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**Files of Melanne Verveer,
Assistant to the President and Chief of Staff to the First Lady
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Archived from OEOP 100 by Eric Woodard on Dec. 22, 2000

Legal Services

Legal Services

Legal Services

Legal Services Corp.

Legal Services Corp.

Legal Services Corp.

Legal Services Corp.

Legal Services Corp.

Lessons Without Borders

Library

Library of Congress

Presidential Library

Laura Liswood

Children's Literacy Conference
- Youth Development/After School/Violence

Literacy

Lithuania

Liz Clairborne
- Civil Society/Democracy Building
- Philanthropy

Lobbying – Federal Funding

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London

M. Ludtke

Luminaries

Legal
services

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

September 26, 1994

NATIONAL LEGAL SERVICES WEEK, 1994

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BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

The preamble to the Constitution reminds us that our great Nation was founded "to establish Justice . . . and secure the Blessings of Liberty" The very nature of justice demands that it be available to all. True justice cannot be rationed -- it cannot be accorded to some while others are denied the full benefit of their rights. Our Founders understood that privilege and responsibility are inextricably linked. The words "Equal Justice under the Law," inscribed over the portal of our highest court, represent a solemn promise made to every American.

Twenty years ago, the Legal Services Corporation was created to help keep that promise, promoting equal access to justice by making high-quality legal assistance in civil matters available to those who would otherwise be unable to attain it.

In designing the Legal Services Corporation the Congress recognized the need for an independent entity, protected from political interference, to support local programs that would be accountable to their own communities. Legal Services was designed to ensure that all Americans needing assistance are provided with legal representatives whose responsibility is to fully protect and defend their clients' best interests according to the highest standards of professional obligation.

For two decades, the Legal Services Corporation has fulfilled that mandate. It supports local legal services programs that operate under the auspices of their own Boards of Directors, which are made up of clients and representatives of the local bar. Today, the Corporation supports 323 programs operating in over 900 neighborhood offices across the Nation. In addition, more than 130,000 private attorneys volunteer their time and energy toward activities associated with local legal services projects.

Legal Services programs extend assistance to more than 1.5 million people every year, vindicating their rights, resolving their disputes, and offering a means of improving their lives. Dedicated attorneys, paralegals, staff, Board members, and volunteers have worked with unflinching commitment, often under adverse conditions, to serve those whose rights and interests they represent. Legal Services has won the respect of the judiciary, the organized bar, and the client community. For many Americans; the existence of legal services has renewed their faith in our government of laws.

On the 20th anniversary of the Legal Services Corporation, I reaffirm our national commitment to equal access to justice, to decency, to fair play. I voice my deep respect for those who have given so much to keep those principles alive over the years.

more

(OVER)

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week of September 26 through October 2, 1994, as "National Legal Services Week." I urge all Americans to join me in recognizing the contributions that the Legal Services Corporation and the local programs that it supports have made in fulfilling the promise of equal justice under the law, and I call upon the people of the United States to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of September, in the year of our Lord nineteen hundred and ninety-four, and of the Independence of the United States of America the two hundred and nineteenth.

WILLIAM J. CLINTON

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THE WHITE HOUSE
Office of the Press Secretary

(For Immediate Release)

March 24, 1995

REMARKS BY THE FIRST LADY
AT THE LEGAL AID SOCIETY DINNER

New York, NY

MRS. CLINTON: I want to thank the Legal Aid Society. I am delighted to be here among all of you who are supporters of legal aid and particularly of the Legal Aid Society. I want to thank those of you who had so much work to do to put together this dinner, and particularly acknowledge Mr. Murray (phonetic) and Mr. Brone (phonetic) for their leadership. And I am very pleased to have the opportunity to share this award with Marty Lipton (phonetic). And I especially appreciate what he had to say this evening. I also want to say a special word of thanks to all who were dinner chairs for this dinner. At least two of them have been my lawyers. Several others I admire, and appreciate greatly their contributions to this city and state, as well as to our country.

I am pleased to be here because this award means a great deal to me, coming as it does from people whose work I appreciate and respect. And coming as it does with so much support from the private bar, which has really been the backbone for the movement for Legal Services, from its inception. Over the years, as those of you who support and work with the Legal Aid Society know so well, this Society has been the true servant of justice, not only as the oldest organized provider of legal services to the poor, but also as the largest. Year after year, you have set records for the generous support that is provided for the civil and volunteer divisions. And the volunteer division itself continues to be a model for meaningful and effective pro bono involvement.

And I particularly want to thank Lane (phonetic) for her introduction, for her personal friendship and support, but also for pointing out that there is this great partnership between the Legal Services Corporation and the work that you do here every day, and particularly in support of the volunteer division. I congratulate you, particularly all of you who are currently on the staff, for the contributions you have made and are making to the cause of equal justice. And I know that the President joins me in urging you to keep up the good work you are doing in spite of the obstacles you confront as we as a nation attempt to navigate through uncharted and sometimes unfriendly waters.

I would also like to acknowledge the importance of Alex Forger to the Legal Services Corporation. While I know he is missed here in New York, we are fortunate to have his leadership and talents in Washington. And he is doing a magnificent job at perhaps the most critical moment in the life of the Legal Services Corporation. We are very grateful for that, Alex.

Coming here tonight, I was reminded of my first real involvement with legal aid when I was in law school and I worked at the New Haven Legal Service Organization, which many of you know was one of the first Ford Foundation model projects to determine whether legal aid could be delivered efficiently to the poor based on a stack model. I was immediately impressed by the commitment of the lawyers and the work that was being done struck me as what the profession at bottom was really about.

When I next was involved with legal services, it was when I began teaching at the University of Arkansas in Fayetteville, Arkansas. And I did not know that I was going to have the opportunity to teach, because at that time it was the summer of 1974 and I was engaged in another enterprise in Washington, serving on the impeachment staff of President Nixon's inquiry. (Applause) And when that ended, I was out of a job, and I called the dean of the law school, where a young man I had met during my own law school years was then teaching, and said that, "You once mentioned when I met you that if I wanted to teach, I would give you a call, so I thought maybe I'd give you a call." And he said, "Sure, you can come have a job. That's easy." And I asked, "What would I teach?" And he said, "I don't know, I'll tell you when you get here." So I showed up in late August of 1974 and he said, "Well, I want you to teach criminal law and run the legal aid clinic, and run the two prison projects for the state and federal prisons, and by the way, I want you to teach trial advocacy." That was sort of the way law schools work. I had no experience doing any of those things and immediately began trying to figure out how to start.

The very first evening I was in town ready to take on these new responsibilities, I was invited to the local County Bar Association's welcoming cocktail party for the law school faculty. The lawyer who was then the President of the local bar took me around introducing me to everyone. He introduced me to the Dean of the Chancery Court judges, by saying, "Judge, this is the new lady law professor. She is going to teach criminal law and run the Legal Aid clinic." And the judge looked down at me and said, "Well, I don't have a use for either lady law professors or legal aid clinics." And I thought, well, I'm certainly getting off on the right foot here. I always have a little trouble getting my footing in new setting in case you haven't noticed. (Laughter and applause)

But I found as many of you who find every day, and as many of you who are veterans of the legal services efforts have found in the past, that we often encounter people like that judge who

do not believe in legal services for the poor. He found all kinds of ancient statutes, going all the way back before the Magna Carta, to point out that it was illegal, immoral, impractical, and otherwise totally un-American to provide legal services for pro bono matters for simple cases. Over time, he became used to the fact, but not accepting of it, that legal Services was to stay.

And I thought that that really was the way we could describe most of the country until the past several months. I'm reminded of my own experiences because I know that it was replicated in so many communities, and is still being lived out in courtrooms and offices all over the nation. And that now we face the greatest possible challenge to the future of the provision of legal services. It has been 21 years now since the birth of this great enterprise, the Legal Services Corporation. And the LSC grantees, including the Legal Aid Society, have assisted millions and millions of people. Mothers seeking child support from absent fathers, children without access to health care, families facing homelessness, tenants living in intolerable housing conditions, welfare recipients seeking training for child care so they can work, nursing home residents deprived of the most basic care, victims of spousal abuse...and I can, as I know you are able, go on and on.

①

meeting legal needs of families here

The work of Legal Services has been amplified by the pro bono participation of the many thousands of private attorneys who consider it part of their professional obligations. Federal funding and other funding has been leveraged by charitable contributions such as yours. And I know we have to continue to urge the private bar to become even more supportive, no matter what happens on the state or federal level. Many of the people here understand that and I hope will carry that message to your compatriots in our profession.

We are going to be facing a very difficult challenge in the months ahead. And I'm hoping that we will be able to demonstrate clearly why the provision of legal services to those otherwise unable to afford them is not only the right thing to do for those individual clients, but is essential for the quality of justice available to all our citizens. I know that this is particularly important because poor children are suffering special burdens and poor people today are facing an even greater array of obstacles. And tragically, in today's political climate, poor children and their families are likely to be viewed less as objects of concern, but as culprits for everything that goes wrong with society.

I recently heard a sermon in which the minister related a story in Leviticus about the ancient Israelites who annually placed all of their miseries and sins on the head of a goat. And then sent that goat off into the wilderness. And when the goat reached the wilderness, the tribe felt cleansed of all problems, all evils, all sins. That, unfortunately, is an apt parable for

for legal services

**REMARKS OF DOUGLAS S. EAKELEY
AT THE OPENING ASSEMBLY OF THE
72ND NLADA ANNUAL CONFERENCE
WASHINGTON, D.C. DECEMBER 7, 1994**

The theme of this year's annual conference -- "Equal Justice: A Capitol Concern" -- is a timely reminder of Alexander Hamilton's famous dictum that "the first priority of government is justice." Indeed, the organizers of the conference must have been truly prescient in selecting this theme well in advance of Election Day: now, more than ever before in recent memory, this nation and its government need to be reminded of the fundamental principles that so uniquely define us as Americans.

Now, more than ever, we also need a vibrant and effective Legal Services program that will help make equal justice a reality for all Americans. Twenty years after the signing of the Legal Services Corporation Act of 1974, it can safely be said that the program has been an overwhelming success in providing access to justice for those in need, in helping the poor help themselves, and in protecting the defenseless against arbitrary and inhumane treatment. These achievements are even more impressive because they have taken place in the face of extreme adversity.

In the past thirteen months, the new Board of Directors of the LSC has worked diligently to improve the integrity of our grants distribution process, to enhance the effectiveness and quality of the legal services delivered by LSC grantees, to develop even stronger working partnerships with the organized bar, with client groups, and with other charitable organizations, and to rebuild our sometimes tenuous relationship with the Congress. And yet our current funding level is less than half of what is needed just to approach the "minimum access" funding level of 1981, and we have gone fourteen long years without reauthorization.

In the meantime, the demographics and politics of poverty have changed dramatically. We are now as a nation more separate and economically unequal than we were when the Kerner

Commission issued its dire warning in 1967. Despite a solid economic recovery, there are more people living in poverty in America today than at any time since 1961. And more of our poor are children today than at any other time in our history: through no fault of their own, 22% of all children in America now live in poverty, constituting 40% of the total poverty population. Children cannot vote, or organize themselves into political action committees, or even speak with voices that can be heard over the babble of special interests vying for the attention of our government. As a consequence, they suffer from homelessness, malnutrition, sensory deprivation, inadequate schooling, and diseases which are eminently preventable. And they die at rates that make many third world countries look respectable.

This is not a situation beyond our control. To the contrary, our government has deliberately chosen to spend less on social welfare programs for the poor than any other advanced industrial country, and far less than our means. We pay as much in farm price supports alone as we do for welfare and family support. Total payments to the poor through food stamps, Medicaid, SSI, and AFDC combined are less than the tax "subsidies" for retirement plans, home mortgage interest and health insurance. Even though programs such as WIC and Head Start represent not only humane but prudent investments that would reduce longer-term costs of care and treatment, we have chosen not to fund them fully. Unlike Social Security and government pensions, AFDC payments are not even automatically adjusted for increases in the cost of living -- causing those payments in almost every state to lag further and further behind the standard of need.

The extreme and increasing maldistribution of resources has been accompanied, and indeed justified, by an ideological attack on the poor that seeks to strip them of their dignity, stigmatizing and demonizing them as somehow "deserving" of their impoverishment rather than viewing them as victims of misfortune, economic dislocation, government failure and discrimination. The marginalization of the poor, in turn, has made it all the more difficult to develop political support for programs that could improve the quality of their lives and help them escape the bonds of poverty.

In the midst of these trends of increasing need, increasing incidence of poverty among those least capable of fending for themselves, and increasing political marginalization, the poor need advocates more than ever. Yet we confront in the next Congress perhaps the greatest challenge to the Legal Services program we have ever encountered.

Once again we are at a crossroads, not just as public interest or pro bono lawyers, but as a country whose Constitution defines as the purpose of its government establishing justice and securing the blessings of liberty -- not just for the privileged few, but for everyone. America's founders understood that democracy is only possible when all people have access to a system of justice that protects their rights, resolves their disputes, and provides them with an opportunity for helping themselves improve their lives. By providing access to justice for millions of needy and disadvantaged Americans, the Legal Services program has given them a stake in our system, a sense that government is meant to be a servant of the people rather than their master, and a dream that the American pledge of "liberty and justice for all" can become a reality.

We must not let that dream die.

THE NEW YORK TIMES,

TUESDAY, JULY 16, 1996

The New York Times

Founded in 1851

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The Kamikaze Campaign

Bob Dole's campaign for President has not gotten off the ground yet, despite innumerable lumbering attempts at takeoff. At a point in the election season when the novice candidate Bill Clinton had already released an entire book detailing his positions, Mr. Dole has not yet come up with a tax plan. He has gotten into public disputes with everyone from Colin Powell to Katie Couric. Now, the unkindest cut of all, he has been attacked by Senator Alfonse D'Amato of New York, a member of the campaign's inner circle.

