in a stable institution with adequate facilities and funds. Under the present administration of the Arboretum, as controlled by Harvard University, the Arboretum has deteriorated in the effectiveness of its program and correspondingly in its reputation.

4. The only effective remedy is the reestablishment of the Arboretum as an integrated and separate institution with administrative personnel favorably disposed toward the objectives set forth in the original trust agreement.

5. Among the program objectives recommended for the reorganized Arboretum are the following:

a. Assigning to the living plant collection a higher priority in the allocation of attention and of Arboretum funds;

b. Research on the classification and nomenclature of cultivated plants, looking toward the publication of technical and other works, with emphasis on the trees and shrubs of the temperate zones of the world.

c. Establishing a comprehensive program of plant exploration, introduction, and exchange to discover plants better suited to American horticulture.

d. Strengthening the program of breeding and screening of improved ornamental woody plants. The living plant collection of the Arboretum constitutes one of the great sources of materials available for this purpose.

e. In its affiliation with Harvard University in the training of students, giving top priority to scientific horticulture, with special attention to the taxonomy and breeding of woody cultivated plants.

6. The implementation of the above program presupposes the reassemblage at the Arboretum in Jamaica Plain of herbarium and library resources, adequately housed and staffed.

The foregoing conclusions set forth our individual and unanimous convictions and are not presented in our representative capacities.

Formulated, stated, and approved by us at Winterthur, Delaware, November 13, 1956.

Directed to be transmitted to the members of the Harvard Corporation, Harvard Board of Overseers, the Association for the Arnold Arboretum, Inc., the American Association of Botanical Gardens and Arboreta, the American Association for the Advancement of Science, the American Institute of Biological Sciences, the American Society for Horticultural Science, the Botanical Society of America, the American Horticultural Council and its member

organizations, the American Horticultural Society, and other interested persons.

George S. Avery, Jr. Brooklyn, N. Y.	Henry T. Skinner, Washington, D. C.
Henry F. du Pont, Winterthur, Delaware	George L. Slate, Geneva, N. Y.
Ivan M. Johnston, Jamaica Plain, Mass.	Henry Teuscher, Montreal, Quebec
Frederic P. Lee, Bethesda, Md.	John C. Wister, Swarthmore, Pa.
L. H. MacDaniels, Ithaca, N. Y.	P. W. Zimmerman, Yonkers, N. Y.
Karl Sax, Jamaica Plain, Mass.	

NOTATION

Dr. Avery is director, Brooklyn Botanic Garden; Mr. duPont, an eminent amateur gardener; Prof. Johnston, taxonomist, Arnold Arboretum; Mr. Lee, chairman of the Advisory Council, United States National Arboretum; Dr. MacDaniels, professor emeritus, Department of Floriculture and Ornamental Horticulture, New York State College of Agriculture, Cornell University; Prof. Sax, former director, Arnold Arboretum; Dr. Skinner, director, United States National Arboretum; Prof. Slate, professor of pomology, New York State Agricultural Experiment Station; Mr. Teuscher, curator, Montreal Botanic Garden; Dr. Wister, director, Arthur Hoyt Scott Horticultural Foundation and the Tyler Arboretum; Dr. Zimmerman, plant physiologist, Boyce Thompson Institute for Plant Research, Inc.

Messrs. Zimmerman and Teuscher composed the conferees' Committee on Facilities and Funds; Messrs. Avery, MacDaniels and Skinner, the conferees' Committee on Status and Program; and Messrs. Lee, Avery, Skinner, and Zimmerman, the conferees' Committee on Form. Mr. Lee served as chairman of the conference.

WINTERTHUR CONFERENCE

November 12-13, 1956

Participants

Dr. George S. Avery, Jr., Director
Brooklyn Botanic Garden
Brooklyn 25, New York

Professor Ivan M. Johnston
Arnold Arboretum
Jamaica Plain, Massachusetts

Frederic P. Lee, Esq.
Chairman of Council
National Arboretum
Washington 25, D. C.

Dr. L. H. MacDaniels
Professor Emeritus
Department of Floriculture
and Ornamental Horticulture
New York State College of Agriculture
Cornell University
Ithaca, New York

Professor Karl Sax
Former Director
Arnold Arboretum
Jamaica Plain, Massachusetts

Dr. Henry T. Skinner, Director
United States National Arboretum
Washington 25, D. C.

Professor George L. Slate
Professor of Pomology
New York State Agricultural Experiment Station
Geneva, New York

Mr. Henry Teuscher, Curator
Montreal Botanical Garden
Montreal, Quebec

Mr. John C. Wister, Director
Arthur Hoyt Scott Horticultural Foundation
Swathmore College
Swathmore, Pennsylvania

Dr. P. W. Zimmerman
Boyce Thompson Institute
Yonkers, New York

BAILEY HORTORIUM
NEW YORK STATE COLLEGE OF AGRICULTURE
ITHACA, N. Y.

Referred to *George Slato*

By *JS*

for your information
for your files
please answer direct
please advise
please return

Remarks *A. L. S. to Weylham*

Hayward, not in publication

Copy of letter to Wyndham Hayward, Lakeland, Florida

BOARD OF OVERSEERS OF HARVARD COLLEGE

Confidential



DAVID W. BAILEY,
Secretary

MASSACHUSETTS HALL
CAMBRIDGE 38, MASSACHUSETTS

March 29, 1956

Dear Mr. Hayward:

On behalf of the Board of Overseers, I am glad to acknowledge your letter dated March 31, which has reached my desk in advance of that day.

You state that you would not wish to cast a ballot in the election for the Board of Overseers without knowing where these trustees stand in the matter of the Arnold Arboretum controversy.

The record of the Overseers on this subject is voluminous, clear, and unanimous. Since the controversy first arose in January, 1946, the question of administrative policies in effect at the Arboretum has been continuously under investigation and review by the Overseers. In addition to preliminary discussions on the circulation of formal printed reports, and special occasions when the Arboretum has been listed on the agenda of the Board, the Overseers have three times authorized special committees of their number to go into the history and management of the Arboretum at great length and to listen patiently to all complaints and charges brought forward by one or two dissident staff members at the Arboretum and by the Visiting Committee members who felt that these individuals had been wronged.

The first committee of review appeared in 1950 and included a District Court Judge, the administrative head of a great New York hospital, the Chairman of one of the world's greatest lumber companies, who is also a distinguished trustee and lawyer, the head of a nationally recognized chain of conservative newspapers, a bishop of an Episcopal church, the editor of the foremost literary magazine in the United States, and other substantial and representative alumni leaders.

When the report of this first committee was presented to the full Board, this group were joined by a

Mr. Hayward

-2-

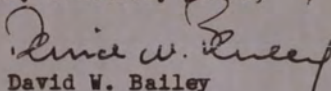
March 29, 1956

United States Circuit Court Judge, a United States senator, the head of Boston's most revered educational foundation, the heads of a number of great public-minded industrial companies such as the American Telephone and Telegraph Company and the Monsanto Chemical Company, two ambassadors, the Mayor of one of America's largest cities, the active leader of one of America's largest banking houses, the president of Johns Hopkins University, the former president of Michigan University, and others too numerous to mention, but by no means less typical of the best in American life.

It is pertinent to note that this first committee, the committee of review which succeeded it, the final committee drafting the last report to the Board on this subject in 1953, and the Board of Overseers itself at all points during the tenure of the controversy have been completely unanimous in finding that no injustice has been done the Arnold Arboretum and that there is no breach of trust on the part of the members of the Corporation, who are responsible for the management of the Arboretum under the terms of trust of 1871.

I shall, of course, make it a point to see that your letter is laid before the Executive Committee of the Board of Overseers at their next session, even though I am sure that the Board now considers the Arnold Arboretum controversy to have run its course and is looking forward with confidence to the effective operation of the Arboretum under the management of its new Director, Professor Howard.

Very sincerely yours,


David W. Bailey

Mr. Wyndham Hayward
Lakemont Gardens
Winter Park
Florida

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Mr. John C. Wister, Director
Arthur Hoyt Scott Horticultural Foundation
Swathmore College
Swathmore, Pennsylvania

Dr. P. W. Zimmerman
Boyce Thompson Institute
Yonkers, New York

Program for arb.

Lit. returned to form. *Plants*

Funds administered by arb.

Harb. except for tropical *participations*

Directors should be selected who are in sympathy with my objectives and

Dr. George S. Avery, Jr., Director
Brooklyn Botanic Garden
Brooklyn 25, New York

Professor Ivan M. Johnston
Arnold Arboretum
Jamaica Plain, Massachusetts

Frederic L. Lee, Esq.
Chairman of Council
National Arboretum

Emphasize expansion of facilities

Dr. L. E. MacDougal
Professor Emeritus
Department of Horticulture
and Ornamental Horticulture
New York State College of Agriculture
Cornell University
Ithaca, New York

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Swatara, Pennsylvania

Dr. F. W. Zimmerman
Rorys Thompson Institute
Yonkers, New York

C O P Y

Letter from Mrs. Elmer D. Merrill,
widow of the former director, to
Dr. Richard A. Howard, Director,
Arnold Arboretum.

44 Pond Street
Jamaica Plain, Mass.
October 29, 1956

Dear Dr. Howard:

Thank you for sending me six copies of the reprint of your biographical review of my husband's life and scientific work. In many respects this account is accurate and informative and I can appreciate the time and labor you have devoted to it.

However a central issue of Dr. Merrill's later years is, in my opinion, utterly misrepresented in your article, not so much by what you say, but because of what you omit to say. I refer to the question of his attitude towards the current Harvard plan for the Arnold Arboretum, referred to, in its later stages at least, as the Bailey Plan. This program provides, among other things, for the removal from the Arboretum's headquarters in Jamaica Plain to a new Harvard University Herbarium building in Cambridge six-sevenths of the Arboretum's books and herbarium specimens.

You state that my husband approved this plan, but you omit saying that he later vigorously opposed the plan and that his opposition resulted in his resigning from the directorship of the Arnold Arboretum. Nor do you make any reference to his reasons for opposing the plan, reasons of which you were well aware when you wrote your review, yet which you intentionally or unintentionally failed to mention.

Dr. Merrill approved of the Plan in the form in which it was first presented to him, but as he realized its full implications for the future of the Arnold Arboretum he violently disapproved of the plan.

I have in my possession a long memorandum my husband wrote in 1946, giving a detailed account of the treatment he received when he sought to oppose the plan. This memorandum, written about the time of his resignation as director of the Arboretum, reveals his mortification and wounded feelings because of such treatment. In the memorandum he writes "No honest man could possibly condone what has been accomplished in wrecking a great heritage." Significantly, it was about this time that Dr. Merrill's health began to fail, a fact attested to by his family physician who treated him at the time and throughout his long illness that followed.

I feel that you have irreparably injured my husband's reputation by your failure to tell the whole story and in not explaining his reasons for resigning the directorship and for taking his stand in the controversy over the Arboretum that followed, culminating in his and my becoming members of the Association for the Arnold Arboretum, Inc., which was established to combat Harvard's present plan.

In fairness to the memory of the man you profess to admire and respect, you ought, in my opinion, to take immediate steps to set the record straight.

Very truly yours,

(Signed) Augusta S. Merrill

ASSOCIATION FOR THE ARNOLD ARBORETUM, INC

Incorporated in 1953 as a nonprofit Massachusetts corporation

50 STATE STREET • BOSTON 9, MASSACHUSETTS • LAFAYETTE 3-6604

The Association is an independent organization having no connection with Harvard University and is not to be confused with the Harvard-sponsored "Friends of the Arnold Arboretum". Organized to protect and support the Arnold Arboretum in the public interest, the Association is opposed to Harvard's present plan for the Arboretum.

November 19, 1956

MEMORANDUM TO THE BOARD OF DIRECTORS.

The enclosed copy of a letter dated October 29, 1956, from Mrs. Elmer D. Merrill to the Director of the Arnold Arboretum, is sent to you with Mrs. Merrill's permission.

John T. Hemenway

John T. Hemenway
President

The Objectives of the Arnold Arboretum

Karl Sax

The trust indenture which established the Arnold Arboretum, March 29, 1872, requires the Harvard Corporation, as trustee, to devote income "to the establishment and support of an Arboretum, to be called the Arnold Arboretum, which shall contain, as far as is practicable, all the trees shrubs and herbaceous plants, either indigenous or exotic which can be raised in the open air at the said West Roxbury. . . and to the support of a Professor, to be called the Arnold Professor, who shall have the care and management of the said Arboretum. . . and who shall teach the knowledge of trees in the University. . . ."

In the Harvard University catalogue of 1886-87, the functions of the Arboretum are described as follows:

"The Arnold Arboretum was founded for the purpose of scientific research and experiment in Arboriculture, Forestry and Dendrology, and as a Museum of trees and shrubs suited to the climate of Massachusetts.

"Anyone properly qualified to pursue the study of practical arboriculture or forestry may be admitted to the Arboretum as a student. Such students will be permitted to take part in the work carried on in the Arboretum as well as to make use of its library. They will also receive from officers of the Arboretum such assistance and advice in the study of any branch of Arboriculture or Dendrology as can be rendered

without interference with current work. * * * Application for admission may be made to the Director, with whom the fee for instruction may be agreed upon."

President Eliot's report for 1898-99 (p. 33) includes the following statement:

"The Director of the Arnold Arboretum expresses the opinion that what may be called the original construction of the Arboretum should be essentially finished by January 1, 1901, - that is, by the end of the century. It is, however, an endless task to maintain such an open air collection in fine condition, and to keep it abreast of the progress of knowledge. Moreover, there should be connected with such a specimen collection of living plants a scientific establishment capable of conducting exploration, research and publication."

In 1933-34, when Oakes Ames was Supervisor, we find the following description of the functions of the Arnold Arboretum in the Harvard University catalogue:

"The Arnold Arboretum was founded in 1872 for the purpose of scientific research in dendrology and arboriculture, and as a garden of trees and shrubs suited to the climate of Massachusetts." The only reference to teaching was essentially the same as that in the Harvard catalogue of 1886-87.

In all subsequent Harvard catalogues up to 1951-52, the functions of the Arboretum in relation to research, teaching and the living collections were described in similar terms.

After the adoption of the Bailey Report in 1946 and the integration of the work of the Arboretum with that of the Division of Biology, two Chairmen of the botanical activities of Harvard were appointed,--Professor Bailey in charge of the "morphological area", and Professor Mangelsdorf in charge of the "experimental area". In Professor Mangelsdorf's report of 1951-52 it is stated that: "The work of the Arboretum in phytopathology, cytology, wood anatomy and genetics is integrated with that of the Biological Laboratories in Cambridge."

Organized field classes were started at the Arboretum in the early 1880's and were taught by Professor Jack for several decades. This work has been continued to the present time and in recent decades the field classes were taught by Dr. Wyman. In 1955 Dr. Howard added courses in plant identification, propagation, plant breeding and botany, which were taught by various members of the staff. These courses are given at the popular level and for adult classes primarily interested in horticulture,--usually eight lectures per course with some laboratory or field work.

In 1928 Professor Ames initiated a teaching program at Harvard. Certain of the Arboretum staff members were affiliated with the Department of Botany and gave courses primarily for graduate students, usually one-half course for one semester every second year. Courses in economic botany were given by Professor Ames, in forest pathology by Dr. Faull, in ecology by Professor Raup, in cytology by Professor Sax and in

taxonomy by Professor Johnston. Professor Merrill and Professor Rehder gave no formal courses, but supervised the work of graduate students in research. During the past twenty-five years, about fifty graduate students completed their Ph.D. programs under the supervision of Arboretum staff members. This limited teaching program strengthened botany at Harvard and enabled Arboretum staff members to have graduate students who supplemented the research programs.

Although considerable teaching at the Arboretum and at Harvard has been done by Arboretum staff members, no Arnold Professor had ever taught a course on "the knowledge of trees", or any other subject, until Dr. Howard was appointed as Arnold Professor in 1954. Yet the former Provost and the present Dean lay great stress on the obligation of the Arnold Professor to teach a course on the knowledge of trees at Harvard. Why was this provision ignored for seventy-five years, and then used as a major reason for moving most of the Arboretum's collections and staff to Cambridge?

The real reason was expressed by Provost Buck in his introduction to the Bailey Report as follows: "What we are primarily concerned with is the health and vigor of Botany itself and what Harvard with its particular set of resources can contribute best towards this central aim." The Coordinating Committee of the Overseers in its report of May, 1950, described the Arboretum as "an integral department of the University, separately endowed it is true, but a tool to be used in the development of botany as a whole and in the overall interests of the University."

Although this point of view was overruled by the Corporation's vote of January, 1953, with the recognition that "the property and endowment held for the purposes of the Arboretum are held by the Corporation in trust and that in the administration of the trust it is to act with a view to the best interests of the Arboretum", the major recommendation of the Bailey Plan was carried out and most of the collections and staff were moved to Cambridge in 1954.

