

Dr. Fox

d r a f t

MICHIGAN STATE UNIVERSITY
VIETNAMESE ADVISORY GROUP
A PROPOSAL FOR
AN EDUCATIONAL PROGRAM IN
THE ADMINISTRATION OF JUSTICE
UNDER THE POSSIBLE MSU-ICA CONTRACT

July, 1961

Reference is made to the suggested work plan for the entire MSU advisory group, prepared by Dr. Guy H. Fox and dated July, 1961, which refers to the possibility of incorporating in the NIA planning an educational program in the Administration of Justice and the designation of an MSU staff member as Law Advisor. It is observed that the program has been discussed for over a year and that it is in the nature of a pioneer effort, at least in the field of Public Administration in overseas operations. Therefore, after thinking the problem through and after many discussions, the ideas have fairly well crystallized and may be somewhat at variance with original proposals. They are, of course, subject to modification as additional experience in the field warrants it.

Purpose

The purpose of this memorandum is to propose an educational program including a 40-hour course in the Administration of Justice for the regular students of the National Institute of Administration. The course would deal with the problem of civil-security relationships which will be encountered by most NIA graduates assigned to positions, not only in the provincial governments but also in the

national government. Likewise, it may be anticipated that there will be a continuing need for adjustments and reform of civil-security relationships as the nature of the security problem changes in Vietnam. Likewise, this problem will undoubtedly be in the forefront of government for the foreseeable future. Furthermore, absence of research and data in this area has already been a source of distress for all agencies concerned with the problem, and a principal purpose of this program would be the conducting of the necessary research.

It is noted that the memorandum of the work program of Dr. Fox envisions a possible ICA-MSU contract for a period of three years. It is believed that this is too short a period of time to accomplish the goals and it is suggested that a six-year program would be much nearer the minimum requirements to consummate these aims. Experience has taught that too short a program results in a severe regression in public administration strength.* However, both alternatives are discussed herein.

The Three-Year Program

Though not believed to be the most desirable, a great deal of good would be accomplished in a three-year program. The first year would encompass the joint Law Advisor-NIA Staff Member research and preparation textual materials. During the second year the Law Advisor would teach and revise the 40-hour course to regular NIA students. The NIA Staff Member would receive six months on-the-job training in various administrative positions in the Sureté and Police, after which he would assist the Law Advisor in teaching the course for the balance of the year. He would also aid in the additional, supplemental research outlined herein before as a necessary expansion of his basic knowledge in the field. The third and final

* See "Trends and Benchmarks in Overseas Public Administration - Review of Mutual Cooperation and Public Administration, 1959" by Public Administration Division, International Cooperation Administration, Washington, D.C.

year would differ from the second principally in that the NIA staff member would conduct the course under the supervision of the Law Advisor in preparation for assuming full responsibility for future courses. Research and revision would, of course, continue.

THE SIX YEAR ALTERNATIVE

Research Program

The primary research of the program would consist principally of developing case studies similar to those of the Vinh Long and Quang Nam village studies conducted in the fields of general Public Administration. The interested NIA staff member or members would work with the Law Advisor in developing the case study material. After assembling a suitable number of case studies, the Law Advisor would hold a series of seminars, general meetings, and work sessions wherein the content of a proposed course in Administration of Justice would be developed. This should result in the writing of a textbook on the subject. Collateral reading materials would have to be gathered, translated and programmed. Material already gathered and reported in the general Public Administration research studies already made by MSU, as well as research into germane situations in other countries, such as Malaya, could be incorporated into the text material.

As a supporting effort, it appears essential that some basic research should be done in the French and Vietnamese criminal jurisprudence. U.S. advisors have been trained in the English common-law system, which in many ways is at variance with and not applicable to the local situation from a juridical standpoint. Modern methods and techniques would be related to the local problem and judicial system. One year is the minimum time required for this research under either a three or six year program.

A logical outgrowth of this at the closing period of the tour would be a joint NIA-MSU research into the needs for improvement of the Criminal Court

system and judicial procedures in Vietnam. (NOTE: in this memorandum, such terms as criminal code, criminal procedure, etc., include all legislation and procedures involving security matters, special security courts, and similar things.)

NIA Staff Members

The recruiting of suitable NIA instructor material will be particularly difficult in this field. An ideal candidate would be a recent law graduate with some experience in the Sureté. To the writer's knowledge, no such individual exists. Likewise, with the possible exception of the military officers assigned to the Sureté, there is a dearth of individuals with the educational requirements of the NIA faculty. All persons with adequate educational requirements in the Sureté, as far as this writer knows, are currently in such key positions that they would not, and should not, release them for this task.

Therefore, it seems that the most practical approach would be to select a young, recently returned participant who has the minimum of an undergraduate degree from a United States university. This automatically eliminates the lengthy problem of English-language training. This individual, and there should be a minimum of two or three selected as alternates, should spend the first year of the program in joint research studies with the Law Advisor. After the first year, the NIA staff member should be sent to M.S.U. for one year to obtain his Masters degree in Police and Public Safety Administration. After his return, he should spend the next year in various training assignments in the various functional groups of the Sureté, including field operations. It is observed that this and all other reference to action of the part of the Sureté would, of course, be coordinated and agreed to with that organization. It is difficult to overstress the importance of this one year's minimum experience and training

on the job. The writer would be extremely hesitant to recommend an instructor for this subject anyone who had no practical experience.

In the fourth year of the program, one of the returned participants would be selected to assist in teaching the course at the NIA as taught by the Law Advisor. The alternates would act in that capacity in succeeding years and serve as replacements in the event of attrition. The fifth year, the NIA staff member would instruct the course under the supervision of the Law Advisor, and in the sixth, would continue the instruction and lead in the joint research program concerning the improvement of criminal justice.

Academic Program

This would be designed not as a law course such as has been given, nor as a course in the techniques of police science. There is a wide gap between the theoretical discussion of law, the practical application of police techniques to a police problem or a security problem, and the general problems which daily confront the village, district, provincial and other government administrators in the field of Administration of Justice and Security. This course, based on case studies, would be designed to fill such a void.

Particular stress would be placed upon the seminar type of classroom session rather than the straight lecture. Outside readings would be encouraged and materials would of necessity be translated into Vietnamese for such a purpose. Graphic training aids would be developed to assist in the instruction, and would be time consuming as little exists in the field. Straight lectures would definitely not be fully effective in this area of education.

We do not anticipate any formal relationship with the Police and Security services, but due to MSU's past history of cooperation with these services, continued, friendly relationships will benefit the development and continuation of this course of instruction. Even though definitely not primarily designed as

a course for police administration, but rather directed towards the generalist, we would anticipate that certain key members from the Sureté would be nominated by the Ministry of Interior to attend the fulltime NIA courses. Likewise, we would envision that the management of the Sureté would wish to nominate educated young men from without the service who would be trained in general administration and subsequently assigned to important posts for development within that organization. It is noted that some very capable province chiefs have come up through the Sureté organization to their present posts.

After the first year of instruction, IN-Service programs would be implemented on a regional basis for currently employed government officials at relatively high levels.

Submitted by E.H. Adkins, Jr.