Mr. D'Amato's complaints, first reported in The New York Post, were a public airing of criticism that Republicans have been expressing privately for several weeks. The G.O.P. is a party in the throes of a crisis of confidence over its inevitable nominee. Mr. Dole has provoked it by campaigning as badly as any major figure since the time Michael Dukakis stuck his head out of that tank in 1988.

Mr. Dole says the press is out to get him. But so far we have not been able to locate the journalist who forced him to forget his proud civil rights record and growl that the N.A.A.C.P.'s good-faith invitation to speak at its national convention was "a setup."

Mr. Dole's other mistakes of tactics and principle seem equally puzzling and equally avoidable. He should not have dismissed decades of science to argue that tobacco is not addictive. He should have kept to his original course and sided with pro-choice Republicans on the location of a "tolerance" plank in the party platform, rather than flip-flopping.

The Dole camp was clearly dismayed that such a prominent member of their own team was going public with the Republicans' widely held dismay over this kamikaze campaigning. Some suggested

that Mr. D'Amato was merely trying to protect his own shaky popularity in pro-Clinton New York. Campaign staff members pointed out the irony of Mr. D'Amato, who runs on the Right to Life line in New York elections, criticizing Mr. Dole for caving in to conservatives on abortion.

Whatever Mr. D'Amato's motives, he is certainly right. The Dole Presidential campaign is going badly. The candidate seems to be taking a positive delight in thwarting his aides' efforts to keep him "on message." As in 1976 and 1988, he tosses off remarks that wind up displacing his campaign speeches in the news. It is not such a great leap from "Democrat wars" to the crackpot assertion that Ms. Couric was violating equal-time rules by asking about his exoneration of nicotine.

Some of Mr. Dole's defenders rightly point out that there is an inside-baseball tone to these criticisms. They are about whether Mr. Dole is a good campaigner rather than a good potential President. But running for President is a test of how well a nominee can operate under almost unbearable pressure, constantly in the public eye, forced to handle a dozen pressing problems at once and work with a group of top aides who have different, often competing agendas. It is in some ways like being President. A campaign is an imperfect test, but it is still one of the best indicators the general public has of how a candidate would do once elected.

Invoking his history in war and peace, Mr. Dole favors third-person descriptions of himself as tough, persistent and unflappable. His Senate colleagues speak of a canny tactician who couples a core of principle and a pragmatic instinct for legislative deals. It will be a more interesting Presidential contest if that Bob Dole shows up for the campaign.

Ulster's Battered Peace

The bombs, barricades and bombast of sectarian strife have returned to Northern Ireland after a 22-month grace period that once seemed likely to bring a lasting peace.

Primary blame for this tragic retreat from sanity belongs with the Irish Republican Army, which broke a 17-month cease-fire in January with a deadly London bombing, then broke it again in June in Manchester. An I.R.A. splinter group may be responsible for last Sunday's hotel bombing in Enniskillen, the first sectarian bombing in Northern Ireland itself in nearly two years.

Gerry Adams, the leader of the pro-I.R.A. political party Sinn Féin, has yet to repudiate the I.R.A.'s bombing campaign and has thus excluded himself from the peace talks sponsored by the British and Irish Governments and strongly supported by the United States.

But heavy responsibility also rests with Protestant politicians, including David Trimble of the mainstream Ulster Unionist Party. The Unionists have deliberately inflamed the situation by leading provocative marches through Catholic residential neighborhoods, commemorating Protestant victories in the 17th century.

British authorities, after first insisting that the

marchers could not pass through Catholic strongholds, abruptly reversed themselves under Protestant pressure, one of a series of disastrous British tactical mistakes committed this year on Northern Ireland. Predictably, the marches incited clashes between angry Catholic residents and the predominantly Protestant police force, the Royal Ulster Constabulary. A Catholic protester was run over and killed last Friday by a security force vehicle.

After the I.R.A. resumed its bombing campaign, it was probably only a matter of time before Protestant hard-liners returned to confrontational tactics. Mercifully, they have so far limited themselves to marching, maintaining the bombing cease-fire they declared in October 1994.

For now, London, Dublin and Washington are left to watch helplessly as Catholic and Protestant hard-liners in Ulster turn the peace talks in which so much hope had once been invested into little more than an empty sideshow.

There is, however, one significant basis for hope. Most of Ulster's people, on both sides of the religious divide, seem appalled at the return to violence and want somehow to retrieve the chance for peace. Unfortunately, many of the province's political leaders decline to heed their pleas.

Buckle Up — in the Taxi, Too

For years safety-minded New Yorkers have urged taxi passengers to wear seat belts, given that violent stops are a fairly common feature in city traffic. A 1994 law that required bulletproof partitions between passengers and drivers has made seat belts more vital than ever.

As The Times's Joyce Purnick reported yesterday, passengers are smashing into the partitions in increasing numbers, resulting in debilitating head and facial injuries. An emergency room doctor at Bellevue Hospital describes the injuries as "a daily problem." The accidents are said to be pushing up insurance premiums. The Taxi and Limousine Commission keeps no statistics on the mishaps. But hospitals are seeing so many facial injuries that they have begun keep a tally on their own.

People who automatically buckle up when driving or sitting in the front seat tend to ignore seat belts when sitting in the rear. The commission requires that taxis built from 1990 on be equipped with belts, but the law does not require passengers to wear them. In fact, the state vehicle and traffic law specifically exempts both drivers and passengers in taxis and liveries from having to wear belts and harnesses.

The Taxi and Limousine Commission's lawyers are trying to determine whether a local seat-belt regulation for passengers would violate state law. The commission's chairman, Christopher Lynn, supports a state law that would require wearing the belts. Until the State Legislature takes up the matter, New Yorkers need to buckle up.

Legal Services on the Ropes

House Republicans are continuing their drive this week to destroy the Legal Services Corporation, the federally financed program that assists poor people with civil legal problems.

In May, anti-Legal-Services ideologues succeeded in slashing the program's budget by 30 percent, from an already inadequate \$400 million to \$278 million for the current fiscal year. Republican lawmakers also won restrictions that impede the ability of Legal Services lawyers to represent their clients effectively.

The latest attack threatens the program's very survival. The House Appropriations Committee has approved a bill that would cut the Legal Services budget for the next fiscal year in half, to \$141 million. That is far below what is realistically needed to sustain a meaningful national program.

The Republican leadership's goal is to starve the agency now and terminate it completely next year — converting what is now a Federal program into a far less vigorous series of block grants to the states. Sad to say, one of the ringleaders in this

retreat is a New Yorker, the Rules Committee chairman, Gerald Solomon.

House Republicans seem to think they can get away with killing off the Legal Services Corporation without any negative political consequences. They have apparently made a cynical calculation that the only thing less popular than a poor person nowadays is a poor person with a lawyer.

But that underestimates the nation's sense of fair play. If the question were put to them, it is hard to believe most Americans would favor denying impoverished adults and children help with urgent civil legal problems that jeopardize their homes, their benefits and, in cases where court protection from domestic violence is needed, even their lives.

As the issue moves to a vote by the full House later this week, and then the Senate, the fate of Legal Services — an important expression of the nation's commitment to the ideal of equal justice — hangs in the balance. President Clinton respects the program's importance. A lot rides on his willingness to exercise White House leadership to save it.

Madness as Usual

The police report of March 5, 1990, refers to the arrival of a "DOA," a male black, approximately 5 years old, at Our Lady of Mercy Hospital in the Bronx. When cops first saw the boy, he was lying face up on a table in the emergency room. His body, which weighed only 35 pounds, was covered with thick welts, severe lacerations and deep ugly bruises. His head and lips were battered and swollen, as if he'd been in a prize-fight.

No sign of life. Five years old. Hospital personnel tried to revive the boy but it was no use. He had been beaten so savagely his liver had split in two. He was officially pronounced dead about 9:45 A.M.

The police report, understated as always, recommended that the case "remain active."

It sure has. The boy's name was Adam Mann. He had been beaten by his father, Rufus Chisolm, and his mother, Michelle Mann, both of whom went to prison, and he was the subject of a celebrated "Frontline" documentary called "Who Killed Adam Mann?"

The documentary detailed the shocking extent to which city officials closed their eyes to the clearest possible evidence of extreme child abuse. Adam had four siblings who ranged in age, at the time of his death, from eight months to 9 years. Except for the youngest child (the only girl), brutal beatings were routine and broken bones were commonplace. Child welfare officials had known since at least 1984 of the horror that was taking place in the

household. For the most part, they ignored it.

"Frontline" reported that Keith Mann, who was 2 years old in 1984, had already suffered "a ruptured spleen, a perforated intestine, liver damage and fractures of the face, ribs, arms and skull." Michelle Mann was charged with abuse in mid-1984 and all of her children were taken from her, but only temporarily. She pleaded guilty to non-criminal charges of neglect, agreed to do better, and the children were returned.

Ghastly child abuse, ignored.

It was like sending kids back into a blast furnace.

Larry Mann, a year older than Keith, would suffer a broken wrist, a broken leg and so many minor fractures the authorities lost count. Peter Mann, the oldest child, reportedly tried to commit suicide after Adam's death, saying he wanted to join his brother in Heaven.

The city did not intervene in a meaningful way until Adam was killed. The surviving siblings were then placed in foster care. But except for the youngest child, for whom an adoption is being arranged, no permanent living arrangement has been worked out.

Michelle Mann was released from

prison in January 1994, and she wants her children back. Last September she gave birth to another child, a boy. (He was removed from her custody but will likely be returned.) Rufus Chisolm will be eligible for parole next year.

Incredibly, the long-term plan of child welfare officials is to return Adam Mann's three brothers to the

custody of their mother. And there is nothing to stop Rufus Chisolm from rejoining the family when he is released.

This is madness, of course. But in the demented universe of the child welfare system, it is madness as usual.

"The city is operating the way it always does, in a total vacuum," said Marcia Robinson Lowry, director of the advocacy group Children's Rights Inc. "Since 1990, when the surviving siblings came back into care, the city has basically done no realistic planning for them at all."

Children's Rights has brought a multimillion-dollar lawsuit against the city on behalf of the Mann youngsters and several other victims of child abuse and neglect. The suit charges that the city has repeatedly failed to properly investigate credible charges of child abuse, and has not properly managed the cases of children placed in its care.

Reasonable people may yet step in to thwart the return of Peter, Keith and Larry Mann to their mother. But even in that case, because no permanent, constructive alternative has been developed, the three boys would most likely, in Ms. Lowry's view, "just age out in the system, and probably wind up very, very damaged." □

The Making of an Anti

"The dictatorship of the Communist Party is maintained by recourse to every form of violence."

Leon T. Rotsky wrote that in 1924, when he was a leader of the Soviet party. He knew; he was a commander of party terrorism before and during the revolution until he became its victim, causing few to weep.

In the Soviet Union, and everywhere else a Communist party came to power, violence was the bedrock of its power. Now the Chinese Communist party stays in power through the unceasing use of violence against its people — torture, imprisonment and slave labor. Outside its borders, it used the ultimate violence of military invasion to occupy Tibet and for the half-century since to massacre its people and civilization.

But as Chinese missiles were dropping off Taiwan — the violence of international terrorism — U.S. China specialists were heard urging a policy that has never worked against any dictatorship, Communist, Fascist, theological or military: persuasion unsupported by political, economic or military sanction.

"Rather than stigmatizing and sanctioning China, the United States should assist those on the mainland who are working to change things" was one example. Michel Oksenberg, a prominent academic on Asia, wrote that in *Newsweek* and identified those people — "many" Chinese leaders now in power.

Let's state clearly what is rarely

Communist China and U.S. values.

said and often covered up. Attitudes about dealing with dictatorships do not spring full-born from the problem of the moment. They germinate — from personal background, political leanings, motivation, experience, and above all from beliefs about what is good or evil.

That is true of scholars, officials, businessmen and commentators like myself. None are acting simply as reporters, trying to convey data and present cool analysis. We are advocates for our visions of morality.

We believe one set of attitudes toward dictatorships to be moral and another evil. We do not often say so, possibly for fear of being considered

appeasement-soft or warmonger-hard. Americans who advocate persuasion without penalty can speak for their values themselves.

Mine come from the belief that all dictatorships are based on violence and therefore dangerous and despicable. By instinct and experience I am not a non-Communist but an anti.

For me, the question becomes how can we use our economic and political pressure to weaken dictatorships. The corollary is that even if we cannot drastically weaken them, it is a sin to enrich or empower them, synonyms really. I will not buy anything made in China.

No dictatorship was ever wheeled out of violence. The Soviet Union collapsed because of internal rot, economic isolation, increasing American military power preventing expansion of the empire, and dissidents heard abroad, with the help of America's Lane Kirklands.

President Clinton did well in the crisis China manufactured out of fear of democracy on Taiwan — although Beijing pointedly has not renounced future missile use. But the overall Clinton policy remains to exact no price for the indecencies inflicted on Chinese and Tibetans and instead to encourage American businesses and officials to push trade with China, including its armed forces. The policy has failed, except to strengthen the dictatorship.

Short of war the U.S. cannot destroy the dictatorship; the Chinese people will do that. But the President can take steps that at least would not shamefully bolster it. Among them:

- Tying tariffs to proven elimination of torture and military action, against the people of China, Tibet and Taiwan.

- Prohibiting export of any U.S. product or technology that would strengthen China's armed forces.