Although both Professor Bailey and Provost Buck were interested only in strengthening botany at Harvard, Dean McGeorge Bundy (the present Dean of the Faculty of Arts and Sciences) and the new Director of the Arnold Arboretum are now trying to maintain that a major objective of the Bailey Plan was to release space for the expansion of horticulture at Jamaica Plain. According to Dean Bundy, "The move to Cambridge resolves two very pressing problems. One is the necessity of providing for the housing of extremely valuable books and specimens in a modern, fireproof, air-conditioned, dust-free building; the other is the great need of the Arboretum staff for more usable space for horticultural activities and research purposes in the Arboretum building." (The Controversy over the Arnold Arboretum, p. 3.) Dr. Howard in the "Bulletin of the Garden Club of America", November 1954, stated that: "In 1945 a study by a staff member of the Arnold Arboretum proposed that a new building be built in Cambridge to house a portion of the Arboretum collections in conjunction with those of the Gray Herbarium, in order to free space in Jamaica Plain for horticultural work and

allow both the horticultural and the non-horticultural work of the Arboretum to develop for the future."

This statement by Dr. Howard is misleading in three respects. Professor Bailey was a staff member of the Arboretum only on a quid pro quo basis with the Bussey Institution and never worked at the Arnold Arboretum. Instead of a "portion of the Collections", actually most of the Arboretum's herbarium and library were moved to Cambridge. Professor Bailey referred to horticulture in his report in the following terms: "To abandon the living collections of the Arnold Arboretum not only would serve 'to kill the goose that lays the golden eggs' but also would involve the repudiation of cooperative agreements with the City of Boston and the cancellation of a long series of commitments made by the University in the acceptance of donations and bequests for specific purposes."

Plenty of space was released at Jamaica Plain and nearly three-fourths of the Administration Building there formerly used for scientific purposes is now empty or used for dead storage. With the exception of a lecture room and added courses for adult classes at the popular level, there has been no expansion of horticultural activities.

Professor Sargent first developed the grounds and planted the trees and shrubs available from the temperate zone. The next step was to send explorers in search of new species of trees and shrubs which might thrive in this area. Wilson and others explored China, Korea and Japan and during several decades introduced several thousand new species and varieties, many of which proved to be outstanding ornamentals.

In 1892, thanks to Mr. H. H. Hunnewell, the Administration Building was built to house the expanding library and herbarium. Sargent, Wilson, Rehder and Jack devoted most of their time to collecting and describing new species and varieties of trees and shrubs. Sargent's Sylva of North America dealt with the trees of this continent, and Rehder's Manual of Cultivated Trees and Shrubs included temperate zone plants of the world. Wilson's monographs on ornamental plants were of great value and his books on plant exploration were most popular. Occasionally tropical species were studied, but usually only if represented by related species in the temperate zone, such as the genus *Rhododendron*. In one of his later reports, Sargent proposed that the Arboretum acquire herbarium specimens of all of the woody plants of the world, and suggested that the Arboretum's work be expanded to include work in plant diseases, plant breeding and entomology.

When Oakes Ames became Supervisor of the Arboretum, he appointed an experimental taxonomist, a cytologist and plant breeder, an ecologist and a plant pathologist. Only the cytologist and plant breeder remain; the others have resigned or retired and were not replaced. Since Professor Rehder's retirement in 1940 there has been no taxonomist on the Arboretum staff whose primary interest was in the field of ornamental plants, and this is true in spite of the fact that three taxonomists have been added to the staff by the present Director.

Under Dr. Merrill's administration from 1935-46, the taxonomic work was developed with emphasis on tropical botany. The Director

and most of his staff worked on the flora of southeast Asia, Dr. Merrill's special field, even though this work had no relation to ornamental trees and shrubs of the temperate zone. One cannot blame Merrill for this shift of interest. He came as Arnold Professor at the age of sixty and could not have been expected to shift his field of interest from that in which he was the world's authority. It was not unreasonable, therefore, that he encouraged his staff to supplement his work and interests. He was chosen for his outstanding reputation as a taxonomist, not for his knowledge of or interest in horticulture.

This trend continued, no new staff members being appointed under Dr. Sax's administration from 1946 to 1954. Let us examine the fields of specialization of those Arboretum staff members located at the Harvard University Herbarium Building, in Cambridge. The new Director, Dr. Howard, is interested in the flora of the Carribean islands. Drs. Kobuski and Perry continue to work largely on tropical species of no horticultural interest. Dr. Hu's work, financed by the China Foundation, deals with the flora of China and is related to plants of the temperate zone. Some of Dr. Wood's work is also of some significance in relation to legitimate Arboretum objectives, but most of the work of the Arboretum staff members now in Cambridge deals with tropical species of little or no interest to horticulturists, dendrologists, arborists or foresters. The shift in emphasis from studies of trees and

shrubs of the temperate zone, hardy in Massachusetts, to tropical flora of no horticultural interest was the first step in the present disintegration of the Arnold Arboretum.

It is true that this type of herbarium taxonomy, unrelated to plants of the temperate zone or to plants of horticultural interest, can be done as well or better in Cambridge. It must be borne in mind, however, that it was intended that the Arboretum ". . . shall contain, as far as is practicable, all the trees shrubs and herbaceous plants, either indigenous or exotic which can be raised in the open air of the said West Roxbury." Until recently the Arboretum taxonomists devoted most of their time to trees and shrubs of the temperate zone. In Sargent's time about eighty per cent of the Arboretum's taxonomic publications dealt with temperate zone species; in recent years about eighty per cent of the taxonomic work has been devoted to tropical species. Such work is of value to tropical botany, but it should not be supported by the Arnold Arboretum.

The Arboretum staff housed at the Arboretum (at Jamaica Plain) now includes Dr. Wyman, the horticulturist; Dr. Sax, in cytology and plant breeding; and Dr. Johnston, who as a taxonomist cannot work effectively at the Administration Building since most of the library and herbarium has been moved to the Harvard University Herbarium Building in Cambridge. Dr. Wyman is in charge of the grounds at Jamaica Plain and at the Case Estates in Weston, handles most of the correspondence regarding horticultural matters, identifies most of the material

submitted for horticultural names, and has written several books and numerous articles on ornamental horticulture. Twice he has been given the Coleman Award by the American Nurseryman's Association for his horticultural publications.

Dr. Sax works on cytology related to horticulture, plant breeding and dwarfing rootstocks for fruit and ornamental trees. He is also active in studies of radiation effects on plants, and this work is supported by a grant from the Atomic Energy Commission. Part of his salary is paid by the Bussey Institution.

The work done at the Harvard University Herbarium in Cambridge has little or no relation to the original objectives of the Arboretum.

The first floor was largely designed for work in wood anatomy and paleobotany. When Bailey and Mangelsdorf (the Chairmen of the two Botanical areas of the University) were asked why the wood anatomy work, which was well-housed in the Biological Laboratories and was primarily a Bussey project, should be housed in the new building, they explained that it was done to make the plan more acceptable to the Administration and to the members of the Division of Biology who had little or no interest in herbarium taxonomy. Originally it was intended to call the new building the "Morphological Institute" to sugarcoat the taxonomic pill and placate both the Administration and the Harvard biologists.

The Arboretum should confine its interests to the trees and shrubs of the temperate zone, a field in which it has been pre-eminent for many decades. The Arboretum's tropical material now in the Harvard

University Herbarium should be sold to the Gray Herbarium or to some other taxonomic institution. The Pertinent specimens, probably one-half of the Arboretum's collection in Cambridge, should be returned to Jamaica Plain, where there would be ample room for storage if the unrelated tropical material were disposed of. Nearly all of the library should also be returned, and a new wing at the Administration Building should be added to house the library. This could be done for about \$200,000. The present staff members should be urged to shift their interests to genera of some horticultural interest, and new staff members should be selected whose primary interest is in the horticultural-botanical field.

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A well-balanced staff would include several taxonomists interested in ornamental plants and experimental taxonomy, a plant pathologist, a plant breeder, a horticulturist and a plant physiologist. They should work in close cooperation at the Arnold Arboretum at Jamaica Plain, but have contacts with their colleagues in Cambridge, preferably have some teaching contacts at Harvard and have graduate students under their direction.

The Arboretum staff has trained many students in plant pathology, taxonomy and cytology, but very few in horticulture. If feasible, the Arboretum horticulturist should be affiliated with the school of landscape design in Cambridge. But the Arboretum staff members should be based at Jamaica Plain and teaching at Harvard should be limited to one-half course, at the graduate level, every second year.

The Arnold Arboretum cannot be expected to survive with most of the staff in Cambridge, with only the horticulturist in the Administration Building most of the time, with a library at Jamaica Plain inadequate for research work in any field, with a reference herbarium only, at Jamaica Plain, and the value of this limited to work in routine identification, and with little interest in horticulture. When plant specimens collected from their native habitats are housed in Cambridge, and the horticultural varieties and the living specimens are in Jamaica Plain, taxonomic work on woody plants is greatly handicaped.

Given an adequate staff, an interest in horticulture, and cooperation between botanists and horticulturists, the Arnold Arboretum could regain its prestige as an horticultural-botanical institution. There has never been a time in the history of this country when there was more interest in horticulture at both the popular and at the scientific level. It is amazing how much many of the amateur horticulturists know about basic horticultural techniques and botanical relationships. This interest has grown rapidly with the migration to the suburbs and the five-day week. It should be encouraged by a well-kept collection of living plants, adult education in horticulture and botany, popular publications, research in all fields directly related to horticulture, and the development of students' interest in the basic sciences applied to horticultural problems.

It is expected that there will be a great diversity of opinion regarding the objectives of the Arnold Arboretum. Some may maintain that the only function of the Arboretum is the living collections of

trees and shrubs and their identification. At the other extreme are those who argue that almost any botanical endeavor contributes to the objectives of the Arboretum. Then there are those who would prefer a completely independent organization. But the basic question is, "What was the money given for?"

As suggested above, the work in taxonomy, genetics, cytology, physiology, pathology, and wood anatomy are legitimate functions of the Arboretum, if directly related to horticulture. Affiliation of the Arboretum staff with the Departments of Botany and Landscape Design at Harvard is desirable, if properly limited and if this can be accomplished without domination by the Harvard administration.

THE FUTURE OF HORTICULTURE AT THE ARNOLD ARBORETUM

John Wister

The Bailey Report expressly admitted that the condition of the Arboretum had deteriorated. It blamed this condition on the war which, with the following inflation, made proper upkeep very difficult. However, Kew Gardens, the Wisley Gardens, and the Edinburgh Botanical Gardens, etc., were restored to excellent condition promptly after the war. Two Association members visited these British gardens in 1946 and 1947 and can testify that they were amazed at the quick recovery these Gardens had made in contrast to the Arnold Arboretum.

The effect of the 1938 and the 1954 hurricanes was also severe. Countless other parks and private establishments in New England suffered similar damage, but were all cleared quickly in comparison with the length of time taken at the Arboretum, in spite of the fact that in 1938 the Director made a special appeal for funds and received some thousands of dollars to help in the work of clearing.

We contend that if income had not been previously diverted there would have been ample funds available to employ the labor needed for this work and to enlarge the grounds force to such a size as would make it possible to keep the grounds in good condition at all times.

After the 1954 hurricanes the official publication, Arnoldia, stated that with the regular crew of nine men at the Arboretum it would take many months to clear this up, and that as a result the planting program planned for the 1954 autumn had to be postponed. A director of the Association who visited the Arboretum the day after the storm, was informed that only three men were available for the work, the others

being permanently assigned to other duties or away on vacations, or sick.

To us it seems wrong that an institution established for horticulture, with an income of approximately \$200,000 a year, should be restricted in its outside collections to the services of nine men. Persons experienced in such matters have stated that from half a dozen to a dozen more are needed.

What has been and is now the general condition of the outdoor collections? A complete answer would require a careful survey by a group of independent experts.

The site of the Arboretum was referred to in the 1870's as a run-down, worn out farm. Some may say that this description still fits. There is no evidence that anything has been done about it on any large scale. A quarter century ago, Central Park, New York, was said to have invested a million dollars in soil renovation. Obviously, no such program has been undertaken at the Arboretum, even a program on a tenth or a hundredth of that scale.

No garden or collection of plants can ever be static. Some plants grow to great sizes requiring more room than anticipated. Other plants grow slowly and are smothered, or they died or are discarded. Superior new species or varieties are introduced which require a re-evaluation of the old ones. There is constant need of feeding, pruning, spraying, and the other jobs that fall under the name of plant culture.

The present horticulturist has done an excellent job but the task requires much more than has been allowed by the budget.

The collections are better mapped than formerly. But the plants themselves have not been and cannot be kept in the top condition that the great name of the Arboretum should require, or that is to be seen in some notable plant collections in other areas. We wish that the horticulturist could be given a larger staff and ample money to buy peat, manure or other soil improvers.

The nearby firm of Olmsted Brothers (which made the original plan) should be brought in to make a complete report on the present condition, and the steps needed to bring about the indicated changes. Capable tree surgeons and experienced landscape contractors should then be brought in to do the required large scale work in the shortest possible time.

This would require cutting the budget for the Cambridge botanists which makes it again necessary to point out that the purpose of the donors was horticulture in a separate outdoor arboretum and not a "tool" for Cambridge botanists.

The recently published Arnold Arboretum Garden Book gives the history of the Arboretum; brief but adequate biographies of the great men concerned with it; and complete statements as to the number of species of plants now grown; the number of introductions that have been made in the past; and the methods by which the Arboretum has conducted explorations for new plants, and afterwards introduced these plants into general commerce. The book does not admit the present poor condition of the Arboretum as compared to the past, except by

omitting any reference to the present condition and to the changes. The over-whelming testimony received by this Association from both botanical and horticultural experts, and from its many highly intelligent, critical and observant members however, gives ample proof that in the last thirty years the outdoor collections have been more and more neglected.

It is quite easy to understand why this should be true, when the main interest since the Sargent era has been on more technical phases of botany.

We believe that many of the official statements given out by the Harvard Corporation have been misleading, devious, specious and even incorrect and untrue. We do not consider the arguments put up by President Fussy, Dean Bundy and the new Director to be worthy of Harvard tradition. Because many opponents of Harvard's plan are Harvard graduates and intensely devoted to their College, this statement is made with the greatest reluctance. It would be wrong, however, to omit this statement or to omit pointing out the existence of a whispering campaign which has endeavored to smear the reputations of the opponents of the Bailey Plan by accusing those persons of being senile, prejudiced or incapable of making independent and important judgments.

In the field of lost opportunities let us refer, just for example, to two rhododendron breeders, who were started on their careers and helped by the Arboretum up to the time of the deaths of Sargent and

Wilson. This help began by personal encouragement and continued in gifts of rare species or of pollen to use in breeding. These were necessarily the first steps. If the Arboretum could have taken further steps the work of the two men would have been greatly helped.

Staff members should have visited the two men (and of course many others, but these two are quoted merely as examples) to evaluate and criticize their early work and make suggestions for improving it. Expert advice from geneticists would have been most valuable in preventing lost years of effort.

Arboretum propagators should have obtained cions or cuttings of promising hybrids at the very first possible minute, should have grown these to mature plants so that they could be evaluated for hardiness at the Arboretum (a colder climate) and for quality, garden use, and for value as future parents.

Neither of the two men had had previous experience in plant breeding or any previous knowledge of the great genus Rhododendron. Neither, apparently, was able to travel to see other collections either here or abroad. Think what the importance of trained help from the Arboretum would have been to them. Their individual span of work was limited by increasing age. If the Arboretum could have taken over their work as they relinquished it there would have been a continuity of effort or the beginning of a breeding program that might last a century or more.

One man, not having independent means, was forced to sell some of his early hybrids that have since not proved worthy. Had the Arboretum persuaded him or even paid him to burn the unworthy kinds

it would have performed a great service for horticulture, and would have made possible the quicker and wider distribution of the better kinds, thereby enriching the horticultural resources of the eastern United States.

The other breeder, having independent means, raised about 10,000 hybrid seedlings a year for nearly twenty years, and sold countless unbloomed seedlings at the importuning of friends and visitors. At the time of his death there were over a dozen great collections of these scattered from Massachusetts, south and west. Arboretum experts could have evaluated seedlings in the breeders gardens as they bloomed, quickly destroyed those of no value which now clutter up the gardens mentioned. Propagation of the best ones could have been begun. From these the Arboretum, if it had maintained a test garden, could each year have made further evaluations. Today, the twenty-five or fifty very finest varieties might be bringing about almost a revolution in American Rhododendron growing.

For lack of a program such as this, horticulturists are today swamped with the problem of inspecting thousands of plants in different collections. The task of picking out the finest may now take another twenty-five years or more.

Among other functions the Arboretum experts might have undertaken were identifications of plants used as parents, the proper recording of crosses (thereby securing valuable genetical data). This would not even have required an expert. A competent secretary during the hybridizing season and at the time of seed gathering and labeling season, would have cost little and brought in information of immense value.