- Eliminating credit or guaranteed U.S. loans for such suicidal trade. (During World War II Americans said sardonically that U.S. scrap iron sold to Japan was dropped on Pearl Harbor; with China it's gone high-tech.)

- Invoking against China the severest penalties available by law for selling nuclear-weapon material to Pakistan or any country.

Similar steps — plus constancy — helped end the Soviet dictatorship. They can bring closer the end of its Chinese successor. That goal is in the best interests of the people screaming in the torture cells, of America's security and its morality. □

Slapp-Happy Companies

By George W. Pring
and Penelope Canan

Corporate America complains that lawsuits are crippling productivity. Chrysler is seeking sanctions against lawyers who have filed unsuccessful class-action suits alleging that the company put faulty brakes in cars. A California referendum that would have capped fees for lawyers who represent injury victims was narrowly defeated on Tuesday. Under industry pressure, the Senate passed a tort reform bill limiting damages in lawsuits involving faulty products.

One might almost believe that corporations are constant victims of lawsuits. But they are actually doing much of the suing.

More and more often, the companies' targets are neighborhood groups, environmentalists, consumer watchdogs, good-government groups, homeowners' associations and individuals. Their sin? Exercising their First Amendment right "to petition the Government" by speaking out at public hearings or contacting their elected representatives about corporate or government misdeeds.

Lawyers and judges call such suits

George W. Pring, a law professor at the University of Denver, and Penelope Canan, a sociology professor here, are the authors of "Slapps: Getting Sued for Speaking Out."

Slapps, for "strategic lawsuits against public participation." A nationwide study we recently completed for the National Science Foundation found that there were virtually no such suits before 1970, but since then tens of thousands of Americans have been sued and untold thousands have been silenced by threats.

A company filing a suit will usually allege defamation, business interference or conspiracy. But these accusations are just the window dressing necessary to get court attention.

The most frequent Slapps are filed by real estate developers against neighborhood groups and residents who oppose giving them building permits. For instance, SRW Associates of Woodbury, L.I., filed an \$11 million suit against 9 community groups and 16 individuals who testified against a proposed development at a public hearing. (The suit was dismissed.)

Corporations sue customers for filing complaints with government consumer protection offices. Businesses sue women's rights groups, civil rights organizations and unions for pointing out discrimination and workplace violations. "Eco-Slapps" are a risk for environmental groups that take on polluting companies, toxic dumps, loggers and even zoos. The Sierra Club has faced 10 such suits.

Perhaps most troubling, government agencies and employees are suing critics. In West Contra Costa, Calif., the sewer district filed a \$42 million suit against a resident, Alan LaPointe, and 490 unidentified John Does for opposing its plans to build an incinerator.

Lawsuits that muzzle citizens who complain.

The good news is that Slapps are losers; most are dismissed. But a judge's decision is often not the issue. Legal costs can devastate individuals and volunteer groups. As one executive who filed a suit told us, "There should be a price for speaking out against us."

Recognizing that public participation is essential to a democracy, 10 states, including New York, have passed laws against Slapps. New York requires a plaintiff to prove that the defendant acted with malice and "reckless disregard for the truth." If a judge rules that a case was brought for purposes of intimidation, the plaintiff can be forced to pay damages and the defendant's legal costs. But only Congress can protect everyone's rights; it should take up a similar Federal bill quickly.

For now, some companies and their lawyers are getting a taste of their own medicine. The legal profession's newest growth industry is "Slapp-backs" — countersuits filed by Slapp victims for abuse of the courts and violation of First Amendment rights. □

Abroad at Home

ANTHONY LEWIS

Thumb on the Scales

The G.O.P. attacks Legal Services.

BOSTON
In the American dream, law is the great equalizer. Rich and poor alike can seek their rights in court — and obtain what the motto inscribed on the pediment of the Supreme Court building promises: "Equal Justice Under Law."

That promise would be undermined by legislation near passage in Congress. It would savagely cut the funds and restrict the work of the Legal Services Corporation, which finances legal representation for those who need and cannot afford it.

President Nixon signed the Legal Services bill into law in 1974. The nonprofit corporation it created gives funds to local programs all over the country, helping five million people last year. Now the radical Republicans in Congress are working to destroy it. And President Clinton has not spoken out to defend its great purpose.

The Legal Services budget for this year has already been cut from \$400 million to \$278 million under the temporary spending measures repeatedly passed by Congress. The further assaults on the program are in an appropriation bill that awaits resolution of the overall funding conflict between Congress and the President.

Restrictions in the appropriation bill would prohibit legal services from:

- Bringing class actions. Such cases are a tiny part of Legal Services' work, but they may solve significant problems — for instance, the illegal cutoff of Social Security disability payments to thousands of people.

- Handling cases that involve political redistricting.

- Representing anyone who claims to have been treated illegally after a change in state welfare rules.

- Representing prisoners, such as those who claim they have been systematically assaulted or sexually abused, or aliens such as those seeking political asylum.

Another provision forbids Legal Services to get attorneys' fees when it wins a case, even if a statute requires payment. Still another says that no one working for an organization funded by Legal Services may appear as a witness on legislative matters, even in response to a Congressional request for testimony.

One more clause provides that all the restrictions apply to any local law office that gets even a small part of its money from Legal Services. So an organization supported by a local bar association gives up its freedom to choose cases if it takes \$1 in Federal funds.

The restrictions and severe budget cut reflect a deep animosity to the corporation. Why should there be such hatred of an enterprise promoting a profoundly American ideal, equal justice under law?

Some of the opposition comes from the Christian Coalition. It says Legal

Services is "anti-family" because it represents poor women in divorce cases. Most of those cases involve domestic violence, child abuse and the like. Is the Christian Coalition in favor of family violence and incest? Or does it think women should be bound to continue suffering such lawlessness?

In 52,000 cases it handled last year, Legal Services pursued fathers delinquent in child-support payments. Is that "anti-family"?

But something else must be involved in the attacks. It is resentment: resentment by those who have power in this country when, occasionally, they are held legally accountable for injuries to the weak.

Agribusiness has complained bitterly about Legal Services, for example — because lawsuits have made farmers provide minimum decencies such as sanitation, required by law, to seasonal workers. In other words, like so much else done by the radical Congressional Republicans, it is a case of the haves against the have-nots.

Alexander Forger, the distinguished New York lawyer who is president of Legal Services, said he was puzzled by the onslaught.

"We have a stake in a civil community," he said. "I cannot understand the objection to people solving their problems through the system."

President Clinton's silence in the face of all this is puzzling. Hillary Rodham Clinton was chairwoman of the Legal Services Corporation from 1979 to 1981. Are she and her husband really going to sit by while it is destroyed? □

Friday
3/29

Cohen up budget
delete restrictions

WH -
opposed cuts
modest
inc.

Current 415

S- 340 m (15 locust)
H/cong - 278 (eliminate by 1999)
Budgets

- non public funds (state govt
ban assn
prior)
- Cong 'ce 19 Sept
restrictions

federal
interference
alternative
funding source

franchise
legal services

Indep
nonprofit
\$ → state +
local prog.

Child Support
Domestic Abuse
nursing home abuse
Evictions
Foreclosures
divorces

rebuttal testimony

Consequences
Thousands of → 1.3m

- ① services fewer clients &
their families

Panel Offices forced to close

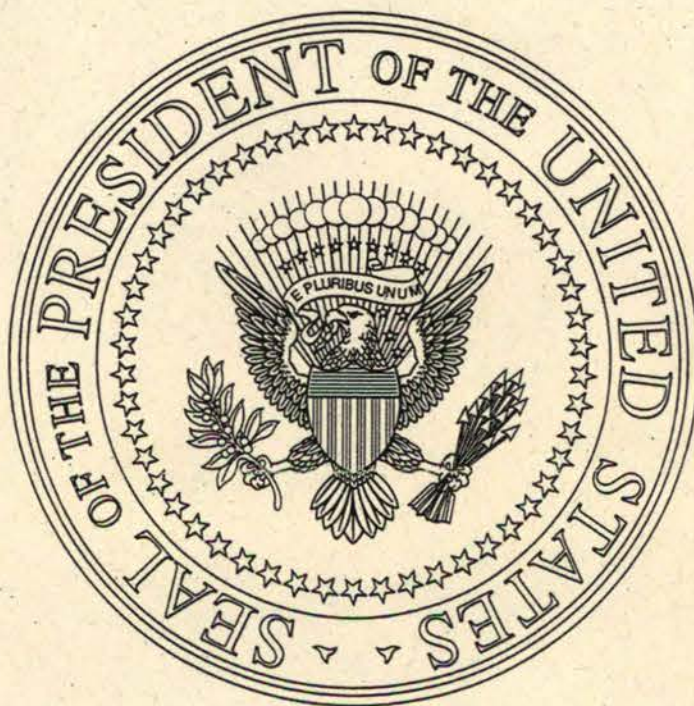
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permit fee generating cases
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White House News Report



Melanne Verveer
100 OEOb (5th copy)

Monday, April 8, 1996

Produced by the Office of News Analysis
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Washington Post 6/5/96

Abused Immigrant Slain After Plea For Legal Services Help Is Denied

New Law Limits Federal Program to Lawful Permanent Residents

By William Claiborne
WASHINGTON POST STAFF WRITER

LOS ANGELES, June 4—A week before Mariella Batista, a Cuban immigrant, was shot to death by the estranged father of her son, the federally funded Legal Services Corp. rejected her frantic pleas for help in getting a protective court order against the man.

The reason: 12 days before the murder, Congress had adopted a law prohibiting Legal Services from assisting anyone who is not a lawful permanent resident—even if private funds, not government funds, are used in the case.

Batista, 28, who had fled Cuba on an inner-tube raft, was in the United States on "protected parole" status and was less than a month away from an interview with immigration authorities for lawful permanent resident status, which is normally granted to Cuban refugees.

Immigrant rights activists said Batista had a long history of being beaten by the man who eventually killed her and had repeatedly told Legal Services officials that she feared for her life.

Now, Batista is dead, shot as she approached a family court building in Riverside for a custody hearing. So, too, is the father of her son, who was gunned down by sheriff's deputies moments later. The head of the local Legal Services branch, who tried to help Batista find some other legal representation, is reported to have been traumatized by the murder, and recriminations have begun in Congress.

Sen. Edward M. Kennedy (D-Mass.), a member of the Senate Judiciary Committee, said he will introduce an amendment Wednesday exempting battered women from the Legal Services restrictions.

"Steps which should have been taken to protect Mariella from her abusive [common-law] husband were not taken because Congress denied her the access to the agencies that could have helped her," Kennedy said today.

According to law enforcement authorities, Batista went to the Riverside County family law court building on May 7 with her 9-year-old son for a custody hearing when Felipe Mirabal, 31, her estranged partner, approached and grabbed the boy from her. Mirabal kissed the boy and then shot Batista as she tried to run away. Mirabal shot Batista again after she fell on the lawn of the court building before sheriff's deputies ran out and shot and killed him, authorities said.

Susan Drake, deputy director of the National Immigration Law Center here, said that besides the victim's son, witnesses to the murder included Irene Morales, executive director of the Inland County Legal Services Corp., who a week earlier had told Batista that because of Congress's new restrictions, Legal Services could not help her.

Despite the denial, Morales had tried to help Batista in other ways, taking her into her home and driving her to the court building the morning of the murder, immigrant activists said.

Morales has declined to respond to repeated telephone inquiries over the past two weeks. Morales' ad-

ministrative secretary, Shana Spears, said, "She will not discuss this case, and everyone here is instructed not to discuss this case with the media."

In 1992, Batista and Mirabal fled separately to the United States from Cuba, where Mirabal had briefly been jailed following repeated instances of spousal abuse, according to Minty Siuchung, staff attorney for Ayuda, a Washington-based group for battered immigrants. Mirabal and the couple's son left Cuba first, were picked up by the Coast Guard and settled in the Riverside area. Batista, who also was rescued by the Coast Guard, initially settled in Mobile, Ala., where she worked as a housekeeper.

Siuchung said Batista moved to Riverside last year and lived with Mirabal and their son while she worked as an aide at the California School for the Deaf. But in February, she took her son and returned to Mobile, telling acquaintances at the time that the abuse had resumed and that she feared for her life.

Mirabal responded by claiming paternity rights and seeking custody of the boy, prompting Batista and the 9-year-old to return to Riverside last month for a mediation hearing. Siuchung said, Batista turned to Legal Services, which provides legal representation for the poor, at the recommendation of her Mobile employer, who is an attorney, Siuchung said.

According to Drake, a week before the mediation hearing, Legal Services officials called the Immigration Law Center to see if there was anything in Batista's immigration records that would make her eligible for assistance from Legal Services. The center is a national support organization that provides assistance to Legal Services in immigration matters.

"We had to tell them that they couldn't serve her because of the new restriction," Drake said. "All we could do is double-check the records and inform them that they couldn't help her."

The restriction prohibiting Legal Services from using even private funds to represent immigrants who are not lawful residents was contained in an amendment to the 1996 budget bill that President Clinton signed April 26. The provision was introduced by Rep. Harold Rogers (R-Ky.), a member of the House Appropriations Committee, to bar any kind of legal assistance to illegal immigrants by a federally funded agency. Rogers did not respond to requests for comment.

Drake said the Legal Services staff advised Batista that she would have to find a pro bono, or volunteer, attorney to help her in the case. She managed to find one, according to Drake, but the attorney was too busy to meet with Batista before the mediation hearing and showed up at courthouse at about the time of the murder.

Advocates of immigrants' and battered women's rights said today that Batista's murder is certain to be repeated with other poor immigrants.

"Tragically, it's also inevitable that what happened in Riverside will happen again if immigrant women can't seek protective orders from the courts through Legal Services," Siuchung said. "If they had access to civil protection orders, they would at least have some chance."

New York Times 6/9/96

A Test of Congressional Conscience

Mariella Batista survived her escape from Cuba in an inner-tube raft. But once in the United States, she could not obtain critical legal help that might have prevented her shooting death May 7 at the hands of a man who had beaten her for years. Her sad story has sparked an important new effort in Congress to try to roll back some of the devastating new restrictions on the federally financed Legal Services Corporation, which assists poor people with their civil legal problems.

A week before the 28-year-old Cuban immigrant was murdered by her estranged common-law husband in California, a local Legal Services office was forced to reject her desperate pleas for help in getting a protective order to keep him away. The budget bill signed in April by President Clinton not only decimated funding for Legal Services, but imposed restrictions severely weakening the organization's ability to represent needy clients.

Among other things, it barred local Legal Services offices from using even private donations to represent immigrants who are not lawful permanent residents. Ms. Batista, in the country on "protected parole" status, was in the process of obtaining her permanent resident status. Though sympathetic to her plight, Legal Services officials had to

turn her down because she did not qualify for help.

Ms. Batista was shot while waiting outside a Family Court building for the start of a custody hearing involving her 9-year-old son by her ex-partner. Of course, some disturbed individuals will not be deterred by protective orders. But had Legal Services lawyers been allowed to help her, they could have made sure that she had law enforcement protection.

Prompted by the tragedy, Senator Edward Kennedy, the Massachusetts Democrat, has now proposed remedial legislation that would allow Legal Services offices to use non-Federal funds to handle the emergency legal problems of battered women and their children, regardless of their immigration status.

The change would entail no additional expenditure of Federal dollars, merely a recognition of the hurtful impact of denying legal protection from abuse to immigrant victims of domestic violence.

If the present Congress has a conscience, it will adopt this modest measure as partial atonement for its earlier attacks on a worthy program. It should be just the first step toward reversing the harshly punitive Republican assault on access to America's legal system.

criteria, more caseload reductions, and more skeletal forms of service.

"We're doing a kind of triage," laments Phyllis Holmen, executive director of the Georgia Legal Services Program based in Atlanta, which so far lost a fourth of its staff, going from 185 to 139 in the past year. "We're only taking emergency cases, meaning those that

threaten life or shelter."

Often in the past, legal services couldn't take on divorce cases unless spousal abuse was involved.

"Now," says Paula Zimmer, president of Legal Services Association of Michigan, an ad hoc group representing the state's legal aid offices, "we have to ask, 'How many times were you hit? And was there

a weapon involved?' I'm afraid we're sending the message that some level of violence is acceptable."

Client populations, whose legal needs were estimated as being met only 20 percent of the time prior to the cuts, can expect to receive hastier, more cursory representation, or none at all.

Rural Legal Services of Ten-

COMMENTARY

Don't Let Them Kill the LSC

BY JOHN J. CURTIN JR.

We spend a lot of time talking about tort reform and about improving the civil justice system. Too often, these discussions are centered on big cases, complex litigation and big money matters. For too many Americans, however, the legal system is not a matter of dollars and cents—it is a matter of life and death.

Our support for local legal services programs funded through the Legal Services Corp. is, at its core, support for people in these life and death situations. It is about providing people a measure of dignity in dealing with their most difficult problems.

Last year, lawyers around the country rallied to save the LSC. Despite some claims to the contrary, the LSC remains alive. Yes, the LSC now has fewer resources—a cut from \$400 million to \$278 nationally. Local legal services lawyers are further restricted in the work they can do. But we still believe that the LSC—even with less money and more restrictions—is worth saving.

This "saving" in and of itself is no small feat. Many had predicted and worked for the demise of the LSC. One senator, at least according to a story that may be apocryphal, was quoted last year as saying that even prayer would not save the LSC. But prayer, hard work and the collective commitment of thousands of lawyers from across the country paid off—in part.

However, the battle to save the



Legal Services Corp. is far from over. The battle to protect access to justice is not over.

Ongoing Battles

The effort to kill LSC is as old as the act itself. Twenty-one years ago when the original Legal Services Corp. Act was before Congress, the very concept was attacked.

Some said that creating local legal services programs would allow members of the bar to escape their pro bono obligations, that creating a federal program would only increase litigation. Some even said there really was no need for free legal services.

In the 1981 campaign to kill the program, there was a new twist to an old argument. Critics said then that local legal services programs were the tools of the ideological left, that programs were being directed by 1960s radicals forcing their agenda through class action lawsuits and politically motivated litigation.

In the past several months, the historic opponents of legal services have added new arguments to the old, that local legal services programs are anti-family—fostering divorces.

Opponents charge that legal services programs are destructive to the community, more concerned with defending drug dealers than with cleaning up inner-city housing projects.

Most recently, it is said that the programs attempt to thwart the political winds of change by opposing welfare reform, so popular among the American people.

Lawyers know the truth. Lawyers know that what local legal services programs really provide is hope, dignity

and compassion.

Does it serve a left-wing agenda to help a farmer in Missouri who is threatened with losing his farm because an illness has led to a fight with an insurance company? There were 250,000 improper farm foreclosures by the Federal Housing Administration in the last decade.

Is it anti-family to help a young woman seek a divorce from and protective order against an abusive husband, to work to ensure that a divorced father meet his obligations to his own children?

Are we really at the point where we defeat the will of the American people if we demand that reforms of government programs meet a simple test—that they be constitutional?

Yes, legal services lawyers have offended many. Because of their success, the LSC will continue to be under siege.

There are those on Capitol Hill who would strip the Legal Services Corp. of any funding in favor of block grants directly to states. Yet even under ideal conditions, block grants would provide far fewer resources than are necessary to meet even the baseline of legal services to the poor.

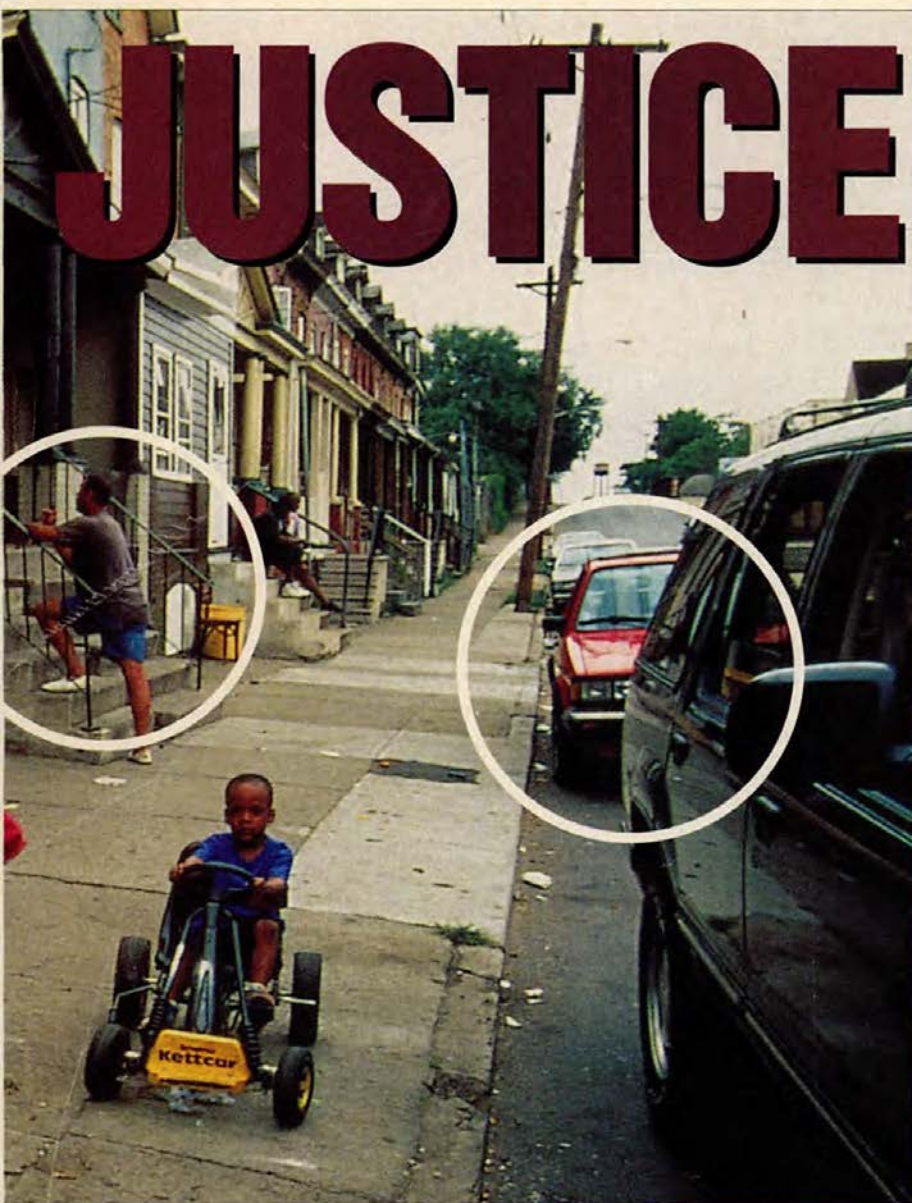
Opponents Are Active

The recently imposed restrictions on local programs make clear that opponents of legal services will try to kill the LSC, using the strategy of "death by a thousand cuts."

If you still doubt that our battle to save the Legal Services Corporation is really a battle to preserve legal services for the poor, consider this. Local legal services programs are now prohibited from using money they raise on their own in pursuit of any case of activity restricted by Congress. Does this strike you as incongruous?

Imagine a Congress committed to "divesting" power to the states suddenly taking such a contrary position of federal control. Congress has limited the advisory boards of local programs from

John J. Curtin Jr. of Boston was president of the ABA during 1990-91 and is chair of the Ad Hoc Committee on State Justice Initiatives.



JUSTICE

welfare reform

immigration

landlord-tenant

school enrollment

car repossessions

not-for-profit on Jan. 1 of this year, the date Congress cut LSC funds by one-third, from \$400 million to \$278 million.

The LSC transfers federal grant money to 323 legal services programs, which in turn operate about 1,200 neighborhood law offices throughout the nation. Because of cuts in LSC funds, 300 to 400 of those offices will be forced to close this year, hundreds of the 4,700 lawyers employed by LSC grantees will be laid off, and the 1.7 million cases typically handled will fall by an estimated one-third.

When Congress finally adopted

the 1996 federal budget in April, it also restricted the types of cases LSC grantees could handle for the poor. In anticipation of the limitations, along with the possibility that the LSC could be eliminated by 1998, the Rochester project, like most legal services organizations, had already begun planning for the future.

"I look out at the Genesee River and feel nostalgic and depressed," says Brown, who echoes the attitude prevailing among legal services directors. "But I manage to pull myself out of my nihilism. While I'm still here, I'll do what

I'm supposed to do."

Although legal services have successfully run the gauntlets of previous government threats, most notably under the Nixon and Reagan administrations, this time the future is bleak and the mood funereal.

At an April congressional hearing before an appropriations subcommittee, LSC President Alexander Forger reported on the impact of the funding cuts, but committee members were more interested in the viability of alternatives than the severity of damage.

The main difference between now and the 1980s is fiscal pressure, says Kenneth F. Boehm, the chairman of the National Legal and Policy Center in Vienna, Va., and a former LSC official who is now one of its critics. "Because [LSC funds] are discretionary domestic funds, they're easy to cut."

Dire Straits

The funding cuts have necessitated radical measures of self-preservation, including office closings, layoffs, hiring freezes and salary cuts.

Neighborhood Legal Services in Washington, D.C., for example, laid off 23 of 46 staffers, closed three of four offices, and expects to reduce services to clients by more than 50 percent.

Employees at Texas Rural Legal Aid voluntarily took a 12.5 percent pay cut, which means the lawyers there now make about \$24,000 a year.

Anishinabe Legal Services in Minnesota, which serves 15,000 clients, most of them Native Americans, is now open one day less a week, and its eight workers are taking a 20 percent across-the-board pay cut.

Distressed over seeing colleagues laid off and fearing future layoffs, many legal services staff members nationwide have resigned, and many others are actively job-hunting. Four staff members resigned from the Georgia Legal Services Program, and in Michigan, the trend of jumping ship has resulted in legal aid programs actually advertising job openings in newspapers.

Although legal services programs have always had to turn away a substantial percentage of potential clients for lack of resources, the current bout of attrition has bred even stricter intake

nessee is trying to spread the impact of handling 10 percent to 20 percent fewer cases across the board, while Georgia Legal Services has dropped representation on consumer and education matters.

"These are excruciating choices," Holmen says.

With incomes of no more than 25 percent above the national pov-

setting their own priorities.

All this sends the clear and unmistakable signal that continued vigilance and advocacy on behalf of the LSC is necessary. If you are still unconvinced, consider this: House Speaker Newt Gingrich, Majority Leader Dick Army and House Rules Committee Chair Gerald Solomon have signed on to a plan to kill the LSC at the end of this fiscal year.

Lawyers must meet political pressure with political pressure. Every lawyer must redouble efforts to involve business, the media and the public to support access to justice, and to make them allies in the fight to preserve the LSC.

This is not a battle about lawyers and bar associations demonstrating raw political power. This fight is not to avoid fulfilling our individual and collective responsibility to provide pro bono legal services in our communities.

The essence of our effort can be captured simply: Will we give people at or below the poverty level the dignity of justice? Will the poor men, women and children in each of our communities be deprived of even access to justice?

Without access to justice, there can be no justice. Without justice, there can be no respect for the law. Without respect for the law, the rights protected by the rule of law are just an illusion. Without these protections, what kind of nation are we leaving for our children and our grandchildren?