At the death of one of these breeders there came an opportunity of another sort. His beautiful property less than a hundred miles away but in a much milder climate, could have been purchased and established as a branch or extension of the Arboretum. Plants, tender in Boston, could be grown there and information of immense value to gardeners from Boston south to Virginia, and perhaps for growers on the Pacific Coast, could have been gathered and made available.

The place is gone. There may never be another like it. But it is still possible for the Arboretum to establish branches--one perhaps on Cape Cod, another in the colder climate of the Berkshires. Such places might be secured by gifts, with endowments, had not the recent action destroyed public confidence in the integrity of Harvard as a trustee. Harvard is reported to have refused an offer of a one thousand acre tract eminently suited for Arboretum purposes, less than fifty miles from Boston.

An addition to the Arboretum building was needed. The Visiting Committee proposed that money be raised for this purpose. The Harvard authorities would not approve. This opportunity is gone.

The future possibilities of important horticultural work that the Arboretum could undertake are limitless. Dr. Bailey's dismal belief that there are no more horticultural worlds to conquer is but another indication of his ignorance of what horticulture is. He was doubtless right about the impossibility of future plant explorers introducing as many valuable new species as Wilson introduced, but the day of the horticultural plant explorer has hardly begun. A southern

horticulturist began to explore after he was well over seventy. In ten years he discovered, numbered and collected over 3,300 superior forms (not species) of Azaleas, in preparation for a great study of the natural variations of the native Azaleas.

He did not live long enough to publish any definite descriptions or evaluations of them. A continuing organization like the Arboretum, not dependent on the life of one man, ought to undertake this. The Arboretum could do it by assigning a staff member to work in that southern garden from April to July, or by propagating and testing the plants in Jamaica Plain.

This is but an example. There are opportunities in every state and in Canada for plant exploration for improved forms of well-known species. No one knows what may yet be found. The French Jesuit explorer in China, Pere David, discovered the species named for him, *Buddleia Davidi*. The form he introduced was so insignificant that it never made a place for itself in gardens. Ten or twenty years later Wilson brought in four varieties of this same species that were so beautiful that they were quickly introduced to gardens in many parts of the world. They and their seedling progeny, are universally grown under the popular name of Butterfly Bush.

What untold possibilities are there still in our natural Dogwood, Shadbush, Rhododendron, Mountain Laurel, Holly, Black Alder, Spicebush, and Sweet Pepper Bush, which have not been realized!

Following the discovery of improved wild types of well-known species, what can be said about the possibilities of plant breeding? Some plant

breeding has been undertaken by geneticists in arboretums and botanical gardens but the greatest horticultural advances have been accomplished by individuals or nursery firms. Plant generations come quickly with annuals and with perennials like Chrysanthemums and Iris, so in one lifetime an individual can accomplish a lot. But it takes five or ten years for a generation of Daffodils, and Peonies, and longer still to evaluate the worth of Lilacs and Rhododendrons. In these long-term programs, continuing organizations should lend a hand by watching (and helping) the hand of the individual, and by being ready to take over the work when that individual retires or dies. Too many years of preliminary effort have been lost when the breeder has died, just when his work was assuming importance, because there has been no one to continue it.

Horticulture is faced with a thousand problems. The ecology of our horticultural plants is little understood and less considered in gardens. Agricultural experiment stations do valuable work for economic plants but relatively little for ornamental plants. Even if they did that would be no reason for the Arnold Arboretum to hold back.

Horticulture is a living, dynamic force in this country, the hobby and comfort of millions of men and women, and the profession and business of hundreds of thousands.

The volume of the nursery trade, the seed trade, the bulb trade, the florist trade and the allied manufacturing trades relating to fertilizers, insecticides, lawn mowers, water supply devices, hoes,

rototillers, pruning shears, etc., and the advertising of these in radio, television, newspapers, and magazines, is staggering. There are horticultural publications of every kind from small weekly newsletters or bulletins of special plant societies to magazines with circulations running into three or four million, and books running all the way from words of one syllable for beginners to Bailey's Cyclopedia, Rehder's Manual, Miss Willmott's Genus Rosa, and Mrs. Walcott's Wild Flower Portraits.

An immense public is affected by all of these. Great numbers of people eagerly await the help that can come from horticultural work that the Arnold Arboretum could undertake if it would.

These are but a few examples of outside activities. What about the Arboretum and its staff? Is the present one adequate or are other types of experts required?

First, there should be a taxonomist interested in horticulture. There has been no one at the Arboretum since Rehder's time to take charge of this type of work. Rehder's Manual was a great monument and a great guide to horticulture. Wyman has done great service, has published fine books and articles, but is not primarily a research man.

There should be a pathologist and an entomologist interested in protecting trees and shrubs from pests. Both of these should work with the ecologist to learn what special conditions make plants susceptible to troubles and what other conditions help them resist troubles.

This work certainly fits the purposes of the Arboretum better than the study of tropical plants.

Morphology, so important at Cambridge, should have only a minor role, and that is true of anatomy, cytology, physiology, etc. These are all basic sciences of importance in Cambridge, which is rightly the home of basic science. But there is more to modern culture than these. It was said that President Conant deplored the museums, the glass flowers, and any outdoor planting as unworthy of Harvard's time and efforts. This seems a very narrow conception of what Harvard should be. Why should Harvard assume that anything of practical value belongs only to trade schools and state colleges? After all, Harvard is not asked to spend Harvard money at the Arboretum. It is asked to spend Arboretum money at the Arboretum for the purposes for which the money was given.

As a final suggestion we might pose these questions: Why cannot the Arboretum help establish more arboretums, perhaps one in each state, as Sargent helped at Highland Park and at Morton? Even more important, cannot the Arnold Arboretum train men for the requirements needed for directors and other staff positions in these institutions?

JOHN C. WISTER

The Arnold Arboretum, What of the Future

L. H. MacDaniels

I consider it a privilege to participate in this conference of the Association for the Arnold Arboretum to consider the future of this institution. It is my understanding that the Association is composed of persons in all walks of life who have been interested in, and received benefits from the Arboretum in the past and who feel that the changes apparently taking place at the present time are a break with its past usefulness leading to a program of relatively less value in the future. It was my privilege to work at the Arboretum in 1917-18 and so I have had an intimate glimpse of this great institution and its activities. As a horticulturist and botanist I have relied on the Arnold Arboretum as the outstanding source of scientific information in its field. My personal opinions of the situation are of one who has spent a lifetime in the field of horticulture and botany.

There are many arboreta and botanic gardens in North America. Dr. Donald Wyman in the "Arboretums and Botanic Gardens of North America" lists nearly a hundred. For the most part each of these serves a useful purpose in a local situation. Their programs, often of necessity, cater to the interests of the gardening public from which they derive their support. Some are of wider interest because of their outstanding collections of plants of regional adaptation.

Many of these institutions have the stated objectives of teaching and research. However, judging from the work that they have done there are only a few, among them perhaps half a dozen, that are or have the potential of becoming a really great scientific institution. I believe, however, that we can agree that among them the Arnold Arboretum has been the most outstanding both in the emphasis and the scope of its operations and the solid scientific value of its publications.

Just what has made it so? Dr. Wyman's statement published in 1947 is a good indication of what the Arboretum was and stood for. "For seventy-five years the Arnold Arboretum has been actively introducing new woody plants into American gardens. This has caused it to become one of the largest trial grounds for ornamental woody plants. Almost all the emphasis is placed on woody plants."

"The great library, started by Professor Charles Sprague Sargent many years ago is still a very important feature, visited by students from all over the world. The great herbarium is a mecca for botanists interested in ornamental woody plants, especially in those from the Orient."

Throughout the northern hemisphere gardens have been enriched by the introductions of this Arboretum's plant explorers. On nearly every seriously minded horticulturist's desk, Rehder's manual occupies the prominent place for ready reference. It has no counterpart in any language. In the library the books of Sargent, Wilson and Rehder stand

ready to both instruct and inspire those who seek knowledge in the horticultural field.

In days gone by a visit to the Arnold Arboretum was an inspiration to the horticulturist. Here was a great scientific institution dedicated to the search for and introduction of new species to enrich our gardens; one with a staff of competent scientists with adequate library and herbarium facilities, working to bring order out of chaotic problems of nomenclature relating to cultivated plants, and one with the financial resources needed to establish and maintain the test plantings that were essential to an effective research and plant introduction program. It was the only great institution on this continent with this scope and emphasis of work. It was for the expansion of this arboretum program that the substantial endowments were established.

Recently I again visited the Arnold Arboretum. "The great library" and "the great herbarium" have practically vanished. In their stead are remodeled rooms to accomodate garden classes for the local public. More than once it was suggested to me that the areas where the collections of plant materials now grow would eventually be turned over to the City of Boston for a park. Before World War II there was no equivalent of the Arboretum either in scope and emphasis of program, the applied activities of its scientific staff, or the financial resources so essential for carrying out an effective program. This situation does not now seem to exist.

We are assured by those responsible for these recent changes that they were made to secure for the Arboretum greater efficiency of operation and to reduce administrative costs; that out of these changes there will emerge a greater and more effective Arboretum program. To one who has had experience with this sort of change and who knows something of the temper and interests of those responsible, these words are hollow indeed.

In my judgment if one is to maintain an arboretum program the arboretum must be a separate institution apart from a university botany department. I have heard the late L. H. Bailey state many times that the botanical departments in the colleges and universities had no real interest in cultivated plants and that their staffs lack competence in dealing with the classification of ornamental plants. There may be exceptions to this view but in my experience the cultivated plants in most college herbaria are scrappy affairs, and those in university botanic gardens are ill cared for and little appreciated. That this lack of appreciation exists at Harvard was forceably brought home to me by its present director who said that all the herbarium specimens necessary for the study of cultivated plants were left at Jamaica Plain--meaning I suppose specimens of cultivars gleaned from gardens. This attitude reflects a complete lack of appreciation of the problems of the nomenclature of cultivated plants, a situation typical among botanists who are not familiar with them.

Botany at Harvard has traditionally been identified with concern for so-called "pure" science. A well-known story of one of Harvard's

early mycologists is that when he learned that the fungus on which he was working had considerable economic importance he stopped his research on it and turned to a life work on a group of minute fungi which occur only on the leg joints of certain, mostly tropical, beetles and which by no logical flight of imagination could have practical significance. His works on this subject fill five large volumes.

I would be one of the last persons to decry the importance of pure science research and freely admit that it is in this area that most real progress is made. But we must also recognize that the greatest value of research lies in how it is interpreted and how it is applied to serve mankind. The Arnold Arboretum was an organization dedicated to the introduction, improvement and use of cultivated plants, particularly in the ornamentals field of temperate climates and its practical accomplishment by tradition, was to emphasize scientific horticulture and not pure science although technical aspects of horticultural problems were studied.

That the funds which were for the support of the Arboretum were diverted to other botanical research appears fairly obvious. The intent in other directions is clearly implied by published statements about "the goose that laid the golden eggs" and from what is apparent in the present Arboretum program. We know that there are botanical units in Harvard University financially less fortunate than the Arnold Arboretum. One cannot deny that the pooling of the funds of all these units, including those of the Arnold Arboretum, might very well be

in the best interests of botany at Harvard. But what has the good of botany at Harvard got to do with what is good for the Arnold Arboretum? Tersely stated, the funds which once supported an Arboretum program which served scientific horticulture and the garden interests of America have been diverted to support a University Botany department.

Perhaps the kindest interpretation of the actions of some of those concerned with the changes is that they actually do not appreciate the damage they have done to the Arboretum. It would seem that they either do not understand or if they do they do not care. . . Otherwise how would it be possible to talk glibly about the welfare of the Arboretum and then do the things which destroy it.

And what of the future of the Arboretum? This is a complex and confused problem aside from the legal and administrative aspects on which I have no competence. What should be the aims of an arboretum of the future to make it of greatest use and value to the people of America? Dr. Wyman has given a comprehensive list of the functions of arboreta in general. It is obviously impossible for any one institution to be all things to all people. Existing arboreta of the country are mostly concerned with park, garden center and local public education programs. The need and opportunity is for a great scientific institution such as the Arnold Arboretum was, but one with a forward look to the problems of the future.

In my judgment, the essentials of such an institution are:

1. Adequate and continuing financial support for the many

and varied aspects of a scientific program designed to further our knowledge of the kinds of hardy ornamental trees and shrubs.

2. A staff of competent scientists who have the training in wild and cultivated plants to do scientific work within the scope of these objectives.

3. A research herbarium that covers the wild sources of plant materials that may be used as a basis for discovering new plants for introduction and use, plus cultivated counterparts of those kinds already introduced.

4. A library of both taxonomic and horticultural literature to meet the research needs of the staff in classifying both wild and cultivated plants. Taxonomic research presents a special library problem requiring that the books be close at hand--not distributed in a general collection. That devoted to cultivated plants demands an even greater coverage, and as one simple library unit.

5. Adequate lands for growing collections of plants to be used in taxonomic study. This is a must for effective work. The living plants in garden spaces adjoining the library and the herbarium may make the difference between sound and superficial taxonomic research. One may need to study them at varying stages of development, even at different times of the same day when genetical research is involved. Herbarium sheets are invaluable records but, must be supplemented by studies of the living plants.

Most of these features the Arnold Arboretum once had. It is

the horticultural tragedy of the times that they have been dispersed. Now as never before America needs such an institution. During the past decade interest in ornamental horticulture has increased due to a growing appreciation of the value of ornamental plantings around the millions of new houses and increased leisure on the part of many. The arboretum of the future that seeks to provide leadership, must in my opinion, give attention to the following:

1. A program of plant exploration and introduction aimed to find plants better suited to our gardens and climate. Many of our present plants are from a single introduction. The next step is to locate and introduce the variants of these species that will show greater hardiness or other new desirable characters.

2. The breeding of ornamental plants is essential; too little attention is given today to that of the woody species. Our gardens suffer from an over use of a few adaptable plants. There is need for more dwarf or low growing plants, for those of greater hardiness, and those with more attractive flowers produced over a longer season, and wider soil adaptation. Breeding programs such as these can only be carried out by a stable institution with adequate staffs, facilities, and funds.

3. Living plant collections assembled from plant introductions and also as sources of breeding material. An arboretum may well specialize on certain groups adapted to the region where it is, with the understanding that arboreta in other areas would assemble other groups.

4. Establishment and maintenance of test gardens in which the species and clones are grown to determine their regional adaptation. Here again specialization would prevail, since one institution could not maintain large test collections of all hardy plants.

5. Research on the classification and nomenclature of cultivated plants, including production of monographs of woody genera important in cultivation which have not been critically studied for a century or more.

6. A public relations and education program of regional or national scope, to publicize the scientific work of the organization and make for better use of plant materials, particularly those that are the special concern of the arboretum.

These are some of the functions of the arboretum of the future. They are, of course, rooted in the functions of the past. The present and the future bring new techniques and vision of expanding usefulness for a really great arboretum. Will the Arnold Arboretum rise to fill this position? Will some other organization fill the gap or will the void remain unfilled? Only the future will tell.

ASSOCIATION FOR THE ARNOLD ARBORETUM, INC.

JOHN T. HEMENWAY
President
ENDICOTT PEABODY
Secretary-Treasurer

*A nonprofit Massachusetts corporation organized to protect
and support the Arnold Arboretum in the public interest*

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JOHN C. WISTER
Swarthmore, Pa.

January 6, 1955

MEMORANDUM

To the Members of the Association for the Arnold Arboretum, Inc.

I enclose copy of a letter sent on January 3, 1955, to the President and Fellows and members of the Board of Overseers of Harvard University, and to various others connected with Harvard affairs. This letter refers to a Resolution unanimously adopted at the annual meeting of our members on December 9, 1954, and will, I believe, interest you.

I also enclose a printed list of our members as of November 30, 1954. On the inside of the cover you will find a list of our Directors and Officers elected at the annual meeting on December 9.

The increase in our membership, which has more than doubled in the past few months, is gratifying. On December 31, 1954, our members numbered 787. We need, however, a much larger membership and ask your cooperation in sending names of those likely to be interested and in recommending to your friends that they join the Association.

THOMAS V. RANKIN
Executive Secretary

Encls.

ASSOCIATION FOR THE ARNOLD ARBORETUM, INC.

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January 3, 1955

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JOHN C. WISTER
Swarthmore, Pa.

Dear

I write to inform you of the following Resolution unanimously adopted at the annual meeting of the members of the Association for the Arnold Arboretum, Inc. at the Harvard Club of Boston on December 9, 1954:

WHEREAS the Harvard Corporation, as trustee for the Arnold Arboretum, continues to refuse to apply to the courts for instructions concerning the legality of its plan for the Arboretum and continues to resist the efforts of others to obtain a judicial hearing, notwithstanding the opinion of distinguished counsel that there is serious question whether Harvard's plan involves a breach of trust; and

WHEREAS this opposition to obtaining a judicial decision is contrary to the accepted standards of responsible trustees and is without justification;

RESOLVED that this Association endorses and supports a continued and persistent effort to obtain a day in court whereby the legal issues concerning the validity of Harvard's plan for the Arnold Arboretum can be judicially determined; and further

RESOLVED that copies of this resolution be sent to the Governing Boards of Harvard University and to such others as the officers of this Association deem best.

This Resolution resulted from the continued resistance of the Harvard Corporation to a judicial hearing as to the legal validity of the plan for the Arnold Arboretum under the Corporation's vote of January 19, 1953. A number of lawyers of long experience have advised that serious questions exist as to whether the carrying out of that vote involves a breach of trust and is consequently illegal. Fifteen impartial experts were consulted and they were virtually unanimous in the opinion that the removal from Jamaica Plain to Cambridge of the bulk of the Arboretum's library and herbarium (as provided in the above Corporation vote) would definitely be against the best interests of the Arboretum, especially with respect to its scientific work and research which has always been carried on there, and which has brought it so much fame. The resistance of the Harvard Corporation to a judicial ruling, which has been in the face of these opinions, has caused much adverse comment on the part of many persons who are concerned not only for the Arboretum but also for Harvard's reputation as a custodian of trust funds.

This Association, as you will see from the Resolution, has

endorsed a "continued and persistent" effort to obtain a "day in court" for the hearing of these questions; and such an effort can and will be carried on for a long period, if necessary, in order to find a way in which these legal issues may be submitted to the only tribunal by which they can be determined, namely, the courts of Massachusetts.

To avoid any possibility of confusion, it should be noted that the case of Ames v. Attorney General, now awaiting decision by the Supreme Judicial Court of Massachusetts, does not provide a "day in court" upon the merits of the Arboretum controversy. This case turns primarily on the technical question as to whether the Attorney General's refusal to allow the use of his name, however unjustified, is subject to review by our courts. This case, then, is merely a step in the continuing effort of friends of the Arboretum to secure the right, notwithstanding Harvard's obduracy, to a future "day in court".

In 1917, the Harvard Corporation was confronted with a similar problem in connection with the Gordon McKay bequest for engineering. In the McKay case the Corporation had adopted an elaborate plan for the administration of the bequest in cooperation with M.I.T. The Corporation believed in the legality of that plan and its counsel had advised that it was legally valid. In spite of the doubts of legality expressed by a group of Harvard graduates on the grounds of possible breach of trust, the Corporation was unwilling to ask the court for instructions, and they did not depart from this position until the Attorney General had stated that he would file a bill for instructions. Accordingly the Corporation with apparent reluctance filed such a bill, but nevertheless put the plan into effect long before the bill for instructions was heard. In their petition the Corporation stated that while confident of the plan's legality the Corporation deemed it "incumbent" on them to obtain a judicial decision in view of the doubts expressed by others.

In the McKay case the Supreme Judicial Court of Massachusetts unanimously held that the Corporation and its counsel were in error and that the carrying out of the Harvard-M.I.T. plan must be forbidden as involving a breach of trust. No doubt this was disappointing to the Corporation. Yet its action in seeking a court ruling, being in accord with the accepted practice of responsible trustees, left the University's reputation unimpaired.

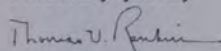
Although no one can surely predict the outcome of a litigation, it is certainly very possible that in a case raising squarely the merits of the Arboretum controversy, the Massachusetts courts, given a chance to hear the testimony, would hold Harvard's plan illegal. This is so because it is certain that an impressive body of testimony could be adduced to show that the Harvard plan is adverse to the interests of the Arboretum; and because, it being admitted that the Corporation holds the Arboretum's property under a special trust, it is the settled law of Massachusetts that such a trust must be administered for the best interests of the institution, in this case the Arnold Arboretum, and not for the benefit of any other interest represented by the trustees.

As in the McKay case a decision that Harvard's plan is illegal might be embarrassing to the Corporation. But we cannot believe that a judicial decision, whatever it might be, would be otherwise than advantageous for Harvard in that Harvard would no longer be subject to the reproach of having avoided a judicial hearing upon its conduct as trustee, despite serious doubts of legality raised by responsible persons on the advice of eminent counsel.

I enclose a recent list of the members of this Association. As of December 24, our membership was 771.

We invite your comment on any phase of the controversy, especially as to the propriety of Harvard's opposition to a judicial hearing.

Sincerely yours,



Thomas V. Rankin
Executive Secretary

NORTH EASTON
MASSACHUSETTS

Sept. 29, 1949

Dear Jack:

When you made a generous gift to the Arnold Arboretum to make possible the cleaning up of the unsightly mess of weeds on Peter's Hill, you must have wondered why the rich Arboretum was in need of such charity. Well, the answer is both interesting and illuminating, indeed alarming. It brings out the sad fact that the Arnold Arboretum has been raided financially through the instrumentation of the so-called "Bailey Report." Arnold Arboretum income has been taken to pay salaries of alien professors in the Department of Biology at Cambridge and to support members of the botanical staff who cannot by the greatest stretch of the imagination be properly identified with the interests of the Arnold Arboretum. For example: Prof. Barghoorn, Curator of Paleobotanical Collections, a man interested in fossils and lignites, receives one half of his salary from the Arboretum. Again; Prof. Weston, a teacher of cryptogamic botany (algae and fungi) has no direct affiliation with the Arboretum, yet he receives half of his salary from Arboretum income. Prof. Wetmore is in the same category with regard to his affiliations with the Arboretum and he is paid one half of his salary from the precious income of the Arnold Arboretum! As for Prof. Irving Bailey, who was formerly paid his salary by the Bussey Institution, it may be argued that his work on wood structure makes him a justifiable recipient of Arboretum money. He is now paid one half of his salary from the Arboretum. I'll return to Bailey after presenting for your contemplation the names of the men I have mentioned together with the amount of money they are paid from the Arboretum.

Prof. Bailey,	\$5500.00
Prof. Weston,	5500.00
Prof. Wetmore,	5500.00
Prof. Barghoorn,	2550.00
	<u>\$19050.00</u>

Surely it would seem that the neglect of Peter's Hill in view of such payments

verges on the stuff we find in "Alice in Wonderland". It may be argued that through the scrambling and juggling of the incomes of the botanical institutions, the scrambling and juggling of sacred funds if you will, has really benefited the Arnold Arboretum, but the argument in my opinion is wholly specious.

In early January of 1932, the Bussey Institution was being threatened by extinction. Bailey and East were deeply disturbed and worried by the uncertainties of the future; they were worried too, by their isolation from Cambridge, because of the Pearl incident, Barbour objected to East being given laboratory space in Cambridge. Professor Bailey at this time was doing very significant work on woody tissues and I decided to invite him to join the staff of the Arnold Arboretum. I obtained President Lowell's permission to include Bailey in the Research Department, but when I referred to remuneration, and suggested that Bailey's salary should be paid by the Arboretum, the President objected and insisted that Bailey should receive his salary, as usual, from the Bussey Institution. This was at the time, on January 2d, 1932, at 11:30 in the morning, a delicate point and still is. Up to 1935, when I resigned from the Arboretum, Bailey did not receive a salary from the income. But when Merrill took over my duties he began to pay Bailey's salary from the Arboretum. However, I am still of the opinion that the sum of \$5,500.00 paid to Bailey (who has his laboratory in Cambridge) should come from the Bussey or from the Department of Biology. It should not be a tax on the Arboretum.

Sargent must have sensed some danger such as now threatens the integrity of the Arnold Arboretum because he fortified his statements in his will by saying that in view of any failure by the University to use his gift as provided, the principal of his bequest should go to the Trustees of the Museum of Fine Arts. Furthermore, Sargent tied into his will a reference to the deed of the trustees of Arnold's will. Here I think all subsequent gifts

and bequests reside. These gifts are a clear piece of evidence of what the friends of Sargent and the Arnold Arboretum had in mind when they were motivated by generosity.

The friends of Sargent and Horticulture must wish to investigate what is being done to dismember the Arnold Arboretum. Surely you and your friends should be eager to examine the legal and moral phases of a plan which scrambles and juggles the income of endowments. I should think that you and your friends of Sargent and the Arboretum would wish to ward off a threat against the unity of the Arboretum, a threat that may ultimately destroy the Arnold Arboretum, reduce it to a city park and extinguish one of the great botanical gardens of the world.

If you are really deeply moved by all this, it will be wise to go cautiously until the time seems ripe to take deliberate action. In the meantime explore the situation and ascertain just what is in the wind.

Faithfully yours,

/s/ Oakes Ames

Mr. John S. Ames
"Langwater" North Easton,
Massachusetts.

December 9, 1954

ASSOCIATION FOR THE ARNOLD ARBORETUM, INC.

Report of Endicott Peabody, Treasurer, for the Period July 24, 1953 (the date of incorporation) through November 30, 1954.

RECEIPTS:

(1) From dues of members (Mar. '54 - Nov. '54) - - - - -	\$ 1,607.00
(2) From contributions of members (Dec. '53 - Nov. '54) - - -	15,478.89
(3) From advances by members in 1954 - - - - -	8,000.00
(4) Miscellaneous	15.67
	<u>\$25,101.56</u>

EXPENSES:

Salaries	1,685.25
Secretarial Services	592.88
Rent	191.00
Telephone	198.11
Stationery, printing, mailing, supplies, etc.	3,527.71
Secretary and Treasurer's expense	428.70
Legal Printing	2,674.39
Office Furniture	383.13
Arnold Arboretum gift	1,000.00
Legal fees and expenses	11,809.82
	<u>\$22,490.99</u>

CASH IN BANK November 30, 1954

\$2,610.57

Note: No general subscription has been asked from the membership because it has been thought best to wait for a U. S. Treasury ruling as to the tax-exempt status of the Association; and such ruling, although applied for in August 1954, has not yet been received. Therefore, apart from about \$1600 from dues, the Association has been financed partly by contributions from a very small group of members in the amount of \$15,478 and partly by advances in the amount of \$13,094. The amount due for advances is this \$13,094 instead of the \$8000 shown in the above Statement because in addition to the \$8000, the Association is obligated to members in the amount of \$5094 representing direct payments by them of various expenses of the Association in 1953 prior to the receipt by the Association of any funds of its own.

In addition to the above \$13,094 due for advances, there are some other definitely accrued expenses in the amount of some \$6500 (largely legal fees and expenses) so that as of November 30, 1954 the Association has a definite deficit of some \$17,000, i.e., the difference between obligations of about \$19,600 and the bank balance of about \$2600.

In addition provision was made in the budget adopted by the Directors on June 14, 1954 for a proposed gift to the Arnold Arboretum during the fiscal year ending June 30, 1955 of \$5000, of which only \$1000 has so far been paid. The budget also provided for aid to litigation in an amount somewhat in excess of the amounts so far paid by the Association for that purpose. While the remaining \$4000 of the proposed gift and the contemplated further aid for litigation expense are not definite obligations of the Association, it is desirable that funds be available for these purposes.

To sum up: it is desirable that about \$40,000 be raised by June 30, 1955 in order to cover all these matters and leave an adequate working balance for the next fiscal year. I understand that some of this amount has been subscribed and that the Chairman of the Finance Committee has a plan whereby it is hoped that the desired amount can be raised.

Endicott Peabody,
Treasurer.

BOTANICAL LIBRARIES AND HERBARIUMS.

By John C. Wister

Dean Bundy in defending the Harvard action of moving the library and herbarium of the Arnold Arboretum to Cambridge made the statement "many distinguished botanical institutions have their living collections in one place and their main research collections of books and specimens in another!"*

He did not name these institutions. As we believe that many of Dean Bundy's statements have been misleading it seemed worthwhile to ascertain how many botanical gardens and arboreta did have their libraries and herbariums in the same place and how many had them in another place as Dean Bundy claimed.

Accordingly the 1947 publication "The Arboreta and Botanical Gardens of North America" by Donald Wyman was consulted. It listed a total of 90 gardens and arboreta of which about a third reported having libraries and herbariums. The facts about location of libraries and herbariums of some of these were known through personal inspection. The others were sent a questionnaire.

The following information is now given concerning the institutions listed below. They are presented in the order given by Dr. Wyman. The Wyman list is as of 1947. Information is not available concerning botanical institutions established since that time.

I. Two Botanical Gardens and Arboreta, besides the Arnold Arboretum, have their main library and herbarium in a separate place as follows:

- #36. Nichols Arboretum, Ann Arbor, Michigan.
Library is contained in that of Department of Landscape Architecture one mile away.
There is apparently no herbarium.
- #68. Morris Arboretum of the University of Pennsylvania, Chestnut Hill, Philadelphia, Pennsylvania. The Arboretum uses the library and herbarium of the Botanical Department of the University of Pennsylvania in West Philadelphia, some 10 miles away. They were established a half century or more before the Morris Arboretum was given to the University and are not the property of the Arboretum but of the University.

* "Harvard View of the Controversy over the Arnold Arboretum"
by Dean McGeorge Bundy, July 1, 1954, page 6, lines 16 to 20.

In addition to the above, #16, the University of Florida Subtropical Experiment Station, Homestead, Florida, has its herbarium consolidated with the main herbarium of the University of Florida in Gainesville. Its library, however, is on its grounds in Homestead.

II. Thirty-one Botanical Gardens and Arboretums have library and/or herbariums in their garden property. Some of these may be so small as not to qualify as "distinguished" in Dean Bundy's opinion.

- #1. Boyce Thompson South Western Arboretum, Superior, Arizona.
2. Desert Botanical Garden of Arizona, Tempe, Ariz.
3. Roncho Santa Ana Botanic Garden, Anaheim, Cal.
8. Huntington Botanical Garden, San Marino, Cal.
9. Santa Barbara Botanic Garden, Santa Barbara, Cal.
12. Connecticut Arboretum, Connecticut College, New London, Conn.
15. Fairchild Tropical Garden, Coconut Grove, Fla.
16. University of Florida Subtropical Experiment Station, Homestead, Florida. Note: Library only. Herbarium is at the University of Florida, Gainesville as explained above.
21. Morton Arboretum, Lisle, Ill.
26. Iowa State College Arboretum, Ames, Iowa.
29. Reef Point Gardens, Bar Harbor, Maine.
32. Smith College Arboretum, Northampton, Mass.
40. Missouri Botanical Garden, St. Louis, Missouri.
43. Brooklyn Botanic Garden, Brooklyn, N. Y.
45. Long Island Agricultural and Technical Institute, Farmingdale, N. Y.
46. New York State Experiment Station, Geneva, N.Y.
48. New York Botanical Garden, Bronx Park, N. Y.
49. Thomas C. Desmond Arboretum, Newburgh, N. Y.
50. Highland Park, Rochester, N. Y.

61. John J. Tyler Arboretum, Lima, Pa.
62. Arboretum of the Barnes Foundation, Merion, Pa.
63. State Forest Arboretum, Mount Alto, Pa.
70. Botanical Garden of the Reading Public Museum and Art Gallery, Reading, Pa.
71. Scott Horticultural Foundation, Swarthmore College, Swarthmore, Pa.
76. Blandy Experimental Farm, Boyce, Virginia. Library only, no herbarium maintained.
79. University of Washington Arboretum, Seattle, Wash.
81. Botanical Gardens, Charles B. Whitnall Park, Hales Corners, Wis.
84. Montreal Botanic Garden, Montreal, Canada.
85. Experiment Station, Morden, Manitoba.
86. Niagara Parks Commission's School for Apprentice
87. Dominion Arboretum and Botanic Garden, Central Experiment Farm, Ottawa, Canada.

It is entirely possible that Dean Bundy may wish to base his case upon some "distinguished botanical institutions" abroad. No up to date list of foreign botanical gardens and arboretums giving such information is available to me at the present time. I shall endeavor to get this information later.

As far as the matter stands in North America, the Bundy statement is absolutely misleading as the above report shows. Even the Morris and the Nichols Arboretums where the libraries and herbariums are separate are poor examples to quote as has been noted.

Prof. H. S. Gentry

At a meeting of the
President and Fellows of Harvard College
in Cambridge, January 19, 1953

The President reported that, upon the motion of the Chairman of the Coordinating Committee for the Biological Sciences, the Board of Overseers at its meeting on January 12, 1953 had unanimously adopted a resolution incorporating certain recommendations to the Corporation as to its policy in connection with the Arnold Arboretum. The Corporation then considered and discussed at length the matters involved in the recommendations made by the Board of Overseers including, among other things, opinions bearing upon the question whether it is in the best interests of the Arboretum to remove to a central building in Cambridge the main body of the library and herbarium of the Arboretum related to research. Whereupon, upon motion duly made and seconded, and by the affirmative vote of all members of the Corporation present, it was

Resolved that, upon the recommendation of the Board of Overseers and after further consideration, the Corporation hereby adopts the following statement of policy to govern the administration of the Arnold Arboretum and the use of all funds held by the Corporation in trust for the purposes of the Arboretum:

1. The plan contained in the Bailey Report of June 1945 shall not apply to the Arboretum or to the principal or income of its endowment. The Corporation recognizes that the property and endowment held for the purposes of the Arboretum are held by the Corporation in trust and that in the administration of the trust it is to act with a view to the best interests of the Arboretum.