Our goal—the traditional goal of lawyers—is to save and preserve the fundamental rights of our neighbors, so that the motto "Justice for All" is not an empty phrase. □

Get Involved

Turn to page 8 for a special message to each member of the American Bar Association from ABA President Roberta Cooper Ramo.

erty level of \$15,455 for a family of four, clients of LSC grantees are by definition vulnerable. With a third of all cases involving family issues, women and children are likely to suffer the brunt of the funding cuts.

The most vulnerable populations, however, are the geographically, culturally or linguistically isolated. The rural poor, for instance, may lack alternatives as well as transportation.

"If they can't get help from us," says Neil McBride, the director of Rural Legal Services of Tennessee, based in Oak Ridge, which serves 19 Appalachian coal-field counties, "they won't get help at all."

In addition, the closing of a nearby rural office often encourages the exploitation of those who now have no recourse. Almost as a guardian against the opportunistic, "The mere presence of an office sometimes helps a lot," notes Linda Clingan, executive director of Oregon's Campaign for Equal Justice.

For some populations, culture and language can be as great a barrier as geography. In 1995, 30 percent of the clients of the MFY Legal Services office in Manhattan's Chinatown were Chinese immigrants. With that office closed by funding cuts, many Chinatown residents, unable to speak English, are at risk of being cut off from legal help because they are unlikely to cross the cultural and linguistic divides to other offices.

As for programs serving migrant farm workers, a population widely conceded to be vulnerable to exploitation, Congress decided to allow only basic field funding on a per capita basis (according to the census) because of lobbying by farming interests. In contrast, a special-funding designation allows separate offices serving these workers.

In Michigan, for example, 90 percent of the 160,000 seasonal workers are Hispanic and predominantly Spanish-speaking.

An average migrant family of four makes about \$8,000 a year. They are transient, moving throughout the year according to crop seasons, and housed by their employ-

ers in remote, rural locations where they often have no access to a phone, let alone a lawyer. Few have education beyond the eighth grade, and the average life span is 50 years.

As a result of all these barriers, one of the only means for legal services to contact these people, and represent their interests, is through outreach efforts.

"When we go out and talk to a family, we find that they're likely sitting on significant legal problems," says Phil Reilly, managing attorney of the Michigan Migrant Legal Assistance Project headquartered in Berrien Springs.

But like the large programs for migrant farm workers in California, Texas and Florida, the Michigan effort has suffered from serious layoffs as a result of funding cuts. "We're like the British in World War II," Reilly says of staff morale. "We're trying to keep a stiff upper lip."

While Michigan migrant-worker legal aid lawyers are struggling to meet their clients' most dire needs related to substandard housing, wages and field sanitation, as



Michigan migrant workers, mainly Hispanic, face substandard housing, wages and field sanitation conditions.

well as exposure to toxic chemicals, the migrant workers themselves are just beginning to express concern.

"They have only an inchoate sense that something is going wrong," says Reilly. "But there is a real stirring."

Impact of Restrictions

Although legal aid providers have had to react to the impact of funding cuts, by thinning their troops and resorting to rationing of services, they also have had to address an identity crisis created by new restrictions.

Regardless of where the money it actually spends comes from, no legal services agency that takes federal funds can pursue cases involving legislative redistricting, abortion, prisoners' rights, welfare reform, public housing evictions for alleged drug crimes, alien representation, or class actions. The only way around the restrictions is to create a separate agency that receives no federal money.

Federally funded legal-services attorneys also are prohibited from seeking attorney fees, except in cases begun prior to adoption of the restrictions, and may not lobby or give advice on poverty law except with LSC funds and in response to written requests from legislators and public officials.

In Oregon, where statutes grant attorney fees to the prevailing party in a variety of claims, legal services lawyers are particularly handicapped. Settlements will be harder to negotiate, and ethical questions may prompt them to refer cases to private lawyers who can collect attorney fees.

The justification for most of the restrictions has been that taxpayer money should not be used for legal representation that many opponents interpret as political advocacy. After all, agribusiness interests dislike class actions on behalf

of migrant farm workers; social conservatives dislike class actions challenging welfare reform; fundamentalist religious groups dislike divorce; and members of Congress dislike litigation that challenges the districting that got them there.

"As a result of the latter," observes Boehm, who was LSC director of policy development and communications from 1989 to 1994, "the LSC never made strong allies on the Hill."

Political motivations aside, however, if the restrictions had been in

place, none of the following lawsuits could have been brought:

- Rural Legal Services of Tennessee would not have successfully sued for a 3-year-old child to receive a life-saving liver and bowel transplant that a federally subsidized state health-care program had refused to authorize.

- Oregon Legal Services would not have won a consent judgment that recovered car titles and awarded damages in a class action on behalf of 68 individuals who had lost titles to their cars under a fraudulent loan scheme.

- Alameda County Legal Services would not have secured a federal court order requiring California to comply with the Family Support Act of 1988 and provide child-care funds to welfare recipients enrolled in state-approved job training.

- Michigan Legal Services would not have conducted trial-skills seminars for legal services staff, worked to convert a condemned public-housing facility into housing for homeless people with AIDS, and collaborated with the city of Detroit to draft ordinances regulating conditions in emergency shelters for the homeless.

Split Personality

To cope with the effects of restrictions in Washington state, the Access to Justice Board, created by the state supreme court, recommended in 1995 what has been called a companion-delivery system.

That has meant the state's three legal services organizations were

merged into one, Columbia Legal Services, which receives no federal funds and can take cases proscribed under congressional restrictions. A federally funded LSC grantee, the Northwest Justice Project, was also created, along with a central intake and referral system that directs clients to either the state or LSC program where appropriate.

Consequently, when the fund-



Many Chinese immigrants in Manhattan are poor and culturally isolated, and thus vulnerable.

“We have to **stop** meeting like this.”

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Hotel	\$292.00
Food	\$114.00
Misc.	\$50.00
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An LSC grantee, before restrictions, got court-ordered child-care funds for California welfare moms in job training.



ing cuts went into effect in January, the state of Washington was able to shift into action delivering services, while most other states were stuck in reaction.

Some of those other states are taking cues from Washington's strategy. The LSC grantee in New York state, for example, withdrew its bid for IOLTA (Interest on Lawyers' Trust Accounts) funds so that the law project in Rochester, which is not receiving LSC funds, could get them. Similarly, the Florida Bar Foundation is making grants to programs like the state support

center and Florida Rural Legal Services, which no longer receive LSC funds.

What is the reaction of LSC critics to this two-tier system? "Theoretically, if the split is total and the groups act separately, then that would really take the wind out of the sails of their opponents," says Boehm. "The attitude would probably be live and let live."

To replace some of the lost funding, the non-LSC programs are looking to sources that in the past have contributed relatively small amounts, compared to the LSC grants, which for many programs have comprised more than 60 percent of total funding.

Minor, but not negligible, sources include taxes, fee-generating cases, private donations, foundation grants and fundraising.

The largest secondary sources, most significant perhaps because of their mandatory nature, are IOLTA funds and court filing fees. The non-LSC-funded programs in Washington and New York rely primarily on IOLTA funds, while Tennessee's filing-fee increase replaced half of the \$225,000 the state's legal services lost in LSC funds.

To save money, legal service agencies are hoping for increased pro bono involvement. Of the approximately 700,000 lawyers in the country, more than

130,000 private lawyers are currently volunteering through pro bono programs. But with 50 million people eligible for legal services, the ratio is daunting. Pro bono can help, according to general wisdom, but it cannot fill the void.

Nevertheless, 54 of the largest Washington, D.C., law firms responded to the crisis there by pledging more pro bono work, rotating lawyers through legal-clinic staff positions, pursuing impact litigation and advocacy for the elderly, and donating money.

Although he appreciates the

efforts of private firms, Willie Cook Jr., the executive director of Washington's hard-hit Neighborhood Legal Services that lost \$876,000 in LSC funds, has to be realistic.

"Our top priority, at this moment of major devastation, is to replace the money we lost," Cook says. "We can't absorb pro bono help because we don't have the staff necessary to give expert advice and support. 'Give us \$1,000.' That's my first request of each member of the D.C. bar. After that, then, of course give whatever hours you can."

Tightening Up

While efforts continue to raise money, and save money, legal services are focusing heavily on strategies for using money efficiently.

Guided by the State Planning Assistance Network, which is a joint American Bar Association/National Legal Aid and Defender Association project providing transition support, legal services are pursuing state-wide coordination and technological upgrades.

To avoid the doubling of administration that would occur in a companion-delivery system, Washington state's program involves a central intake and referral system. Its phone and voice-mail service is accessible in Spanish as well as English. During an in-person or telephone interview, client information is entered into a computer data base to identify conflicts of interest and appropriate services, which include brief advice, educational clinics, self-help options, referral and representation.

E-mail in Washington's legal services offices enables lawyers to maximize the central intake data base as well as pool legal research and plug into brief banks.

"It will take several months to get the software going well," admits Pat McIntyre, executive director of Washington's Northwest Justice Project in Seattle. "But it's very exciting." Like other legal services directors, McIntyre acknowledges mixed feelings about the present situation. He is frustrated about the funding cuts, the restrictions, and the possibility that present successes may be undone if the LSC is killed in 1998. But he is excited about new beginnings and improved efficiency.

"However," he says soberly, "the excitement is not yet shared by our clients." ■

landlord-tenant disputes

car repossessions

DOWN SIZED

With a scaled-down Legal Services Corp., low-income clients are facing the cutbacks in lawyers to help them on . . .

welfare reform

immigration

landlord-tenant disputes

BY DAVID BARRINGER

From the sixth floor of an office building in Rochester, N.Y., a despondent Steve Brown stands with his hands in his pockets and looks out at the Genesee River. Justice for the American poor is caught in a current of transition, and Brown is looking for some way his organization can stay afloat.

For the past 22 years, Brown has been director of the Greater Upstate Law Project, a support center

David Barringer, a lawyer, is a magazine writer living in suburban Detroit.

for legal services for the indigent in New York state. Engaged in training, education, litigation support and legislative advocacy, the law project received \$470,000 of federal money—45 percent of its operating budget—until Congress eliminated funding for all national and state support centers this year.

The law project in Rochester was in fact part of an umbrella program that received federal funds from the national Legal Services Corp. To avoid the strings attached by Congress to federal grants, the project dropped out of that umbrella program and incorporated as a

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Curb on Class-Action Suits For the Poor Is Challenged

Move Threatens Legal Services Financing

By NINA BERNSTEIN

As a Congressionally imposed deadline takes effect today for legal services lawyers to withdraw from class-action lawsuits, a prominent civil liberties lawyer is challenging the constitutionality of the measure.

His legal brief, which he will argue today in New York Supreme Court in Manhattan, threatens to split legal services lawyers and upset a political compromise that was designed to save the beleaguered Legal Services Corporation from losing all its Federal financing.

Regardless of the outcome of the case, the brief provides a blueprint for similar legal challenges around the country. For almost 30 years, the class-action lawsuit has been the big gun of lawyers for the indigent, enabling them to challenge the mighty on behalf of groups of poor people who may not even know they have a right of redress.

But in May, as Republicans tried to dismantle what they view as an organization committed to a left-wing ideology, the founders of legal services agreed not fight a Congressional ban on their class-action suits in return for financial survival.

By challenging this acquiescence to the ban in a 24-page brief, Burt Neuborne, the civil liberties lawyer, has set off a bitter struggle for the soul of legal services.

Mr. Neuborne, a professor at New York University Law School and the former legal services director of the American Civil Liberties Union, contends that the restrictions are a constitutional violation of the separation of powers and equal protection of the laws and that they violate well-established rights of lawyers, indigent clients, judges and private contributors who want to support the legal services cases banned by Congress.

"This is the endgame of the effort by the Republican right to remove law reform as an option for poor people," he said. "The sad thing is legal services is prepared to surrender a large chunk of what it is for fear of being put out of business. I'd like to be a good team player, but I so profoundly believe that they're wrong, I can't let this go."

But Alan Houseman, the director of the Washington-based Center for Law and Social Policy, which lobbies for legal services, remains convinced that the political compromise he designed is crucial to its survival. Mr. Houseman, who helped found the Legal Services Corporation more than 25 years ago, said he and a consortium of legal services' program directors had sought a constitutional analysis of the restrictions from the American Civil Liberties Union earlier this year.

But in May, Mr. Houseman said, "We made a political decision not to file a major lawsuit." Some A.C.L.U. lawyers said the decision left them feeling "co-opted." After serving as counsel to Mr. Houseman's group, the A.C.L.U. was no longer completely free to mount its own challenge to the restriction, Mr. Neuborne said.

In July, an attempt to slash next year's budget for the Legal Services Corporation was turned back with the support of a few Republicans whose votes would have been lost, Mr. Houseman said, if the restriction on class-action suits had been challenged.

Under pressure from program directors not to rock the boat, legal services staff lawyers have disposed of all but 20 to 30 of about 630 class-action lawsuits that were pending on April 26 when President Clinton signed the restrictions into law. In some cases the suits were handed off to former legal services lawyers who set up separate poverty law programs with private donations when Congress slashed the 1996 legal services budget to \$278 million from \$400 million the previous year.

But in a few cases even exhaustive efforts to find substitute counsel have failed. These include a Phoenix, Ariz., case on behalf of American Indians who contend they were systematically recruited by a now-defunct private vocational school with fraudulent claims; a Chicago case on behalf of pregnant women and children seeking access to obstetrical and pediatric care under Medicaid rules, and a Rhode Island case on behalf of thousands of women and children who are owed child support money that was collected from absent fathers by the state, which kept it all in violation of Federal law.