2. As soon as is practicable, the President, after consideration of the advice and recommendations of an ad hoc committee, will nominate and the Corporation will appoint an Arnold Professor, bearing in mind that the Arnold Professor should have among his qualifications a demonstrated interest in and knowledge of the care and management of an arboretum for the collection, cultivation and development of trees, shrubs and herbaceous plants and activities incidental thereto.
3. The Arnold Professor shall have the care and management of the Arboretum, subject to such control on the part of the Corporation as is given it by the terms of the Indenture of 1872 and of later gifts for the purposes of the Arboretum. In the exercise of such control and its duties as trustee of endowment funds held in trust for the purposes of the Arboretum, the Corporation will act through the President, who may be assisted by such other administrative officer or officers as the Corporation may from time to time designate. The Arnold Professor shall have the right to discuss with the President any matters concerning the care and management of the Arboretum.
4. As to tenure, since the duties of the Arnold Professor are largely administrative, the Corporation believes that for the protection of the Arboretum's interests he should be removable not only "for grave misconduct or neglect of duty", as now provided in the case of

officers of instruction, but should also be subject to removal if, having in mind only the Arboretum's interests, the Corporation determines that his administration is not a successful one. In connection with his additional duties under the terms of the Indenture of 1872 to "teach the knowledge of trees in the University" and to "give such other instruction therein as may be naturally, directly and usefully connected therewith," the incumbent of the Arnold Professorship shall also be appointed Professor of Dendrology and, as such, shall hold tenure in the University as an officer of instruction of professorial rank.

- Digitized by Hunt Institute for Botanical Documentation
5. Recommendations for other appointments to the staff of the Arnold Arboretum may be initiated from time to time by the Arnold Professor or by the President and all such appointments shall be made in accordance with the procedures followed in connection with other Corporation appointments of like rank, including the use of ad hoc committees.
 6. The annual budget of the Arnold Arboretum shall be prepared by the Arnold Professor or under his direction and shall be submitted to the Corporation through the President and such other administrative officer or officers as the Corporation may from time to time designate, whose comments and recommendations may accompany those of the Arnold Professor.

7. The annual net income from the endowments of the Arnold Arboretum shall at all times be expended for purposes within the terms of such endowments and in such manner as is in the best interests of the Arboretum. For the present, such net income (except in the case of gifts expressly designated for a particular purpose of the Arboretum) shall be first applied to the support of the living collections and buildings at Jamaica Plain, the Arnold Professorship, and the library and herbarium of the Arboretum, and thereafter, to the extent available, to the support of all other Arboretum activities, including instruction and research in fields of knowledge related to trees, shrubs and herbaceous plants.

8. The activities supported by the endowment of the Arnold Arboretum may be coördinated with other University activities in botany to the extent that such coördination is in the best interests of the Arboretum and will promote the purposes of its endowment. Proposals for such coördination may be initiated from time to time by the Arnold Professor or by the President. The Arnold Professor shall be ex officio a member of the University's Biological Council.

9. These policies and arrangements contemplate fruitful and harmonious coöperation between the Arboretum and other parts of the University and the coördination of activities to the extent that such coördination is in the best interests of the Arboretum. The Corporation is confident that these relations will develop successfully.

10. In the exercise of its duties as trustee of endowment funds held in trust for the purposes of the Arnold Arboretum, the Corporation determines that it is in the best interests of the Arboretum and will promote the purposes of its endowment to remove to a central building in Cambridge the main body of the library and herbarium of the Arboretum related to research, and to retain at Jamaica Plain such books and specimens as may be required to provide there a working library and herbarium. The books and specimens to be so housed in Cambridge shall be appropriately identified as a part of the Arboretum and shall remain under the care and management of the Arnold Professor. The Arnold Professor and the Director of the University Library shall recommend to the Corporation through the President what books are to be retained at Jamaica Plain. The Arnold Professor and the Director of The New York Botanical Garden shall recommend to the Corporation through the President what specimens are to be retained at Jamaica Plain. No part of the cost of the construction of the central building in Cambridge shall be borne by Arboretum funds, the entire cost to be provided from unrestricted funds of the University. A part of the expense of the annual maintenance and operation of the central building (as distinguished from the care and maintenance of the library and herbarium of the Arboretum housed therein) shall be

charged to the income of the Arboretum endowment in accordance with the standard procedure of the University for allocating such costs.

A true copy of record,

Attest:

David W. Bailey
Secretary

RESOLUTION PROPOSED BY THE COORDINATING
COMMITTEE ON THE BIOLOGICAL SCIENCES

January 11, 1953

RESOLVED: That the Board of Overseers recommends the adoption by the Corporation of the following statement of policy to govern the administration of the Arnold Arboretum and the use of all funds held by the Corporation in trust for the purposes of the Arboretum:

1. The plan contained in the Bailey Report of June 1945 shall not apply to the Arboretum or to the principal or income of its endowment. The Corporation recognizes that the property and endowment held for the purposes of the Arboretum are held by the Corporation in trust and that in the administration of the trust it is to act with a view to the best interests of the Arboretum.
2. As soon as is practicable, the President, after consideration of the advice and recommendations of an ad hoc committee, will nominate and the Corporation will appoint an Arnold Professor, bearing in mind that the Arnold Professor should have among his qualifications a demonstrated interest in and knowledge of the care and management of an arboretum for the collection, cultivation and development of trees, shrubs and herbaceous plants and activities incidental thereto.
3. The Arnold Professor shall have the care and management of the Arboretum, subject to such control on the part of the Corporation as is given it by the terms of the Indenture of 1872 and of later gifts for the purposes of the Arboretum. In the exercise of such control and of its duties as trustee of endowment funds held in trust for the purposes of the Arboretum, the Corporation will act through the President, who

may be assisted by such other administrative officer or officers as the Corporation may from time to time designate. The Arnold Professor shall have the right to discuss with the President any matters concerning the care and management of the Arboretum.

4. As to tenure, since the duties of the Arnold Professor are largely administrative, the Corporation believes that for the protection of the Arboretum's interests he should be removable not only "for grave misconduct or neglect of duty," as now provided in the case of officers of instruction, but should also be subject to removal if, having in mind only the Arboretum's interests, the Corporation determines that his administration is not a successful one. In connection with his additional duties under the terms of the indenture of 1872 to "teach the knowledge of trees in the University" and to "give such other instruction therein as may be naturally, directly and usefully connected therewith," the incumbent of the Arnold Professorship shall also be appointed Professor of Dendrology and, as such, shall hold tenure in the University as an officer of instruction of professorial rank.

5. Recommendations for other appointments to the staff of the Arnold Arboretum may be initiated from time to time by the Arnold Professor or by the President and all such appointments shall be made in accordance with the procedures followed in connection with other Corporation appointments of like rank, including the use of ad hoc committees.

6. The annual budget of the Arnold Arboretum shall be prepared by the Arnold Professor or under his direction and shall be submitted to the Corporation through the President and such other administrative officer or officers as the Corporation may from time to time designate, whose comments and recommendations may accompany those of the Arnold Professor.
7. The annual net income from the endowments of the Arnold Arboretum shall at all times be expended for purposes within the terms of such endowments and in such manner as is in the best interests of the Arboretum. For the present, such net income (except in the case of gifts expressly designated for a particular purpose of the Arboretum) shall be first applied to the support of the living collections and buildings at Jamaica Plain, the Arnold Professorship, and the library and herbarium of the Arboretum, and thereafter, to the extent available, to the support of all other Arboretum activities, including instruction and research in fields of knowledge related to trees, shrubs and herbaceous plants.
8. The activities supported by the endowment of the Arnold Arboretum may be coordinated with other University activities in botany to the extent that such coordination is in the best interests of the Arboretum and will promote the purposes of its endowment. Proposals for such coordination may be initiated from time to time by the Arnold Professor or by the President. The Arnold Professor shall be ex officio a member of the University's Biological Council.

9. These policies and arrangements contemplate fruitful and harmonious cooperation between the Arboretum and other parts of the University and the coordination of activities to the extent that such coordination is in the best interests of the Arboretum. The Corporation is confident that these relations will develop successfully.

If upon further consideration the Corporation shall affirm its earlier determination, approved by the Board of Overseers, that it is in the best interests of the Arboretum and will promote the purposes of its endowment to remove to a central building in Cambridge the main body of the library and herbarium of the Arboretum related to research, the Board of Overseers further recommends that the Corporation adopt the following as a part of the foregoing statement of policy:

10. In the exercise of its duties as trustee of endowment funds held in trust for the purposes of the Arnold Arboretum, the Corporation determines that it is in the best interests of the Arboretum and will promote the purposes of its endowment to remove to a central building in Cambridge the main body of the library and herbarium of the Arboretum related to research, and to retain at Jamaica Plain such books and specimens as may be required to provide there a working library and herbarium. The books and specimens to be so housed in Cambridge shall be appropriately identified as a part of the Arboretum and shall remain under the care and management of the Arnold Professor. The Arnold Professor and the Director of the University Library shall recommend to the Corporation through the President what books

are to be retained at Jamaica Plain. The Arnold Professor and the Director of The New York Botanical Garden shall recommend to the Corporation through the President what specimens are to be retained at Jamaica Plain. No part of the cost of the construction of the central building in Cambridge shall be borne by Arboretum funds, the entire cost to be provided from unrestricted funds of the University. A part of the expense of the annual maintenance and operation of the central building (as distinguished from the care and maintenance of the library and herbarium of the Arboretum housed therein) shall be charged to the income of the Arboretum endowment in accordance with the standard procedure of the University for allocating such costs.

GRENVILLE CLARK
DUBLIN, NEW HAMPSHIRE
TELEPHONE DUBLIN 1

January 29, 1953

Professor George L. Slate
New York State Agricultural
Experiment Station
Geneva, N. Y.

Dear Professor Slate:

Mr. Clark asked me to send you the enclosed
two papers, 1) Corporation statement of policy with
regard to the Arnold Arboretum, dated January 19, 1953,
and 2) Resolution proposed by the Coordinating Committee
on the Biological Sciences, dated January 11, 1953;
and to say that he will be in touch with you next week.

Sincerely yours,

Q. Maloney

Secretary to
Grenville Clark

MEMORANDUM

TO: BOARD OF DIRECTORS of the
ASSOCIATION FOR THE ARNOLD
ARBORETUM, INC.

FROM: SECRETARY

Mrs. Harold Greene Arnold has prepared the following chart showing the Vote proposed by the Visiting Committee of the Arnold Arboretum and resolution passed by the President and Fellows on January 19, 1953. It is most helpful in disclosing the changes made by the Corporation in its Vote.

We believe that this information will be helpful to you. The proposed Vote and the January 19, 1953 Vote follow:

PROPOSED VOTE

- 1) The plan contained in the Bailey Report of June 1945 shall not apply to the Arboretum or to the principal or income of its endowment. The Corporation recognizes that the property and endowment held by the Corporation in trust and that in the administration of the trust it is to act with a view solely to the best interests of the Arboretum.

RESOLUTION AS PASSED
JANUARY 19, 1953

- 1) The same, except that the word SOLELY is omitted from the last sentence.

- 2) As soon as practicable, the President, after consideration of the advice and recommendation of an ad hoc committee, will nominate and the Corporation will appoint, an Arnold Professor, bearing in mind that the Arnold Professor should have among his qualifications a demonstrated interest in and knowledge of the care and management of an arboretum for the collection, cultivation and development of trees, shrubs and herbaceous plants, and activities incidental thereto.

2) No change.

- 3) The Arnold Professor shall have the care and management of the Arboretum subject to such control on the part of the Corporation as is given it by the indenture of 1872*. In the exercise of such control and of its duties as trustees of endowment funds held in trust for the purposes of the Arboretum, the Corporation will act through the President, who may be assisted by such other administrative officer or officers as the Corporation may from time to time designate. The Arnold Professor shall have the right to discuss with the President any matters concerning the care and management of the Arboretum.

- 3) The same, except that in sentence one, after 1872, is added:

* "...and later gifts for the purposes of the Arboretum."

- 4) As to tenure, since the duties of the Arnold Professor are largely administrative, the Corporation believes that for the protection of the Arboretum's interests he should be removable not only for "grave misconduct or neglect of duty", as now provided in the case of ~~professors~~ in the University, but should also be subject to being ~~relieved~~ if, having in mind only the Arboretum's interests, the Corporation determines that his administration is not a successful one.***

- 4) Sentence 1, changed to "officers of instruction."

"being relieved" changed to removal."

Added at the end of Number 4:

***In connection with his additional duties under the terms of the indenture of 1872 to "teach the knowledge of trees in the University" and to "give such other instruction therein as may be naturally, directly and usefully connected therewith", the incumbent of the Arnold Professorship shall also be appointed Professor of Dendrology and, as such, shall hold tenure in the University as an officer of instruction of professorial rank.

- 5) Recommendations for other appointments to the staff of the Arnold Arboretum may be initiated from time to time by the Arnold Professor or by the President ~~and the Arnold Professor jointly~~ and all such appointments shall be made in accordance with the procedures followed in connection with other Corporation appointments of like rank, including the use of ad hoc committees.

- 5) * Deleted.

- 6) The annual budget of the Arnold Arboretum shall be prepared by the Arnold Pro-

- 6) The same.

fessor or under his direction and shall be submitted to the Corporation through the president and such other administrative officer or officers as the Corporation may from time to time designate, whose comments and recommendations may accompany those of the Arnold Professor.

- 7) The annual net income from the endowments of the Arnold Arboretum shall at all times be expended for the purposes within the terms of such endowments, and in such manner as is in the best interests of the Arboretum. For the present, such net income shall be first applied to the support of the living collections and buildings at Jamaica Plain, the Arnold Professorship, and the library and herbarium of the Arboretum, and thereafter, to the extent available, to the support of all other Arboretum activities, including instruction and research on fields of knowledge related to trees, shrubs and herbaceous plants.

- 8) The activities supported by the endowment of the Arnold Arboretum may be coordinated with other University activities in botany to the extent that such coordination is in the best interests of the Arbore-

- 7) The same, except
(except in the case of gifts expressly designated for a particular purpose of the Arboretum).

- 8) The same.

tum and will promote the purposes of its endowment. Proposals for such coordination may be initiated from time to time by the Arnold Professor or by the President. The Arnold Professor shall be ex officio a member of the University's Biological Council.

- 9) Since serious doubts have been raised as to whether the removal to Cambridge of the important parts of the library and herbaria of the Arboretum would be in the Arboretum's best interests as distinguished from the University's or any other interest, there will be no such removal, whether or not the proposed new central botanical building in Cambridge is constructed. The question of some books and specimens relating to the tropics or for some other reason clearly not needed for the Arboretum's work, and the matter of better housing in Jamaica Plain for the Arboretum's library and herbaria will be discussed with the new Arnold Professor when he is appointed.

- 10) The above policies and arrangements contemplate fruitful and harmonious cooperation between the Arboretum and the University and the coordination of activities to the extent that such coordination is in the best interests of the

- 9) These policies and arrangements contemplate fruitful and harmonious cooperation between the Arboretum and other parts of the University and the coordination of activities to the extent that such coordination is in the best interests of the Arboretum. The Corporation is confident that these relations will develop successfully.

- 10) In the exercise of its duties as trustee of endowment funds held in trust for the purposes of the Arnold Arboretum, the Corporation determines that it is in the best interests of the Arboretum and will promote the purposes of its endowment to remove to a central

Arboretum; and the Corporation is hopeful that these relations will develop successfully.

Messrs Dodge and Farley

building in Cambridge the main body of the library and herbarium of the Arboretum related to research, and to retain at Jamaica Plain such books and specimens as may be required to provide there a working library and herbarium. The books and specimens to be so housed in Cambridge shall be appropriately identified as a part of the Arboretum and shall remain under the care and management of the Arnold Professor. The Arnold Professor and the Director of the University Library shall recommend to the Corporation through the President what books are to be retained at Jamaica Plain. The Arnold Professor and the Director of the New York Botanical Garden shall recommend to the Corporation through the President what specimens are to be retained at Jamaica Plain. No part of the cost of the construction of the central building in Cambridge shall be borne by Arboretum funds, the entire cost to be provided from unrestricted funds of the University. A part of the expense of the annual maintenance and operation of the central building (as distinguished from the care and maintenance of the library and herbarium of the Arboretum housed therein) shall be charged to the income of the Arboretum endowment in accordance with the standard procedure of the University for allocating such costs.

A true copy of record,

ATTEST: David W. Bailey
Secretary

- COPY -

HARVARD UNIVERSITY
CAMBRIDGE, 38, MASSACHUSETTS

OFFICE OF THE PRESIDENT

June 10, 1954

Dear Mrs. Arnold:

I have recently had occasion to review the affairs of the Arnold Arboretum in careful discussions with Professor Richard Howard and Dean McGeorge Bundy. All of us in these discussions have agreed that a further effort should be made to bring an end to the dissention and ill feeling which have come to mar the relations between two sets of people honestly devoted to the interests of the Arboretum. In this spirit I am writing to the directors as leaders in one group, to see if the time has not come for agreement among us.

Let me begin by putting to one side the argument over going to court. You have taken one view of this, and the Corporation has taken another. If I may judge from the firmness of your statements and ours, we are not likely to agree about this part of the matter. What I wish to discuss is rather the central issue: our common concern for the best interests of the Arboretum. It seems quite clear to me that the present dissention is not serving these interests.

The policy of the Corporation governing the affairs of the Arboretum is now expressed in the Corporation's vote of January 19, 1953. Most of the document, I think, is agreeable to you. Indeed, much of the language suggested by you or your counsel was incorporated in the vote; in clause after clause it aims directly

at questions and doubts which you or learned counsel for your view had raised in the preceding years, and on point after point the Corporation in this vote accepts the view which you urged upon it.

For example, the vote of January 19, 1953, specifically and plainly provided that the proposals of the Bailey Report shall not apply to the Arnold Arboretum. Now I believe that the Bailey Report is a most helpful document and that Professor Bailey earned our deep gratitude by his genuine and helpful concern for all of Harvard's botanical institutions; I believe further that his Report has received a good deal of unfair criticism in recent years. Nevertheless I believe that the Corporation vote is correct in providing that the report shall not apply to the Arboretum, and accordingly, I think the Arboretum was in this respect well served by those like yourselves who urged the course that has not been taken.

The vote of January 19 makes it wholly clear that the man who is running the Arnold Arboretum is the Arnold Professor. He is of course, responsible to the Corporation as Trustee of the Arboretum Endowment. Since the Corporation looks to me for the administration of its policies, he is also responsible to me, and I am assisted in my responsibilities by Dean Bundy. There are other ordinary administrative arrangements which apply to the Arnold Professor just as they do to the Dean of the Medical School or the Director of the Observatory. But the man in charge at the Arboretum is the Arnold Professor, and he is in no sense under the supervision or control of any other group of scientists. He prepares his own budget, initiates appointments to his own staff, and generally provided leadership in advancing the purposes

of the Arboretum. Under the vote of January 19 the key figure in all the Arboretum's affairs is the Arnold Professor. This is as it should be.

One of the good things that I found on my arrival here was that the right man had been found for the job of Arnold Professor. I have worked closely with Professor Richard Howard this winter and spring, and I can understand why he was the unanimous recommendation of his colleagues, both on the staff of the Arboretum and in the other botanical institutions of Harvard, and why their recommendation was unanimously endorsed by a distinguished ad hoc committee none of whose members was a Harvard botanist. Professor Howard is young, able, well trained and energetic; he is an ideal leader for the Arboretum and he is determined that it shall continue to progress, setting new high standards of achievement in its basic field as it has from the first days of Sargent. Professor Howard is a scholar who knows fully the great value of the magnificent living collection; he actively supports the rule laid down in the vote of January 19 that the living collection shall be a first concern of the Arboretum.

The Bailey Plan no longer applies; the position of the Arnold Professor is safeguarded in every possible way; we have the right man to lead the Arboretum. Is this not enough for peace and unity among those who have been at odds? I think it is, but there is still between us the difference over the Library and Herbarium. The vote of January 19 meets your criticism and responds to your suggestions on every other significant point, but you have felt that the Corporation's decision on the

Library and Herbarium is so dangerous and damaging that you must form a separate organization and carry on a campaign against this decision by every available means. It is this course that I hope you may be willing to reconsider.

For it seems to me unlikely that the move of most of the Library and Herbarium is what centrally disturbs you, in itself. This specific proposal, as you know, was first made in Mr. Lowell's time and later repeated many times by Oakes Ames and by Dr. Merrill before there ever was a Bailey Report. In the detailed brief prepared by Mr. Dodge and Mr. Farley, there is opposition to this move, but mainly because of its connection to the Bailey proposals. Now it had been wholly disconnected from these proposals; it is undertaken after a most careful counsel with independent experts; it has the energetic and definite support of Professor Howard. I have myself reviewed the whole matter, and so has the Corporation; it seems clear to us for many reasons, that the move is in the best interest of the Arboretum. You may not agree, but I cannot persuade myself that this is the core of your complaint against the Corporation.

Are you not concerned, centrally, with something quite different: with the question whether Harvard truly cares for the best interest of the Arboretum? Are you not fearful that somehow the Arboretum's money may be misappropriated? That its great horticultural tradition may be neglected? That perhaps the vote of January 19, 1953 does not mean what it says and is only window dressing for a hostile intent?

If these are at all your feelings, I should like to take this occasion to give you the most energetic and explicit assurance

that such fears are groundless. The Arboretum is a trust, and we propose to treat it as such. Our concern is to serve its best interests; we are determined that it shall stay in the very front rank, to the limit of its financial strength, as a great horticultural and scientific institution. So far from turning our back on the great living collection, we are wholly determined that it shall keep its outstanding character. We propose also to maintain the Arboretum's tradition of expeditions, publications, and general scientific leadership. We stand firmly on the vote of January 19, 1953. It is a good platform and the Arboretum owes a debt to all those of differing views who helped to hammer it out in years of careful consideration.

So this is our position. Let me put to you that if you believe me, our difference of judgement on the move of the bulk of the Library and Herbarium becomes relatively unimportant. Whatever may happen to the present legal pleadings, when this matter is finally settled, the Arboretum will still be the responsibility of the Corporation and the Arnold Professor. The Arboretum can be all you desire with the research books and specimens in Cambridge. It is our expectation and firm intention to make it so. On the other hand, despite our good intention, it is possible that the future development of the Arboretum might disappoint you, even if not a single pamphlet were moved. The fundamental question is whether you should put your trust in us. I strongly urge it on you that the vote of January 19, 1953, the caliber and quality of Professor Howard, this expression of our intention, and the growing feeling of confidence in Harvard which I sense among many friends of the Arboretum, are heavy arguments

for peace among us and a new harmony in the common effort to serve the Arboretum. In the best of the Arboretum I ask your support and good will.

Very sincerely yours,

Nathan M. Pusey, President.

MEMORANDUM

RE. THE ASSOCIATION FOR THE ARNOLD ARBORETUM, Inc.

Committee of three in conference with President Pusey on May 20th 1954.

On March 18, 1954, at the Director's meeting of the Association it was suggested by Mr. Lawrence Fletcher that a committee of three, other than lawyers, two men and one lady be appointed to confer, if possible, with President Pusey on the Arboretum controversy. This committee was then appointed by Mr. Ames: Mr. Butterick, spokesman; Mr. Burrage and Mrs. Arnold. At the close of the meeting Mrs. Arnold said that she felt it to be extremely important that this committee have a carefully prepared line of procedure to follow, should President Pusey consent to see the committee.

On May 6th. 1954, at 11 A.M. the above named three met at Horticultural Hall, Trustee's room, and discussed plans. Mr. Butterick read a note from President Pusey who said that he would see us on Thursday, May 20th. at 11 A.M. We then talked over just what to bring up on that day. Mr. Butterick felt the most important point to stress was the "day in court;" he would ask Dr. Pusey what Harvard has to lose by such a move, etc. He seemed to feel at that time very strongly about the importance of a legal decision. Mr. Burrage said he had "dug up" a lot of information and appeared to have many good ideas. I had been to the Arboretum Library, and had done some research; had reviewed James Arnold's will and had read the brochure brought out by Harvard in 1929 to launch the drive for the million dollar Sargent Fund. There were some strong points in this worth quoting which impressed Mr. Butterick and he asked me to bring the brochure on May 20th., which I did. I said that, not being spokesman I should keep quiet but that I had several points in mind which I felt to be important. Mr. Butterick said, "On the other hand, I think we should keep the conference informal and the talk general. Before May 20th. I re-read all the legal documents, statements, letters, comments, opinions, articles etc. available. When the day came I felt confident that we had all points well in hand."

The first break in that confidence came when Mr. Burrage met me at the gate, Harvard Yard, told me that he had talked with both Dean Bundy and Dr. Howard and that a wholly new plan of approach to the President would be followed, namely: to suggest a new committee of three composed of possibly Dr. Howard, Dr. Sax and an expert from outside, to give a new opinion on the books and herbarium, what to move from Jamaica Plain to Cambridge, etc. This was shocking to me as I knew that the key-stone of our Association is that NONE of the Arboretum collections should be taken. I asked at once, "But what of the legal decision, the "Day in Court?"

"I don't think that will be necessary," he answered. He seemed to think that he had gained a strong point by persuading the other side, (Dean Bundy, I assume) to restore the word SOLELY

to Clause #1 of the Jan. 19, 1953 vote passed by the Board of Overseers, this word having been deleted from the proposed resolution. He said that he and Dean Bundy had prepared a "Question and Answer" document, (This came out in July as "Harvard's View of the Controversy"... at the direction of the President.) 18 pages, a copy of which he had sent to Mr. Buttrick. I did not see it until after our meeting with President Pusey. Mr. Burrage asked me to "just glance through" a two page draft which he handed me, but with hardly a moment left before our appointment and standing at the gate of the college, it was impossible to read it.

Mr. Buttrick was waiting in the reception room of Massachusetts Hall where we joined him. He said he had been there 20 minutes. (You will recall that in his report to the Directors he spoke of a plan for a second meeting before seeing the President, which had not taken place. I had not been notified of any such plan.) We were summoned almost at once to President Pusey's office, greeted quietly but very courteously and asked to sit in an informal group.

As spokesman, Mr. Buttrick proceeded to make an introductory statement as to our purpose in requesting the conference; that we represented a group of persons who cared deeply for both the Arboretum and the University, now gravely concerned over the controversy which he felt was due largely to misunderstanding. His remarks were friendly, well expressed, but he did not once refer to our strong feeling that we must have a legal, a court decision. This was the first indication that I had of his apparent shift of position. After these introductory remarks he said,

"Mr. Burrage has a suggestion to make."

Mr. Burrage, after referring to his experience with the Castle Hill project at Ipswich, told of a situation re. the possible removal of books from the Horticultural Library, a case somewhat similar to the present Arboretum one, and that a committee of three had handled the matter successfully. He asked President Pusey if such a committee (as noted on the previous page) might not be formed. The President said "We have had a committee to pass on the books to be moved." However, he expressed a willingness to consider a new opinion, with an expert from outside, as suggested by Mr. Burrage. (I later learned that our Association had given him no authority to make such a proposal. As Mr. Burrage had spoken of going to Dublin, N.H. to see Mr. Clark, I supposed that he had the latter's approval in this matter.)

Discussion followed re. a committee. Mr. Buttrick asked me, "Have you seen the library, Mrs. Arnold? It's a beauty." He gave a glowing description of its completeness. I felt greatly troubled by the whole trend of the conversation, that the aims of our Association were not being pressed. Although I had the brochure of 1927 in my hand, which Mr. Buttrick had asked me to bring, he did not make any move to have it mentioned. In speaking of

the Arboretum Library, Mr. Burrage referred to duplicate books "worth at least \$100,000." President Pusey seemed much surprised at this figure, and said he had no idea they would be worth as much. I wondered at the time if it was the business of our committee to bring up this point (I was very sure that it was not) and what would be done with such a sum, if realized.

The time was slipping away and we seemed to be getting nowhere. Although not the appointed spokesman of our committee, I felt that at least some points voicing the aims of our Association should be made. As Mr. Buttrick had agreed to ask for the "day in court" I felt that it was not my place to do so and I still hoped, at that point, that he would beg for this before we left. He did not.

I then asked President Pusey the following questions:

1)

It has been repeatedly stated by the Corporation, as in clauses #7,8, and 10 of the January 19, 1953 RESOLUTION and elsewhere, that the proposed removal of Arnold Arboretum property from Jamaica Plain to the new library in Cambridge is IN THE BEST INTERESTS OF THE ARBORETUM.

QUESTION: May I ask why?

REPLY: The familiar picture was given of the advantages of bringing the Arboretum into closer relationship with University life; the stimulus of contacts between the Arboretum staff and others in related fields, etc.

2)

QUESTION: If the Corporation thus feels the importance of having the Arboretum library and herbarium in Cambridge, why has it waited 81 years to make the move?

REPLY: "Times have changed."

3)

After briefly reviewing the way in which Arboretum funds have accumulated I asked:

QUESTION: Are the Trustees dealing fairly with the donors of the million dollar Sargent Fund, given in his honor and in complete faith by his friends that his plans and ideals for the Arboretum would be furthered with this fund? Dr. Sargent emphatically stated in 1924 that all three parts of the Arnold Arboretum, - the library, the

herbarium and the living collection,
being inter-dependent one with the other,
should be kept together.

REPLY: None of importance.

4)

QUESTION: Entirely apart from the legal issue, is there
nor another side of equal importance, ethical
or moral, which should be more seriously con-
sidered by the Trustees?

REPLY: He agreed to the importance of it but made no
real answer.

5)

QUESTION: If the proposed move to Cambridge is made
will not the Arboretum Director have to spend
a large part of his time in Cambridge, away
from the Arboretum? (This already proves true.
Dec. 12, '54)

6)

QUESTION: Why has no Arnold Professor ever taught a
course at Harvard?

REPLY: He will now.

(Mr. Buttrick asked, "I met Professor Sargent
and I certainly would not have wished to take
a course with him." Sorry, but I feel I must
put this in.)

7)

QUESTION: Would it not be possible, and far better, to
devote the large sums needed in controversy
to constructive purposes, as had been sugges-
ted,* rather than "down the drain"? Could not
the present building at Jamaica Plain be al-
tered, enlarged if necessary to adequately
house the collections?

*See PETITIONS, Section
D, p.31, Clause VI.

REPLY: We would be interested in such a plan. (Such
a plan was made, (see Petitions, p.3) but
ignored by Corporation.)

In speaking of the plans for the future under the new director
President Pusey asked me if I had talked with Dr. Howard.

I replied that I had written to Dr. Howard just two months ago
but had received no answer. (On my return I found one.) He went

on to speak in glowing terms of the new director, "a very able fellow," etc. I told him that I realized that a new man in that position must be free to work out his own ideas but I felt that he had made a grave mistake in cutting off the Garden Club programs, which have brought the Arboretum many new and influential friends, who are now feeling upset and are naturally withholding their contributions. He made no comment. (I was sorry not to speak of the unjust way in which Mr. Lipp has been treated but I felt it important to keep to the main issues and as this was not strictly germane to the subject at hand I did not bring it up.)

Mr. Burrage said that two men had been hurt by the controversy, Dr. Sax and Dr. Johnston, and he hoped that some amendments might be made them. President Pusey seemed to concur but made no comment.

Throughout the conference, which lasted three quarters of an hour, the President was courteous, quiet and ready to listen. He offered very few comments of his own. I regret to state that the other two members of our committee did not back up any of the points which I tried to make. Two of the questions they answered or spoke on, before President Pusey had a chance to do so himself. It was evident to me that both Mr. Buttrick and Mr. Burrage had been influenced by the other side. On the day following the meeting I talked with Mr. Buttrick on the telephone, could not reach Mr. Burrage but wrote to him. I frankly told each that I felt greatly disturbed over the way the conference was handled. That they had a perfect right to change their minds but that, in that case, they should have withdrawn from the committee and that they had no right to go as representatives of the Association when they had shifted their sympathies. I also said that they had placed me in a most difficult position, that of battling alone for the Association with three men on the other side of the fence. In this I hold no personal grievance, though it was an outrage to say the least, but I felt it most unfair to the Association which we had been appointed to represent. The kindest thing I can say is that perhaps they wished to make peace at any cost.

The above memorandum is as complete and correct as I am able to make it.

June 24, 1954

Helen H. Arnold

Mrs. Harold Greene Arnold
55 Emmonsdales Road
West Roxbury 32
Massachusetts

NOTE, Dec. 13, 1954

I have never had any explanation or apology from either of these two men. But I learned that in the interim between our preliminary meeting and our conference with President Pusey, they had both been "worked on" by the other side - had talked with Ropes-Grey lawyers, Dean Bundy, Dr. H., etc.

One good result may be attributed to this incident; it undoubtedly led to the Pusey letter to the Directors and this opened the way for strong answers, which prove to him that we are not the soft, weak-kneed organization he supposed.

H.A.

Answer to (2)

August 2nd. 1954

Dear President Pusey:

Your answer of July 2nd. to my letter of June 20th. is sincerely appreciated. Knowing that you were on vacation I have delayed acknowledging it until now.

From the University point of view, and from that of botany in particular, the new arrangements for the Arnold Arboretum as described in your letter may seem satisfactory. But is there not a grave issue at stake, one that should not be evaded? In spite of your feeling of assurance, there is serious doubt in the minds of many, based on the advice of eminent lawyers, as to the legal validity of the present plan for the carrying out of your trust. You feel convinced that there is no breach of trust, but surely that question is one of law which the courts of law alone can determine. And when there is a doubt in the minds of others, especially among many devoted Harvard graduates and among many who have been for years intimately associated with the work of the Arboretum, then should not the courts be asked to decide the issue?