In the last case, a Federal judge refused last month to allow the withdrawal of the legal services lawyer involved when her co-counsel, John Dineen, now in private practice, filed a motion objecting on behalf of the clients.

One plaintiff in the Rhode Island case is Virginia Villandry, who said in an interview that she lost her house and was forced to go on welfare after her husband left her with two toddlers, one retarded, in 1971. Mrs. Villandry said the state collected \$25 a week in child support from her former husband, who worked in a military plant, but failed to pass on to and her daughters the first \$50 a month, as Federal law required.

"It would have meant to be able to buy food and get my kids clothes," said Mrs. Villandry, 65, who recalled going hungry and weeping in shame over the cracked plywood of a kitchen floor.

After her legal services lawyer, Gretchen Bath, won the lawsuit, filed seven years ago, Mrs. Villandry received a belated check for \$1,008. It was a godsend last winter, she said, when the money went to pay the heat and utilities in the home where she still cares for her retarded daughter.

"The only reason I got it is that Gretchen went to bat for me," she said.

A blueprint for legal challenges around the country to restrict lawyers for the poor.

But with 723 other plaintiffs in the suit still waiting for court-ordered relief, Judge Raymond J. Pettine of Federal District Court noted in his order on July 3 denying Ms. Bath's motion to withdraw as counsel.

The restrictions create a profound ethical dilemma for staff attorneys, Mr. Neuborne asserts in his brief. Threatened with the loss of Federal financing for the zealous pursuit of their clients' interest, the brief says, lawyers are caught in a conflict of interest that professional canons require them to resolve.

It is this conflict of interest that Mr. Neuborne's brief asks the court to solve, using a novel legal device he calls "a conditional motion to withdraw," which he filed on behalf of Valerie Bogart, a lawyer with New York Legal Services for the Elderly who was his law student 19 years ago. Ms. Bogart is lead counsel in a four-year-old class-action suit on behalf of homebound people denied Medicaid help without a hearing.

Because Ms. Bogart has already won the class-action lawsuit and is now monitoring court-ordered relief, the judge could find that the case falls outside the constitutional restriction rather than ruling on its constitutionality. But Mr. Neuborne said that he planned to file his own lawsuit challenging the restrictions directly in any case.

If a Republican-controlled Congress retaliates by ending legal services financing, he said, "the courts will hold there's a right to counsel in civil proceedings."

The class-action suit, now under attack on many fronts, was not always known as a vehicle that empowered disenfranchised plaintiffs and consumers. In the first half of the century it was largely used against unions, and on behalf of shareholders suing corporate management. Its career as an engine for social change dates only from 1966, when new rules of civil procedure were adopted, partly in response to wide resistance in the South to the landmark Supreme Court decision, *Brown v. Board of Education*.

"There's always an argument saying the minority is going to be worse off if they assert their rights," Mr. Neuborne said. "The tough part is that they do suffer for asserting their rights. But if you can bluff them out of the game, then rights cease to have meaning."



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

July 22, 1997

THE DIRECTOR

The Honorable Bob Livingston
Chairman
Committee on Appropriations
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This letter provides the Administration's views on the Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, FY 1998, as reported by the Subcommittee. As the Committee develops its version of the bill, your consideration of the Administration's views would be appreciated.

The Subcommittee has developed a bill that provides requested funding for many of the Administration's priorities. For example, we appreciate the Subcommittee's funding of law enforcement programs in general and the COPS program in particular. Funding COPS at the requested level of \$1.4 billion is consistent with the Bipartisan Budget Agreement and would enable us to achieve the goal of hiring 100,000 additional police officers by the year 2000.

As discussed below, the Administration will seek restoration of certain of the Subcommittee's reductions. We recognize that it will not be possible in all cases to attain the Administration's full request and will work with the Committee toward achieving acceptable funding levels. The Administration is committed to working with the Committee to identify reductions in the bill in order to find offsets for the restoration of funds that the Administration seeks. For example, funding could be reduced for the Local Law Enforcement Block Grant and the new Juvenile Justice Block Grant. We urge the Committee to reduce funding for lower priority programs, or for programs that would be adequately funded at the requested level, and to redirect funding to programs of higher priority.

The Administration is particularly concerned about the inadequate funding levels provided for the Legal Services Corporation. As is discussed further below, if the bill presented to the President were to contain the levels provided in the Subcommittee bill, his senior advisers would recommend that he veto the bill.

File
Legal
Services

Department of Commerce

- Census Sampling. The Administration strongly opposes the Subcommittee's language that would prohibit any funds from being used for activities related to the design, planning, testing, or implementation of sampling in the 2000 Census, and would further require the passage of an authorization bill prior to the expenditure of more than \$100 million for any 2000 decennial planning operations. This represents an unprecedented and unacceptable attempt to micromanage the decennial census. Such restrictions would seriously undermine decennial census planning operations, especially with regard to address list development, procurement, and the 1998 Decennial Dress Rehearsal. The Secretary of Commerce has indicated that he would recommend that the President veto the bill if it were to contain this provision.

While the Administration will continue to seek congressional input on this important issue, we also remain committed to the use of sampling to ensure the most accurate decennial census possible. Without the limited use of sampling, the accuracy of the census would decrease significantly, especially with regard to children and minority groups that have been traditionally undercounted. The National Academy of Sciences, the General Accounting Office, the Commerce Department Inspector General, and the vast majority of the professional statistical community support the use of sampling in the decennial census.

- National Oceanic and Atmospheric Administration. We are disappointed that the Subcommittee bill would provide only \$8 million of the \$22 million requested for the President's Clean Water Initiative, which helps protect coastal communities from pollutants. The National Oceanic and Atmospheric Administration (NOAA) is the primary trustee of our Nation's coastal resources and, as such, plays an important role in this initiative. The \$22 million initiative builds from NOAA's unique coastal responsibilities and partnerships with States and other Federal Trustee agencies. In addition, we are disappointed that the Subcommittee has not included any funding for the Global Learning and Observations to Benefit the Environment Program (GLOBE). This program was developed to increase understanding of the Earth and has already formed partnerships with over 2,500 U.S. schools and 35 other countries, involving thousands of students across the U.S. and worldwide. The Subcommittee is recommending over \$30 million in funding for NOAA activities not requested by the Administration. We strongly urge that a portion of these funds should be redirected to continue the Clean Water Initiative, GLOBE, and other priorities such as fisheries conservation and management.

- National Institute of Standards and Technology (NIST). The Administration greatly appreciates the overall funding level for NIST and the Subcommittee's support of the Bipartisan Budget Agreement. However, we strongly urge the Committee to drop language restricting new Advanced Technology Program awards and to adopt language allowing continued Federal funding for Manufacturing Extension Centers beyond six years, as was passed by the House in H.R. 1274.
- National Information Infrastructure (NII). The Administration urges the Committee to reallocate resources between the NII grants program and the Public Broadcasting Facilities program. The Subcommittee mark substantially reduces funding for the former and provides a large, unrequested increase for the latter. The NII program is meritorious, providing seed money for innovative projects that deploy, use, and evaluate advanced telecommunications and information technology.

Legal Services Corporation

The Administration finds the Subcommittee bill's funding level for the Legal Services Corporation (LSC) unacceptable. The bill would fund the LSC at \$141 million, \$142 million below the FY 1997 enacted level and \$199 million below the President's request of \$340 million. The amount that the Subcommittee bill would provide, 65 percent below the FY 1995 level of \$400 million, would cripple the program and call into question the Federal Government's commitment to ensuring that all Americans, regardless of income, have access to the judicial system. The Administration strongly urges the Committee to fully fund the President's request. The President's senior advisers would recommend that he veto the bill if it contained the funding level in the Subcommittee bill.

Department of Justice

- Drug Courts and Drug Testing. The Administration is disappointed by the failure of the Subcommittee to provide any of the \$45 million requested increase for drug courts. The drug courts program is a proven, cost-effective means of using the coercive power of the courts to move non-violent offenders into drug treatment programs. Also, the President's budget would provide \$30 million to offset the costs associated with drug testing State and local arrestees. The Administration is concerned that the Subcommittee does not identify \$30 million from the Byrne Grant program for the State and local portion of the drug testing program, as proposed by the President. The drug courts and drug testing programs could be restored to the requested levels by reducing the Subcommittee's funding for the Local Law Enforcement Block Grant program.

- Juvenile Justice Block Grant. The Administration appreciates the Subcommittee's desire to provide additional support for juvenile justice programs. However, the Administration is concerned that the \$300 million block grant program may authorize a broad and unfocused range of spending and urges the Committee to target \$100 million for the prosecutorial grant program, which is designed to facilitate the cooperation and coordination of prosecutors and police with school officials, probation officers, youth social service professionals, and community members in an effort to reduce the incidence of gang activity and violent juvenile crime. The Administration also urges the Committee to target \$50 million for the violent youth court program, which is designed to develop initiatives for use by the courts and court-related entities, such as probation and parole offices and victim/witness centers, to enhance and expedite the handling of youth violence cases.

Department of State

The Administration appreciates the Subcommittee's support for the State Department's accounts that fund diplomatic and consular activities, which would help reverse the erosion of the Department's worldwide operations. We are also pleased that the Subcommittee provided the transfers as requested to support the International Cooperative Administrative Support Services (ICASS) program.

While the Administration welcomes the first-year funding of \$100 million for arrears payments, we are deeply concerned about reductions in the funding levels for the FY 1998 annual assessments provided in Contributions to International Organizations and Contributions for International Peacekeeping Activities (CIPA). United States leadership in these organizations on a host of issues of importance to the American people will be compromised if we fail to meet our binding obligations to them. It is important that funding for these activities be protected so that the Administration can pay annual costs, avoid new arrears, and be given some flexibility to address unforeseen needs relating to peace and security around the world. While we appreciate report language that underscores the importance of funding for arrears as part of long-term reform efforts, we are disappointed that the bill does not provide a commitment for three years of arrears funding as allowed by the Budget Resolution and as consistent with the pending authorization bill. The Administration is committed to working with the Committee and the Congress as a whole to resolve these important issues relating to the future of international organizations.

The Administration urges the Committee to strike two provisions that raise Constitutional concerns: section 609, which concerns diplomatic relations with Vietnam, and section 610, which relates to command and control of United Nations peacekeeping efforts. In addition to Constitutional concerns, we believe that the issues raised by these provisions are being addressed in the pending authorization bill in more workable and appropriate ways.

Ounce of Prevention Council

The Administration opposes the Subcommittee's termination of the Ounce of Prevention Council. Elimination of this program would hinder the Federal Government's ability to help neighborhoods implement balanced strategies to reduce crime through enforcement, prevention, and intervention. The Council awards discretionary grants for promising community collaborative crime prevention programs, publishes a catalog of crime prevention grants and programs, and provides information and technical assistance. It plays a critical role in helping communities gain access to information on crime prevention best practices. The Administration strongly urges the Committee to provide funding for the Council and to rescind \$1.5 million from the Department of Justice's Working Capital Fund as an offset.

Arms Control and Disarmament Agency

The Administration opposes the Subcommittee mark of \$41.5 million for the Arms Control and Disarmament Agency (ACDA), which would severely undercut the Administration's efforts to reduce the threat of nuclear and other weapons to the security of the American people.

Comprehensive Nuclear Test Ban Treaty

On July 17th, a budget amendment for Comprehensive Nuclear Test Ban Treaty requirements was transmitted. The Administration urges the Committee to provide the full revised request for these important national security activities.

Equal Employment Opportunity Commission

The Administration strongly urges the Committee to fully fund the President's request of \$246 million for the Equal Employment Opportunity Commission (EEOC) given the importance of its work in addressing unlawful discrimination. The requested level would enable the EEOC to maintain current staffing levels necessary to continue ongoing efforts to reduce the substantial backlog of employment discrimination complaints.

Office of the United States Trade Representative

The Administration appreciates the Subcommittee's increase in funding for, and its past support of, the Office of the United States Trade Representative (USTR). However, USTR requires full funding in order to accomplish the Administration's trade-policy objectives. USTR has had to manage a seven-fold increase in the number of World Trade Organization dispute settlement cases since the signing of the Uruguay Round Agreement. Despite its substantially increased workload, USTR has virtually the same number of attorneys working in this area as it

did in 1990. USTR's work will be even more important in FY 1998 and in future years as the United States seeks to capitalize on new market-opening opportunities and to improve access to existing markets through enforcement actions. We urge the Committee to provide funding for USTR at the requested level of \$22.1 million.

Additional Administration concerns with the Subcommittee bill are contained in the enclosure.

Sincerely,



Franklin D. Raines
Director

Enclosure

Identical Letter Sent to The Honorable Bob Livingston,
The Honorable David R. Obey, The Honorable Harold Rogers
and the Honorable Alan Mollohan

Enclosure
(House Committee)

ADDITIONAL CONCERNS
DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY
AND RELATED AGENCIES APPROPRIATIONS BILL, FY 1998

(AS REPORTED BY THE HOUSE SUBCOMMITTEE)

The Administration looks forward to working with the Congress to address the following additional concerns:

Department of Commerce

- Geostationary Satellites. The Administration is deeply concerned about the Subcommittee's \$22 million reduction to the Geostationary Satellites (GOES) program. GOES provide critical data for warnings and forecasts of severe weather events. In order to maintain satellite continuity, particularly given recent technical malfunctions on existing spacecraft, it is imperative that NOAA have sufficient funding to award the contract for the follow-on series of GOES satellites.
- Economic and Statistical Analysis. The Subcommittee mark for Economic and Statistical Analysis (ESA) is insufficient to make necessary improvements to important economic indicators. For the past four years, ESA has been denied funding for improvements to GDP and related regional, national, and international accounts data. In the past, ESA has dealt with funding constraints by eliminating important but non-core activities such as the Pollution Abatement Survey and Regional Economic Projections. ESA cannot sustain the quality of the Nation's basic economic indicators under continued funding constraints.
- Bureau of Export Administration. The Senate has recently passed the Chemical Weapons Convention implementing language, and the House is expected to do so shortly. Therefore, the Administration urges the Committee to provide the full requested level, \$2.3 million, to the Bureau of Export Administration (BXA) for this activity. In addition, we urge the House to include seizure and forfeiture authority language for the BXA. This language would allow BXA to become part of the Department of Justice's Assets Forfeiture Fund and is proposed in the Commerce Department's General Provisions in the FY 1998 Budget.

- National Oceanic and Atmospheric Administration. We are concerned about language in the Subcommittee bill detailing the National Oceanic and Atmospheric Administration's (NOAA's) appropriation at the line office level. Many of NOAA's programs involve multiple line offices, and this language would inhibit current synergies among line offices. The Administration requests elimination of this bill language. Also, the Subcommittee Report earmarks NOAA funding on a project-by-project basis. We respectfully request the deletion of these excessive earmarks.

Department of Justice

- Executive Support. The Administration opposes the Subcommittee's action to freeze legislative and public affairs activities at FY 1997 levels throughout the Department. Freezing these activities would inhibit the Department's ability to clear legislation in a timely and responsive manner and constrain its capacity to serve Congress. The Administration urges the House to increase funding for the Executive Support offices and to delete restrictions on the use of detailees.

Department of Transportation

- Maritime Administration (MARAD). The \$65 million that the Subcommittee bill would provide for MARAD Operations and Training would be insufficient to continue MARAD's current operations into FY 1998. The Committee is urged to provide no less than the \$69 million contained in the Senate bill. In addition, the \$3.45 million that would be provided for Title XI administrative expenses might result in a reduction in personnel that would jeopardize the effective oversight and management of Title XI projects. The Committee is urged to restore funding for this activity.

Federal Communications Commission

- Relocation. The Subcommittee bill provides no funds in support of the Federal Communications Commission's (FCC's) scheduled move to the Portals complex. Failure to provide these funds would delay the move, which could result in the Government unnecessarily paying for rent on an unoccupied building. The Administration urges the Committee to provide the \$30 million required for the FCC move in FY 1998.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

July 24, 1997
(Senate Floor)

STATEMENT OF ADMINISTRATION POLICY

(THIS STATEMENT HAS BEEN COORDINATED BY OMB WITH THE CONCERNED AGENCIES.)

**S. 1022 – DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE,
THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 1998**

(Sponsors: Stevens (R), Alaska; Gregg (R), New Hampshire)

This Statement of Administration Policy provides the Administration's views on S. 1022, the Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, FY 1998, as reported by the Senate Appropriations Committee. Your consideration of the Administration's views would be appreciated.

The Committee has developed a bill that provides requested funding for many of the Administration's priorities. For example, we appreciate the Senate's funding of law enforcement programs in general and the COPS program in particular. Funding COPS at the requested level of \$1.4 billion is consistent with the Bipartisan Budget Agreement and will enable us to achieve the goal of hiring 100,000 additional police officers by the year 2000. While below the request, the Administration also appreciates the funding level provided for the Legal Services Corporation. We strongly urge full funding of the President's request.

As discussed below, the Administration will seek restoration of certain of the Committee's reductions. We recognize that it will not be possible in all cases to attain the Administration's full request and will work with the Senate toward achieving acceptable funding levels. The Administration is committed to working with the Senate to identify reductions in the bill in order to find offsets for the restoration of funds that the Administration seeks. For example, funding could be reduced for the Local Law Enforcement Block Grant and the new Juvenile Justice Block Grant. We urge the Senate to reduce funding for lower priority programs, or for programs that would be adequately funded at the requested level, and to redirect funding to programs of higher priority.

Department of Commerce

- National Institute of Standards and Technology. The Administration urges the Senate to restore funding for the National Institute of Standards and Technology (NIST) to the level agreed upon in the Bipartisan Budget Agreement. The Committee mark of \$604 million falls short of the agreed upon level by \$89 million. The reduction is targeted to the Advanced Technology Program (ATP) and Manufacturing Extension Partnership (MEP), which work in partnership with industry to advance U.S. competitiveness. ATP is funded at \$200 million,

\$76 million below the President's request. This funding level would reduce the number of innovative technology development grants that NIST could award. MEP is funded at \$111 million, \$12 million below the request. The Committee's reduction would prevent funding for new initiatives designed to increase the synergy of our national network of centers. We strongly urge full funding of the President's Budget.

- National Oceanic and Atmospheric Administration. The Administration is disappointed that no funds have been provided for the President's Clean Water Initiative, which would help protect coastal communities from pollutants. The National Oceanic and Atmospheric Administration (NOAA) is the primary trustee of our Nation's coastal resources and, as such, plays an important role in this initiative. The \$22 million initiative builds from NOAA's unique coastal responsibilities and partnerships with States and other Federal Trustee agencies. In addition, we are disappointed that the Committee has not included any funding for the Global Learning and Observations to Benefit the Environment Program (GLOBE). This program was developed to increase understanding of the Earth and has already formed partnerships with over 2,500 U.S. schools and 35 other countries, involving thousands of students across the U.S. and worldwide. The Committee is recommending over \$100 million in funding for NOAA activities not requested by the Administration. We strongly urge that a portion of these funds should be redirected to continue the Clean Water Initiative, GLOBE, and other priorities.
- Census Sampling. While the compromise language that passed the Senate in the FY 1997 Emergency Supplemental Appropriations and Rescissions Bill would be workable, the Administration would strongly object to any prohibition on the use of sampling as part of the 2000 Decennial Census. Without the limited use of sampling, the accuracy of the census would decrease significantly, especially with regard to children and minority groups that have been traditionally undercounted. The National Academy of Sciences, the General Accounting Office, the Commerce Department Inspector General, and the vast majority of the professional statistical community support the use of sampling in the decennial census.
- National Information Infrastructure Grants Program. The Administration urges the Senate to reallocate resources between the National Information Infrastructure (NII) grants program and the Public Broadcasting Facilities program. The Committee mark substantially reduces funding for the former and provides a large, unrequested increase for the latter. The NII program is meritorious, providing seed money for innovative projects that deploy, use, and evaluate advanced telecommunications and information technology.

Department of Justice

- Drug Courts and Drug Testing. The Administration opposes the Committee's \$40 million funding level for the drug courts program. The drug courts program is a proven, cost-effective means of using the coercive power of the courts to move non-violent offenders into drug treatment. Also, the President's budget provides a total of \$30 million to offset the costs associated with drug testing State and local arrestees. The Administration is concerned that the Committee does not identify \$30 million from the Byrne Grant program for the State and local portion of the drug testing program. The drug courts and drug testing programs could be restored to the requested levels by reducing the Committee's funding level for the Local Law Enforcement Block Grant program.
- Juvenile Justice Block Grant. The Administration appreciates the Committee's desire to provide additional support for juvenile justice programs. However, we are concerned that the block grant program may authorize a broad and unfocused range of activities. We urge the Senate to target \$100 million for the prosecutorial grant program, which is designed to facilitate the cooperation and coordination of prosecutors and police with school officials, probation officers, youth social service professionals, and community members in an effort to reduce the incidence of gang activity and violent juvenile crime. The Administration also urges the Senate to target \$50 million for the violent youth court program, which is designed to develop initiatives that courts and court-related entities, such as probation and parole offices and victim/witness centers, may use to enhance and expedite the handling of youth violence cases.
- FBI Recruitment. The Committee bill exempts the FBI from Title 5 personnel laws and regulations on the basis that the FBI is restricted in its ability to recruit and retain individuals with scientific and technical skills, and that pay flexibility under Title 5 is inefficient. We believe the Committee's action, while well intended, is flawed. There is insufficient evidence of a recruitment problem at the FBI that would be solved by exemptions from Title 5 provisions for employee classification, pay, and performance. Such exemptions would not address significant non-pay recruitment problems, such as the large number of applicants that fail drug and/or polygraph tests. The Federal agencies that have documented pay-related recruitment problems have successfully used the pay flexibility provided in Title 5. In addition, the provision would establish a personnel system not subject to Office of Personnel Management oversight; exempt all FBI employees, including support staff, from Title 5 in response to undocumented recruitment problems related to scientific and technical personnel; and, would address the Government-wide needs for scientific and technical employees, including the those of other law enforcement agencies, in an inconsistent manner. We recommend that this provision be deleted from the bill.

- Telecommunications Carrier Compliance. The Committee bill does not provide any FY 1998 funding for the Telecommunications Carrier Compliance program. The Administration has requested \$100 million to reimburse communications equipment manufacturers for the cost of modifying equipment to ensure that law enforcement agencies would be able to conduct court-authorized wiretaps. As requested, the FBI has provided the Committee with a detailed implementation plan for the program. Implementation should not be delayed further for the creation of an FBI/industry working group and refinement of the implementation plan as the Committee's Report directs. The Administration strongly requests that funding for this program be provided.
- Bureau of Prisons. The Administration objects to language of the Committee Report concerning the Bureau of Prisons, Buildings and Facilities, appropriation. The Report mandates that unless a certain minimum funding level is included in the President's FY 1999 Budget for prison facilities, funding for INS political appointees will be restricted in FY 1998. This provision inappropriately attempts to encroach on the President's authority to determine the Administration's FY 1999 funding priorities and precludes an assessment of the Bureau's needs in favor of a pre-determined level set by Congress. Finally, this action would tie funding for prisons to a sanction in another, unrelated appropriation (INS).

The Administration urges the Senate to strike section 103 of the Committee bill, which would prohibit the Bureau of Prisons from funding abortions except in cases of rape or where the life of the mother is endangered. The Department of Justice believes that there is a great likelihood that this provision would be held unconstitutional.

Ounce of Prevention Council

The Administration opposes the Committee's termination of the Ounce of Prevention Council. Elimination of this program would hinder the Federal Government's ability to help neighborhoods implement balanced strategies to reduce crime through enforcement, prevention, and intervention. The Council awards discretionary grants for promising community collaborative crime prevention programs, publishes a catalog of crime prevention grants and programs, and provides information and technical assistance. It plays a critical role in helping communities gain access to information on crime prevention best practices. The Administration strongly urges the Senate to provide funding for the Council and has identified an appropriate offset.

The Judiciary: Ninth Circuit

The Administration opposes the provision in the Committee bill that would reorganize the Ninth Circuit by splitting it into two separate circuits. We understand that other substantive

amendments to divide the Ninth Circuit may be offered on the Senate Floor. The Administration strongly objects to using the appropriations process to legislate on this important matter. The division of the Ninth Circuit is an important issue not just for the bench and the bar of the affected region, but also for the citizens of the Ninth Circuit. The Administration believes that a much better approach would be passage of legislation, H.R. 908 -- already passed by the House and currently pending at the desk in the Senate -- that would create a bipartisan commission to study this difficult and complex question and make recommendations to the Congress within a date certain. This would allow for substantive resolution of the issue in a deliberative manner, allowing all affected parties to voice their views.

Legal Services Corporation

Of the \$300 million appropriated for the Legal Services Corporation (LSC), \$17 million is earmarked for "pro se" legal education programs. Funding for the provision of legal services remains at the FY 1997 level. The Administration recommends full funding of the President's request.

Equal Employment Opportunity Commission

The Administration appreciates the Committee's desire to provide additional resources over the FY 1997 level for the Equal Employment Opportunity Commission (EEOC). However, we urge the Senate to go further and fully fund the President's request of \$246 million, given the importance of the EEOC's work in addressing unlawful discrimination.

Department of State

The Administration appreciates the Committee's strong support for the State Department's accounts that fund diplomatic and consular activities, which would help reverse the erosion of the Department's worldwide operations. We are also pleased that the Committee provided the transfers as requested to support the International Cooperative Administrative Support Services (ICASS) program.

While the Administration welcomes the first-year funding of \$100 million for arrears payments, we are greatly concerned about the funding levels for the FY 1998 annual assessments provided in Contributions to International Organizations and Contributions for International Peacekeeping Activities (CIPA). United States leadership in these organizations on a host of issues of importance to the American people will be compromised if we fail to meet our binding obligations to them. It is important that funding for these activities be protected so that the Administration can pay annual costs, avoid new arrears, and be given some flexibility to address unforeseen needs relating to peace and security around the world.

Funding for both accounts is significantly below what is necessary to pay annual costs, avoid new arrears, and provide some flexibility for the President to address unforeseen needs

relating to peace and security around the world. We believe it is premature to direct that FY 1997 CIPA funds be reallocated given continuing uncertainties in some regions of the world. Further, we are disappointed that the bill does not provide a commitment for three years of arrears payments, consistent with the Senate-passed authorization bill. These appropriations levels are inconsistent with the extensive negotiations between the Administration and Congress on reform and funding of the U.N. system.

The Administration urges the Senate to strike two provisions that raise serious Constitutional concerns, sections 406 and 408. Section 406 would condition the use of funds for diplomatic relations with Vietnam on Presidential certification that Vietnam has satisfied specific conditions contained in this section. This unworkable requirement would unconstitutionally constrain the President's exercise of his power to recognize foreign governments. Section 408 would mandate that the United States withdraw from an international organization if the President determines that amounts appropriated for payment of all contributions to such organization are less than the actual amount of contributions to such organization. This congressional mandate would infringe on the President's constitutional power to conduct U.S. diplomatic affairs.