I regret that in your letter to me you do not touch upon this point, which many of us consider to be the heart of the matter. If Harvard is right, then what has it to lose by the customary petition for instructions? I feel that Harvard has much to gain, not a small factor being the renewal of faith in the University through its willingness to submit to a judicial court ruling on the legal questions.

You are doubtless aware that this controversy is now far more than one of local importance. For example, membership in the Association for the Arnold Arboretum already represents nineteen states of the Union, with a steadily growing concern on the part of the public.

A court decision, then, still seems to me to be what the Corporation ought to welcome rather than to oppose.

Sincerely yours

Helen H. Arnold

President Nathan M. Pusey
Massachusetts Hall
Harvard University
Cambridge, Massachusetts.

- COPY -

HARVARD UNIVERSITY
CAMBRIDGE 38, MASSACHUSETTS

Office of The President

August 13, 1954

Dear Mrs. Arnold:

Thank you for your letter of August 2. I have been away from Cambridge and have had no earlier opportunity to acknowledge it.

Our reasons for not seeking instructions from the court are stated so well in Dean Bundy's statement of Harvard's view of the Arboretum controversy, in question and answer form, that I should like to refer you to pages 13 through 16 of that pamphlet, of which I enclose a copy. It seems to us that these reasons are compelling and that our position in this regard is sound.

Sincerely yours

Nathan M. Pusey

Enclosure

Mrs. Harold Greene Arnold
55 Emmonsdales Road
West Roxbury 32, Massachusetts

Note: This letter is post-marked,
"Spirit Lake, Iowa Aug.13, 3-P.M. 1954"

HARVARD UNIVERSITY

CAMBRIDGE 38 MASSACHUSETTS

OFFICE OF THE PRESIDENT

July 2, 1954

Dear Mrs. Arnold:

Thank you for your letter of June twenty-third. I appreciate your frank statement of your views, and should like to comment briefly on one or two of the points you have made.

You speak of the "breaking up" of Arboretum property by the removal of books and herbarium specimens to the new building in Cambridge, and of the "diverting of funds for maintenance." I cannot agree that either of these things is taking place.

The Arboretum is in no sense being broken up. It will continue to function as a great horticultural and botanical unit, complete in its three component parts. The magnificent growing collections will continue to be cared for and enlarged. The equally important collections of books and herbarium specimens will continue to serve the purposes for which they were created. There will continue to be at Jamaica Plain a library and herbarium adequate for reference and research on horticultural matters. The main body of the library and the herbarium will be better housed and better protected in the new building in Cambridge, where they will be more valuable to the staff of the Arboretum and to others interested in its collections and its work because of the immediate availability of the great collections of the Gray and of other botanical institutions within the University.

This, surely, is not "breaking up" the Arboretum, whose activities have long been carried on both in Jamaica Plain and in Cambridge. I cannot accept the restricted view of the Arboretum which would conceive it as bounded by the limits of the Bussey estate. Its unequalled living collections are, of course, of principal importance. But the Arboretum has long held front rank as a great teaching and research institution in horticulture and botany. The relocation of parts of the library and herbarium (leaving a working collection in horticultural subjects at Jamaica Plain) does not detract from the former aspect of the Arboretum and greatly enhances the latter.

Nor are funds of the Arboretum being diverted for maintenance. It has long been recognized that the library and herbarium of the Arboretum needed better housing. That has been provided by the University without capital cost to the Arboretum endowment. Improved housing would have had to be maintained wherever located, and the expense of maintaining its library and herbarium is clearly an Arboretum expense.

I sincerely hope that you will come to know Dr. Howard better. I am convinced that all who do will be reassured as to the future of the Arboretum, and I feel certain that this unhappy controversy will end as soon as he and his work are better understood.

Sincerely yours

Nathan M. Pusey

55 Emmons Road
West Roxbury
Massachusetts

June 23, 1954

President Nathan M. Pusey
Massachusetts Hall
Harvard University
Cambridge 38, Massachusetts

Dear President Pusey:

Thank you for your letter of June 14th., which I have postponed answering until after Commencement.

It was a pleasure to meet you on May 20th. and during our conference I was convinced of your personal sincerity in wishing to act for the Arnold Arboretum's best interests. Coming from that meeting with you I felt that one step towards what you stress in the opening paragraph of your letter, an effort to bring dissension to an end, had been accomplished by your apparent willingness to consider a new opinion on the removal of books and herbarium from Jamaica Plain to Cambridge. It was therefore a severe shock to me to learn, that in spite of this impression you gave us, the removal of Arboretum property had begun and is being speedily carried out. I myself have witnessed the taking of a part of the herbarium.

Digitized by Hunt Institute for Botanical Documentation

In the final paragraph of your letter you refer to a "growing confidence in Harvard...among many friends of the Arboretum." Is it possible, President Pusey, to maintain confidence in a trustee under the above named circumstances? My entire life has been spent within a few miles of Cambridge and I grew up with a sound admiration as well as respect for a great University. Until recently this confidence has remained unbroken.

You will recall that I quoted to you on May 20th. lines from the brochure of 1927, prepared under the stamp of Harvard, to launch a drive for the million dollar Sargent Memorial. These lines stressed the safety of Arboretum funds entrusted to the President and Fellows of Harvard College as guaranteeing "permanence and continuity of policy." Is the breaking up of and the removal of Arboretum property to the new library in Cambridge, as well as the consequent diverting of funds for maintenance, funds raised for the Arboretum not as a tool, but as a great horticultural unit complete in its three component parts, carrying out this trust? I am convinced that it is not.

You ask if the time has not come for agreement among us. Yet, the one act on your part which might bring about that agreement you put to one side, - namely, that of obtaining a judicial opinion. The University's long delay in this matter has been

damaging not only to the Arboretum but to itself. If Harvard is right, then what has it to lose by a Court decision? Our Association which is strongly organized to protect the Arboretum, feels that the University has much to gain by such a step. We are all of us eager to see discord at an end. Personally, I feel that at this moment, perhaps as historic one, you have a great opportunity to demonstrate that Harvard can and always will deserve its traditional title of "FAIR."

In all earnestness, then, I beg you to ask for a Court decision. In so doing you would go a long way towards restoring to Harvard that respect and confidence which has been severely shaken among friends of the University and of the Arnold Arboretum throughout the country.

Sincerely yours,

Helen H. Arnold
(Mrs. Harold Greene Arnold)

December 22, 1952.

To the Members of the Committee to
Visit the Arnold Arboretum:

On December fifteenth the meeting with the Committee of the Harvard Corporation, about which we previously wrote you, was held.

There were present, representing the Corporation, President Conant, Mr. Coolidge, Mr. Marbury and Mr. Cabot.

Messrs. Dodge, Ames, Clark and Farley attended the meeting at the invitation of the Corporation.

By arrangement with President Conant we are submitting to the Corporation and to the Co-ordinating Committee memoranda for a proposed settlement of the matter which we believe, if they could be agreed on, would be the basis for a satisfactory solution.

Copies of these papers are enclosed herewith for your information.

Robert G. Dodge
53 State St., Boston
J. W. Farley
1 Federal St., Boston

COPY

December 22, 1952.

Laird Bell, Esquire
135 So. LaSalle Street
Chicago 3, Illinois

Dear Mr. Bell:

We, Messrs. Dodge, Ames, Clark and Farley, met with a Committee of the Corporation on Monday, December fifteenth, regarding the Arboretum matter. Those present were President Conant, Mr. Coolidge, Mr. Marbury and Mr. Cabot.

The whole situation was discussed at some length.

We were given permission to put our suggestions in writing and submit them to the Corporation, and if we so desired, to your Committee.

It seems both appropriate and important that your Committee should have copies of the memoranda which we are submitting to the Corporation, and we enclose them herewith, including additional copies for the members of the Co-ordinating Committee if, as we hope, you think it appropriate to distribute them to such members.

We hope that this will be a step forward towards reaching an agreement in this matter.

Sincerely yours,

(Sgd.) J. W. Farley

JWF/a
Encs.

COPY

Dublin, New Hampshire
December 22, 1952

President James B. Conant
Massachusetts Hall
Cambridge 38, Mass.

Dear Mr. Conant:

In the Arboretum matter Messrs. Robert G. Dodge and J. W. Farley have shown me the letter of this date, with the suggested statement of policy, which they are sending to you.

They have asked me whether from my special standpoint as one of the Corporation when the Bailey Plan was voted, I agree that the suggested statement would meet the legal points and be a reasonably satisfactory solution.

I have become fully convinced that the application of the Bailey Plan to the Arboretum would be a breach of trust and would seriously injure the Arboretum; and I regret that I voted for it as applied to the Arboretum. As to the legal questions I would accept the opinion of Messrs. Dodge and Farley that those questions would be met by the approval of and action in accordance with the form of statement which they suggest; and as to its being a reasonably satisfactory solution, I agree that it would be if approved and carried out in letter and spirit over the years.

Sincerely yours,

/s/ Grenville Clark

Proposed Vote

VOTED: that the Corporation adopts the following statement of policy to govern the administration of the Arnold Arboretum and the use of all funds held by the Corporation in trust for the benefit of the Arboretum.

1. The plan contained in the Bailey Report of June 1945 shall not apply to the Arboretum or to the principal and income of its endowment. The Corporation recognizes that it holds the property, including all the funds, of the Arboretum as trustee and that in the administration of the trust it is to act with a view solely to the best interests of the Arboretum.

2. As soon as is practicable, the President, after consideration of the advice and recommendations of an ad hoc committee, will nominate and the Corporation will appoint an Arnold Professor, bearing in mind that the Arnold Professor should have among his qualifications a demonstrated interest in and knowledge of the care and management of an arboretum for the collection, cultivation and development of trees, shrubs and herbaceous plants, and activities incidental thereto.

3. The Arnold Professor shall have the care and management of the Arboretum subject to such control on the part of the Corporation as is given it by the indenture of 1872. In the exercise of such control and of its duties as trustee of endowment funds held in trust for the purposes of the Arboretum, the Corporation will act through the President, who may be assisted by such other administrative officer or officers

as the Corporation may from time to time designate. The Arnold Professor shall have the right to discuss with the President any matters concerning the care and management of the Arboretum.

4. As to tenure, since the duties of the Arnold Professor are largely administrative, the Corporation believes that for the protection of the Arboretum's interests he should be removable not only "for grave misconduct or neglect of duty", as now provided in the case of professors in the University, but should be subject to being relieved if, having in mind only the Arboretum's interests, the Corporation determines that his administration is not a successful one.

5. Recommendations for other appointments to the staff of the Arnold Arboretum may be initiated from time to time by the Arnold Professor or by the President and the Arnold Professor jointly, and all such appointments shall be made in accordance with the procedures followed in connection with other Corporation appointments of like rank, including the use of ad hoc committees.

6. The annual budget of the Arnold Arboretum shall be prepared by the Arnold Professor or under his direction and shall be submitted to the Corporation through the President and such other administrative officer or officers as the Corporation may from time to time designate, whose comments and recommendations may accompany those of the Arnold Professor.

7. The annual net income from the endowments of the Arnold Arboretum shall at all times be expended for purposes within the

terms of such endowments, and in such manner as is in the best interests of the Arboretum. For the present, such net income shall be first applied to the support of the living collections and buildings at Jamaica Plain, the Arnold Professorship, and the library and herbarium of the Arboretum, and thereafter, to the extent available, to the support of all other Arboretum activities, including instruction and research in fields of knowledge related to trees, shrubs and herbaceous plants.

8. The activities supported by the endowment of the Arnold Arboretum may be coordinated with other University activities in botany to the extent that such coordination is in the best interests of the Arboretum and will promote the purposes of its endowment. Proposals for such coordination may be initiated from time to time by the Arnold Professor or by the president. The Arnold Professor shall be ex-officio a member of the University's Biological Council.

9. Since serious doubts have been raised as to whether the removal to Cambridge of the important parts of the library and herbaria of the Arboretum would be in the Arboretum's best interests, as distinguished from the University's or any other interest, there will be no such removal, whether or not the proposed new central botanical building in Cambridge is constructed. The question of removal or disposition of some books and specimens relating to the tropics or for some other reason clearly not needed for the Arboretum's work, and the matter of better housing in

Jamaica Plain for the Arboretum's library and herbaria will be discussed with the new Arnold Professor when he is appointed.

10. The above policies and arrangements contemplate fruitful and harmonious cooperation between the Arboretum and the University and the coordination of activities to the extent that such coordination is in the best interests of the Arboretum; and the Corporation is hopeful that these relations will develop successfully.

December 22, 1952

President James B. Conant
Massachusetts Hall
Cambridge 38, Massachusetts

Dear Mr. Conant:

We enclose a suggestion for a statement of policy in the Arnold Arboretum matter. As to paragraphing it follows the proposed statement of policy contained in the resolution of the Overseers' Co-ordinating Committee on the Biological Sciences dated November 7, 1952, except that it contains one additional paragraph numbered 10. It embodies changes from the statement proposed by the Co-ordinating Committee which if acceptable to the Corporation would enable us to say to the Overseers' Committee to Visit the Arnold Arboretum that the statement of policy meets the legal points we have raised and that it would seem to us to offer a reasonably satisfactory solution.

One important point is disposed of by the Co-ordinating Committees' proposed statement of policy, namely that the Bailey Plan should not apply to the Arboretum. Nevertheless, questions remain as to the application of this statement.

The addition of a second sentence in paragraph 1 of the enclosure is intended to make explicit a point which we think fundamental, i.e. that the Corporation recognizes its obligation as trustee of the Arboretum's tangible property and funds to administer the trust in the whole interest of the Arboretum.

No change is suggested in paragraph 6. The suggested changes in paragraphs 1, 2, 3, 4, 5, 7 and 8 relate in one way or another to what may be called the administrative relations between the Arboretum and the University. They are, in general, designed to give clear recognition to the duties incumbent upon the trustee and to insure a degree of autonomy and scope to the Arnold Professor that will comply with the provision as to "care and management" of the Arboretum and will make the position attractive to a first class man qualified for the position by reason of demonstrated knowledge of and interest in the horticultural aspects of the Arboretum's work.

As to paragraph 9, you will see that it states a policy contrary to that of paragraph 9 in the statement proposed by the November 7th resolution. Instead of finding that the removal of the main body of the Arboretum's library and herbarium to Cambridge is in the Arboretum's interest, it states that in view of serious doubt in this regard the removal will not occur.

On the basis of the evidence available to us this conclusion could be stated more strongly to the effect that such a removal appears definitely contrary to the Arboretum's interests. Since

this is a fundamental point, we wish to cite certain reasons why, as we believe, such a removal would in fact be against the Arboretum's interests and therefore unjustifiable on the part of the Corporation as trustee.

We believe that an impartial consideration of the facts will show that whatever the advantage to Harvard and its botanical or biological departments from moving important parts of the Arboretum's library and herbarium to Cambridge, this would be disadvantageous to the Arboretum. It would, we believe, be disadvantageous to its usefulness to the public, to its achievement in its general scientific field, to its contribution to horticulture and botany in its special fields, to its future financial support, and to the reputation and prestige which are essential for its greatest usefulness.

The Arboretum can best be described as a horticultural- botanical institution because two separate yet interrelated and mutually supplementary sets of activities are carried on there. The institution is admirably equipped for this interrelated work. It has:

- (1) a fine collection of some 6000 species and varieties of trees and woody plants in an area of 425 acres (including the Weston property) of which it was recently said by a good authority that "there is no other comparable collection and there is not likely to be for many years";
- (2) an outstanding and unique library;
- (3) an excellent herbarium;
- (4) an endowment of over \$4,000,000. and many loyal friends; and
- (5) an excellent staff combining horticultural with botanical knowledge and skills.

It is, therefore, a well rounded and integrated institution, which is a prime reason why it enjoys such great prestige here and abroad.

The effect of the removal of the main body of the library and collections to Cambridge would be to break up this integrated institution. By dividing the facilities it would also divide the time of the Arnold Professor and his staff between Jamaica Plain and Cambridge. It would require some or all of them to shuttle back and forth to a disconcerting and wasteful extent. The net result would be gravely to impair the Arboretum's work; some say virtually to destroy it.

In thus impairing its work the removal would impair the Arboretum's reputation and make it difficult or impossible to find a man of first class ability, with proper qualifications in horticulture as well as in botany, who would be willing to accept the position of Arnold Professor.

On the other hand, if the present integration of horticultural-botanical activities can be not only maintained but developed, there is a great future ahead for the Arboretum, both scientifically and in serving the vast new public which is just beginning to be interested in horticulture.

We feel that many of those who have advocated the Bailey Plan, including the removal feature, as applied to the Arboretum, have not done so with the basic principle clearly in mind that the trust of the Arboretum's property and endowments must be administered with an eye single to the Arboretum's interests. We feel that if they approached the matter as tested by that criterion, rather than from the standpoint of the general effect of the removal on the University's botanical interests as a whole, many of them would be unable to say that the removal could or would benefit the Arboretum.

It may be that some might still argue that the removal would benefit the Arboretum itself as well as the combined botanical activities; but we judge that any such opinions would be more than offset by the weight of impartial testimony to the contrary.

We hope that the Corporation will see fit to recognize that there is at least grave doubt as to whether the removal would be in the Arboretum's interest and will, consequently, cancel that feature of the Bailey Plan. If so we believe that it should be possible to agree on language covering the various points on the administrative matters. If not, we believe that the best course would be a submission to the Courts through a petition by the Corporation as trustee.

We wish to add our regret that conferences on this matter were not held long ago. After receiving the Co-ordinating Committee's resolution of November 7, 1952, we met on November 23d with the Co-ordinating Committee and with a committee of the Corporation on December 15th. These meetings were the first opportunity the representatives of the Visiting Committee had been granted to confer with the Co-ordinating Committee or the Corporation. We feel that an earlier meeting would either have resulted in an agreement, or in submitting the matters in question for judicial decision as to the duties of the trustee. In either case, the present questions would already have been settled or be in a fair way to be determined.

The long delay and uncertainty have been damaging to the Arboretum, partly because under the circumstances it has been impossible to seek large gifts or legacies. As a result of the recent meetings we think it should be possible to reach an understanding without much further delay. It is our belief that these matters should now either be agreed upon or submitted to the Courts.

We are sending copies of this letter and the enclosed draft to Mr. Laird Bell as chairman of the Co-ordinating Committee.

We shall be glad, if desired, to confer further with the Co-ordinating Committee, the Corporation's committee or counsel.

Sincerely yours,

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Robert G. Dodge

Enc.

J. W. Farley

THE ARNOLD ARBORETUM CONTROVERSY

AN ADDRESS BEFORE THE ANNUAL MEETING OF
THE FEDERATED GARDEN CLUBS OF MASSACHUSETTS,
SWAMPSCOTT, MASS., OCTOBER 22, 1954.

by
John C. Wister, Director of the Arthur Hoyt Scott Horticultural
Foundation, Swarthmore College, and President of the American
Association of Botanical Gardens and Arboretums

In starting any talk before a garden audience I have always been able to say truthfully that I was happy to be present.

Today I cannot say that. My feelings are mixed. I do, of course, welcome this opportunity to explain to you as clearly as possible the cause and the meaning of the Arnold Arboretum Controversy.

I am sad because this is the first time in my life that I have had to stand on my feet in public and criticize any Harvard action. I am a Harvard graduate entirely loyal to my college. I am the 6th generation of Harvard graduates in my family and have two nephews and one great nephew who are graduates and also one great nephew a member of the present senior class. I am not a stranger from Pennsylvania, but more than half a New Englander. On my mother's side my ancestors were Harvard graduates back to the class of 1747. In addition, my father's mother's family came from New Bedford, and from Nantucket, and include many Harvard graduates. I do not speak as an outsider, but as one who, by inheritance, is devoted to Harvard, who in the Boston area is surrounded by literally dozens of cousins who are Harvard graduates. I want to make it quite clear that when I criticize a Harvard action I do it not only because I feel it necessary to speak out for the protection of the Arnold Arboretum, which I have known for 49 years this month, but even more to protect the

reputation of Harvard as a trustee.

I feel very strongly that the manner in which the decision to move the Arboretum library and herbarium was reached can hardly be defended, and that the type of defense which Harvard has adopted in replying to honest and intelligent criticism is absolutely unpardonable.

More and more graduates are resenting this present attitude. I have letters from many who, while they are not able to express an opinion on the merits, want to join our Association for the Arnold Arboretum, Inc., because they are so incensed at the action of Harvard in not only refusing to ask the opinion of the court as to the legality of such a completely new policy, but in going further and actually asking the Attorney General of Massachusetts to refuse the protestants their day in court.

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I feel ashamed every time I think that those in authority at my college should have taken such action. I am ashamed at their discourteous act of rushing the removal to Cambridge of most of the Arboretum's books and herbarium while the petition to the Supreme Judicial Court of Massachusetts was pending. I am not a lawyer but from the standpoint of an ordinary citizen this action seems very poor taste.

I must tell you enough of the history and background of the Arboretum to make you understand: (1) how the present situation has come to pass; (2) exactly what it is; and (3) what it seems to us to portend.

In 1869 James Arnold of New Bedford left by his will approximately \$100,000 "for the promotion of Agricultural and Horticultural improvements." Two of the three trustees he appointed were particularly interested in trees. While this showed his intent, he

gave them discretion to use the money for "other Philosophical or Philanthropic purposes."

They chose horticulture. They modeled their trust indenture on that of the Bussey Institution, a separate institution of which Harvard was trustee and whose director, appointed by Harvard, had an independent status compared to that of professors in other departments.

The indenture provided that the money should be used to establish an arboretum in which all the trees and shrubs which would thrive in the climate of the area should be grown. The Arboretum was to be under the direction of a professor called the Arnold Professor. He was to be appointed by Harvard and to have the same authority and privileges as those then in effect at the Bussey Institution.

The President and Fellows of Harvard College (the Corporation) as trustees were bound by these terms. They were not given the discretion, now so often claimed by quoting the words "for other Philosophical and Philanthropic purpose."

Harvard appointed Charles Sprague Sargent as the first Arnold Professor and Director of the Arnold Arboretum. In his half-century-long term he built up the Arboretum from nothing to the pre-eminent world collection of trees and shrubs.

He established the policies that made the institution world-famous. It was his strong belief that the outdoor collection, the library and the herbarium should all be together in one place. He personally gave that library which at the time of his death had 37,000 books. He started the herbarium with his own specimens collected during his three-year work on the tree survey for the tenth

United States census. In addition to his own gifts (of which no account was kept), he secured great gifts from his friends, so when he died the endowment fund had grown to approximately a million dollars.

The policies established by Sargent were never disputed. At his death an Appeal was published by the University and signed by a special committee, which included such outstanding horticulturists as Dean Liberty Hyde Bailey of Cornell, Dr. J. Horace McFarland of Harrisburg, and representatives of the Massachusetts and the New York Horticultural Societies and of the Garden Club of America and other influential groups.

This appeal, for a Sargent Memorial Fund, throughout its some thirty pages, praised the Sargent policies and asked for money so that the vision he had seen could be fully developed. It stated emphatically that the responsibility for the Arboretum lay with the President and Fellows of Harvard College, and that this guaranteed continuity of policy. As a result, a million dollars was added to the endowment fund by persons who believed in the Sargent policy, and who believed the pledge that Harvard would continue it.

In the interests of efficient management and of eliminating duplications Harvard authorities since President Lowell's day had been anxious to consolidate various botanical agencies. Both Oakes Ames, who followed Sargent, and Merrill, considered this problem and ways of solving it. Professor Irving W. Bailey, of the Morphology Section of the Botanical Department, made concrete recommendations in 1945.

Bailey followed the directions given him by Dean of the

Faculty, Paul H. Buck, to consider the welfare of Harvard's botany as a whole. He was not asked to consider the welfare of the Arboretum. Apparently he was not informed of the legal status of the Arboretum, or of some of the other institutions.

This report, since known as the Bailey Plan, was approved by the Harvard Corporation in January, 1946, without consultation as to its legal implications, in fact without the Corporation apparently being aware that a trust was involved. The possible horticultural effects upon the Arboretum were not considered and the plan was approved without consultation with any horticultural leaders.

The Overseers' official "Committee to Visit the Arnold Arboretum," after studying the proposed changes at the Arboretum, came to the conclusion that they would be detrimental, if not disastrous, to the Arboretum. After bringing this officially to the attention of the Overseers, they were joined by a former member of the Corporation, Mr. Grenville Clark, '03. Mr. Clark had concurred in the 1946 approval, but on reconsideration he opposed the plan as he had come to the conclusion that he had not been adequately informed.

The criticisms were not welcomed by the Harvard authorities, but, under pressure and after examining the legal reports, they did reconsider the whole matter and ask legal advice from their own counsel.

This brings us to the important Corporation Vote of January 19, 1953, their present Rock of Gibraltar: the Bailey Plan, they announced, would not apply to the Arnold Arboretum.

Unfortunately, in the 10th, and final, clause of this vote, three of the four most objectionable parts of the Bailey Plan

were re-enacted. These provisions deprived the Arboretum of a major part of its library and its herbarium, together with funds for their maintenance in Cambridge. In view of that, is it honest to pretend the proposals in the Bailey Plan no longer apply to the Arboretum?

It was because of the re-enactment of these proposals that in 1953 the Association for the Arnold Arboretum, Inc., was organized. Of this I happen to be a Director, but I am now speaking as an individual, not as an official representative of the Association.

The Association was founded by Harvard graduates of known devotion to the College, and has among its officers, directors and members, large numbers of Harvard graduates. Its membership grew from a small number in 1953 to about 300 in July and 600 in October 1954, from 28 states, the District of Columbia and Canada. The membership has been drawn not only from Harvard graduates, but also from independent professional botanists and horticulturists, nurserymen and landscape architects from all parts of the country, as well as amateur gardeners of high standing.

A group of ten friends of the Arboretum employed legal counsel to attempt to bring the matter to the courts.

The petitioners to the court felt they had every right to a day in court to determine the legal issues. They were prepared to put upon the witness stand, in court, prominent botanical and horticultural experts who had signified their willingness to testify under oath to their belief that the proposed transfer of most of the Arboretum's library and herbarium would be detrimental to the Arboretum. Because of the active opposition of the Harvard

authorities, the Attorney General of Massachusetts refused to order a court hearing. The Association believes that the Attorney General acted unfairly in this and that Harvard acted improperly.

The Association believes the present Harvard authorities persist in their plan in order to strengthen the botanical department in Cambridge, without proper realization that their position as trustee of the Arboretum should require them to think first of the effect upon the Arboretum. The Association believes, further, that the present plan is detrimental to the Arboretum, and will destroy its integrated character, its prestige and its position as a center to which botanists and horticulturists will come from all parts of the world.

The Association is not impressed by the present Harvard attempts to convince people of its great devotion to horticulture.

The Association contends that the record proves the opposite. It points to the fact that the Bussey Institution and the Botanical Garden have been abandoned and that the Arboretum staff has recently consisted almost entirely of botanists, with only one high-standing horticulturist.

The Bailey Plan stated that a main reason for continuing the outdoor collections at the Arboretum was the fact that they had in the past, and still were, bringing to the Arboretum large sums of money from persons interested in horticulture. Dr. Bailey was so frank as to state officially, and in print, that to do away with these collections would be (in his exact words) to "kill the goose that lays the golden egg". He, and the other Harvard leaders, can see no other reason for the outdoor collections. Their entire interest is on laboratory

research in Cambridge.

The Association has no reason to believe that this condition is likely to change. It believes the only way the Arboretum can be protected to continue in the work of its founders is through the power of public opinion upon the Harvard officials in a voice so strong that they will feel compelled to give horticulture the opportunity for prominence which it had under Sargent.

Early in July there were mailed from the Arnold Arboretum and from Cambridge some four or five thousand copies of a sixteen page pamphlet written by Dean Bundy.

It is an extraordinary document. It was titled, "Harvard's View of the Controversy over the Arnold Arboretum". We feel it helps our side because its explanations are so lame as to be preposterous. It contains statements that anyone who had ever really known the Arboretum, and the Harvard Department of Botany, would know to be incorrect.

Here are just a few of them. Dean Bundy asserts the move to Cambridge costs the Arboretum nothing. Does it not cost the Arboretum most of its library and herbarium, conservatively estimated to be worth over \$2,000,000? Does it not cost it prestige and importance? Does it also not cost an undetermined amount of the income?

In mentioning overcrowding and fire hazards at the Administration Building at Jamaica Plain, he omits to mention: (1) that part of it is already fireproof; (2) that some members of the Visiting Committee had offered to raise funds for a fireproof addition; and (3) that the overcrowding was largely caused by tropical material which never properly belonged there.

In explaining how the move "improves" the Arboretum facilities, Dean Bundy fails to mention that it became world-famous without help from Cambridge.

In mentioning the determination to maintain and enhance the beauty of the outdoor collections, he fails to mention that for years only about a quarter of the income was spent for these, and that the present totally inadequate ground force consists of eight men.

He states, as justification of the move of the library, that it releases space for the development of a "first-class horticultural library". The library taken away was a first-class library. There is another one at the nearby Massachusetts Horticultural Society. Will this new first-class library be a duplicate or a triplicate?

He states, as justification of the move, that many distinguished institutions have outdoor plantings in one location and library and herbarium in another. He gives no examples. I checked the directory prepared at the Arnold Arboretum. It showed one arboretum with library a mile away, one Experiment Station with herbarium at the state university, and thirty-one institutions with library and/or herbarium right on the grounds.

He tells us that the Bailey Plan does not apply to the Arboretum. Does it seem to you like a fair statement, when three of the four parts criticized have been retained or re-enacted?

Asked why three former Directors of the Arboretum were all against the move, he says it seems "probable" that the strong feelings which have been aroused are due to "misunderstanding". Who "misunderstands", -- these three Directors, whose service totalled a quarter-century, or the present college officials

who are newcomers?

Dean Bundy quotes the opinion of the new Director. Our evaluation of his testimony must be tempered by the fact that he is employed to carry out the Corporation policy. If he does not, he will be put out.

He says "one group" of horticulturists have felt that Harvard was hostile to horticulture. NOT one group. Practically all horticulturists have felt that.

And in his last paragraph, Dean Bundy quotes the very statement from the 1927 appeal that we have quoted so often -- the fact that as responsibility rests upon Harvard, this guarantees permanence and continuity of policy. How is that, after sixteen pages of trying to justify abrupt and revolutionary change of policy?

The January 19, 1953, "rescinding" vote, which in its tenth paragraph re-enacts (or "unrescinds") the moving of library and herbarium, by way of defending its action prefaces it with these words: "The Corporation determines that it is in the best interests of the Arboretum."

Apparently no one has publicly challenged the method by which the Corporation made such a "determination".

Was the Corporation's decision a well-considered one?

I contend that the decision was not either botanically or horticulturally sound and was not taken with the advice of unprejudiced persons or of persons who were familiar with horticultural problems. Not one of the members of the Corporation is a professional botanist or a professional horticulturist. Does any one of them even profess to like gardens, to be distinguished as an amateur gardener, and for that reason to be competent to deal with the horticultural questions? They do not.

Without first-hand botanical or horticultural knowledge, any "determination" must necessarily have been based on advice. This advice came from Dean Buck, who passed on the recommendations of the Bailey Report, which had been prepared at Dean Buck's own order to concern itself with the "health and vigor of botany itself." Dean Buck had not asked Professor Bailey to concern himself with either the welfare of the Arboretum, or the welfare of horticulture.

A number of Harvard botanists endorsed the Bailey Plan when it was first proposed and its implications were not understood. There is no record that any horticulturist was consulted.

In passing the vote of January 19, 1953, the Corporation showed that it did not put any importance upon horticulture, in spite of the facts: (1) that horticulture was mentioned by Arnold when botany was not, and (2) that it now claims to be vitally interested in the horticultural welfare of the Arboretum.

Advice was not even accepted from the official Overseers' Committee to Visit the Arnold Arboretum.

The action in "determining" the best interests of the Arboretum was taken without any opportunity for opinions from people whose opinion should have been asked, including Frederick Law Olmsted; retired Charles Eliot, Professor of Landscape Architecture; Bremer Pond, a later head of the Department of Landscape Architecture; or any members of the Olmsted firm, which designed the Arboretum and most of whose members are Harvard graduates. No advice was asked from Boston landscape architects such as Arthur or Sydney Shureliff, Fletcher Steele, Bradford Williams, or from any nurserymen of the Boston area, such as Harlan P. Kelsey, Richard Wyman, Winthrop Thurlow, etc., or from any great

outside horticultural leaders; from the nearby Massachusetts Horticultural Society (the largest in America); from any members of the Horticultural Staff of Amherst, Cornell, Rutgers, Penn State; from horticulturists of the New York, the Brooklyn or the Missouri Botanical Gardens, or the Morris, the Morton, or the National Arboretums; or from government horticultural station. Nearly all the horticulturists connected with these institutions are now known to be opposed to the Harvard Plan.

I contend that all of the above shows conclusively that (1) the Harvard Corporation's decision as to what was best for the Arboretum was not well-considered; (2) that it took advice on whether to approve the plan only from those botanists who had prepared the original Bailey Plan; (3) that it gave scant heed to the official protests of its official Visiting Committee; and (4) that it failed to seek advice from competent and recognized leaders of horticulture.

Is any of this your affair? If so what can you do about it?

My answer is definitely yes -- it is your affair.

What can you do? If you wish to help save the Arnold Arboretum from oblivion, if you wish to help restore confidence in a great University, then join our Association for the Arnold Arboretum and help us win this struggle.