Arms Control and Disarmament Agency

The Administration strongly opposes the Committee mark of \$32.6 million for the Arms Control and Disarmament Agency (ACDA), which would severely undercut the Administration's efforts to reduce the threat of nuclear and other weapons to the security of the American people. In addition to the \$46.2 million request included in the FY 1998 Budget, a fully-offset budget amendment for Comprehensive Nuclear Test Ban Treaty requirements was transmitted on July 17th, bringing ACDA's FY 1998 request to \$59.2 million. The full revised request is needed for these important national security activities.

National Endowment for Democracy

The Administration strongly objects to the Committee's elimination of funding for the National Endowment for Democracy (NED), particularly given the Committee's increases above the request for other USIA-funded grants. The President's request of \$30 million is needed to support democracy-building programs throughout the world. We urge the Senate to provide funding for NED at the requested level of \$30 million.

Additional Administration concerns with the Committee bill are contained in the attachment.

Attachment

Attachment
(Senate Floor)

ADDITIONAL CONCERNS
DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY
AND RELATED AGENCIES APPROPRIATIONS BILL, FY 1998
(AS REPORTED BY THE SENATE COMMITTEE)

The Administration looks forward to working with the Congress to address the following additional concerns:

Department of Commerce

- Economic Development Administration. The Administration supports the restoration of funds for economic development public works grants and defense economic adjustment to levels that would provide sufficient funding for their effective administration. Both are funded at a level significantly below FY 1997 in the Committee bill. These grants foster the establishment or expansion of industrial and commercial businesses supporting the creation and retention of jobs and help rebuild and diversify communities affected by base closures.
- Economic and Statistical Analysis. The Committee mark for Economic and Statistical Analysis (ESA) is insufficient to make necessary improvements to important economic indicators. For the past four years, ESA has been denied funding for improvements to GDP and related regional, national, and international accounts data. In the past, ESA has dealt with funding constraints by eliminating important but non-core activities such as the Pollution Abatement Survey and Regional Economic Projections. ESA cannot sustain the quality of the Nation's basic economic indicators under continued funding constraints.
- Congressional Earmarking. The Administration is concerned about unrequested funds that are earmarked for low priority programs, particularly in the National Oceanic and Atmospheric Administration, the Economic Development Administration, the National Institute of Standards and Technology, and the International Trade Administration.

Department of Justice

- Immigration and Naturalization Service (INS) Fee Accounts. The Administration is very concerned that the Committee bill would underfund certain authorized discretionary programs and use mandatory funds from immigration examination and user fees for certain unauthorized discretionary activities. The bill directs the Department of Justice to use examination and user fee revenue -- classified as

mandatory -- for discretionary activities that are not authorized. The bill further commits to unrequested discretionary activities collections and unobligated balances that are necessary for providing services or processing and adjudicating applications. The result of these actions would be that INS would not have sufficient resources available to process pending naturalization applications or properly provide other services and benefits.

- Executive Support. The Administration opposes the Committee's action to freeze legislative and public affairs activities at FY 1997 levels throughout the Department. Freezing these activities would inhibit the Department's ability to clear legislation in a timely and responsive manner and constrain its capacity to serve Congress. The Administration urges the Senate to increase funding for the Executive Support offices and to delete the Committee bill's restrictions on the use of detailees.
- United States Attorneys. The Judiciary appropriation contains a provision capping the amount that Federal Public Defenders may spend on representation of defendants in capital cases. It stipulates that any costs over this cap must be borne by the courts and prosecutors. This provision is an unacceptable restriction on defendants' right to legal representation, raising the prospect that the decisions of judges and prosecutors could be affected by monetary pressures. The Administration opposes any suggestion that the cost of defending a citizen should be a consideration in the litigation of any matter, especially in capital cases.

Legal Services Corporation

- Debarment of Grantees. The Administration is concerned about section 504(c)(5) of the bill, which would permit LSC to debar any grantee that files a lawsuit against the Corporation or any government agency. While existing law prevents LSC grantees from using LSC funds to sue the Corporation, the Administration opposes restricting grantees from using non-Federal funds to exercise their right to protect themselves from improper government actions.

Federal Communications Commission

- Relocation. The Committee bill provides no funds in support of the Federal Communications Commission's (FCC's) scheduled move to the Portals complex. Failure to provide these funds would delay the move, which could result in the Government unnecessarily paying for rent on an unoccupied building. The Administration urges the Senate to provide the \$30 million required for the FCC move in FY 1998.

U.S. Information Agency

- International Broadcasting. The Administration urges the Senate to restore funding for the International Broadcasting Operations account to the President's requested level of \$367 million, including funding for Radio and TV Marti. The restoration of the Committee's \$5 million reduction is of particular concern given the Administration's agreement to support a congressional initiative to increase broadcasting to China significantly in FY 1998, an initiative proposed after the budget request was developed. In addition, the Administration objects to language in the bill that would tie the availability of direct appropriations for international broadcasting programs to the collection of revenues from advertising. We believe that it is unwise to link ongoing broadcasting services to an estimate of revenue that may not materialize.

A Hitchhiker's Highway Elegy by Lucius Lomax

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Der Stern/Hamburg, Germany

Del Rio elected a county commissioner
who is an **ex-Klansman** and a sheriff who
once sent **armed men** into Mexico to do
body searches on **cocaine-smuggling heifers**.
Do the 800 Air Force officers
who **mailed in ballots**
know who they voted for?



Uncovering the Vote in Val Verde

BY KAREN OLSSON AND LOUIS DUBOSE

 San Antonio, Del Rio, Aust.

Jovita Cásarez, an impish fifty-three-year-old woman with dyed magenta hair, lives with her husband and eight grandchildren in the West Texas town of Del Rio. Her home is in the barrio of San Felipe—the poorest and most heavily Hispanic section of a poor, Hispanic county. From her neighborhood of small, run-down houses, unpaved roads, and a little stone plaza with a white gazebo and bright red benches, Cásarez has been engaged in a public debate with two United States Senators and her Congressman. That debate began when she filed a voting rights lawsuit in December, and since then she has attracted far less attention than Phil Gramm, Kay Bailey Hutchison, and Henry Bonilla. The lawsuit they are fighting, Cásarez says, is not the one she filed. And their attempt to cut off funding for the small legal aid office that represented her, Cásarez added, is unfair.

We're not against the military. We know they didn't fall from the sky, that they're part of the community," says Cásarez, who last year organized San Felipe residents in a campaign to save Del Rio's Laughlin Air Force Base from Washington budget cutters. "We're against the system, which is something completely different." Yet once the debate was framed by Washington politicians, that argument was no longer heard. Even the one local reporter who called Cásarez began by asking: "Why are you trying to keep the military from voting?"

That's not what Jovita Cásarez intended when she filed her suit. A comment she had overheard when she cast her own early vote aroused her suspicion. Then, on election day, she watched as the votes cast by Air Force personnel no longer stationed at Laughlin were tallied. When added to local ballots, those votes cost Democratic candidates Oscar González and Frank Coronado the election. Both won a majority of the votes cast on election day, and at 9:00 p.m. they were leading in absentee (early and mail-in) votes. At 11:00 p.m., however, 650 of 800 Federal Post Card Application (FPCA) votes were added to the absentee total. Those votes split 430 to 113 for D'Wayne Jernigan over González, and 354 to 56 for Murry Kachel over Coronado—enough to swing the two races. For the first time in 100 years, Val Verde County would have a Republican sheriff and an all-Republican commissioners court. And in a county that is 70 percent Hispanic, the county judge and every commissioner would be Anglo.

"We only want to elect our local officials without voters from other places changing the results of our election," Cásarez said in an interview at the Texas Rural Legal Aid office in Del Rio. "They have a right to vote in local elections where they live. Why do they vote here?"

Even before she could vote, Cásarez was involved in electoral politics. In 1992 she brought Henry Bonilla to her home to meet San Felipe's leaders. It was an unlikely pairing: Bonilla, the grin-

ning San Antonio news anchor-turned-Republican Party postboy, and Cásarez, a poor, unschooled, Spanish-speaking grandmother then three years away from American citizenship. But she was also a longtime San Felipe resident and founder of a community organization called *Familias Unidas*. Bonilla knew she could sway voters (many of whom were disinclined to vote for scandal-plagued Albert Bustamante, the Democratic incumbent who would be indicted on racketeering and bribery charges three months after the election). With Cásarez' help, the Republican candidate carried Val Verde County.

Asked if she considered the events of the past two months ironic—after she had helped elect Bonilla and fought to keep the base open—Cásarez responded in Spanish: *¿Irónico? ¿Ridículo!*

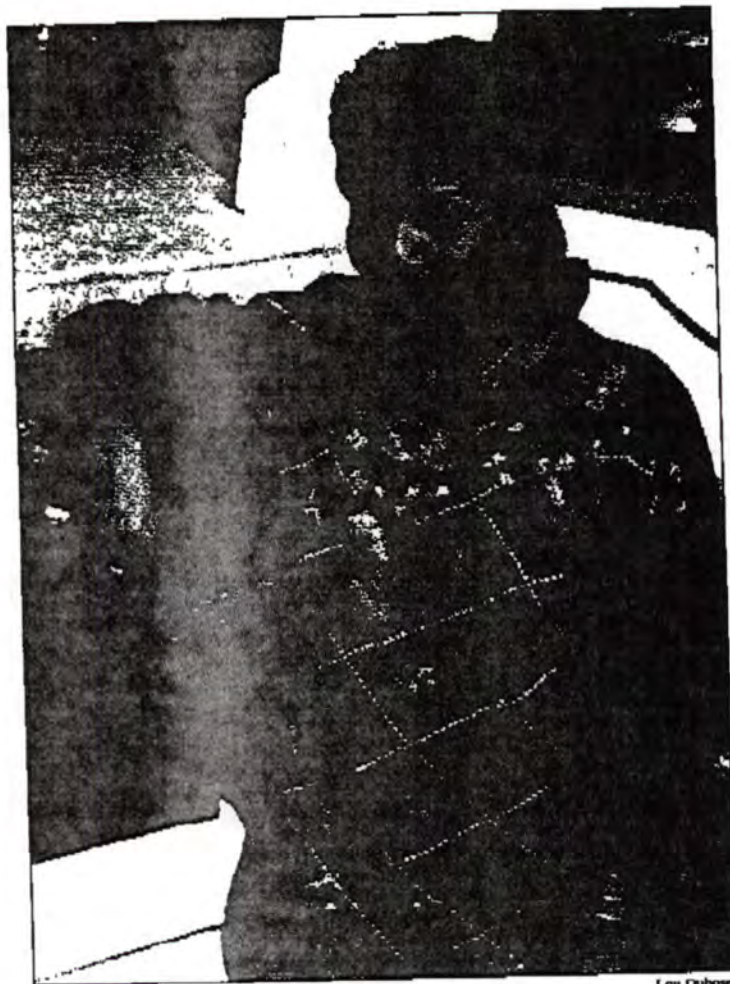
In either language, "ridiculous" describes November's election. After all, it's unlikely that the 800 officers—many of them Air

"WE ONLY WANT TO ELECT OUR LOCAL OFFICIALS WITHOUT VOTERS FROM OTHER PLACES CHANGING THE RESULTS OF OUR ELECTION. THEY HAVE A RIGHT TO VOTE IN LOCAL ELECTIONS WHERE THEY LIVE. WHY DO THEY VOTE HERE?"

Force Academy graduates who had spent a year in flight training at Laughlin—knew where they were voting for the local elections. The Republican candidate for county commissioner, according to

press reports complete with photographs, was a member of the Ku Klux Klan while he served in the Air Force in Germany. And as the local U.S. Customs chief, the Republican candidate for sheriff once sent two of his officers into Mexico to do "undercover" work. The officers—armed and traveling in a Trans-Am and a Suburban—parked in the poorest section of Ciudad Acuña to watch the stock yards, and their immediate arrest by Mexican Federal Judicial Police almost provoked an international incident—just months after the 1990 killing of U.S. DEA agent Enrique Camarena in Guadalajara and the kidnapping, by U.S. agents working on Mexican soil, of the physician accused of killing him.

There's also something ridiculous about the events surround-



▲ Jovita Cásarez

Lore Dubois

the lawsuit: a U.S. Senator, on the floor of the United States Senate, reads interrogatories mailed to witnesses in an ongoing federal lawsuit. An ex-Klansman, just elected to public office, stakes out the house of an indigent grandmother—and then claims in a deposition that he took photos of her house because “I just felt that I wanted to make that a Kodak moment.” And the threat of a shut-down of a statewide legal aid program with a staff of 115 and a \$5.7 million budget, in response to a lawsuit filed by that grandmother.

The peculiar nature of the case drove even Fred Biery, the Federal Judge who presided over the January hearing, to alliterative excess: “Were there a magic judicial wand,” he wrote in his opinion, “the Court would require the residents to be reconciled to live in rapprochement rather than be ravaged by rancor.” There is no such wand, and the “tumult” Biery diagnosed “in the body politic of Val Verde County” has metastasized. Answering the judge’s question—“Where legally may mobile minions of military members mark ballots for offices?”—is going to be costly and painful.

That question began to take shape after the election, when Cásarez met with Texas Rural Legal Aid (TRLA) lawyer Eloy Padilla in Del Rio. Padilla discussed the election with Democratic candidates, González and Coronado, and arranged a conference

with TRLA lawyer George Korbel in San Antonio. Korbel filed Cásarez’ suit against the county, alleging that hundreds of improper absentee votes from Laughlin alumni had swung both races and diluted the vote of the minority community—violating the Voting Rights Act. The losing Democratic candidates intervened on the plaintiff’s side, the Republicans intervened on the defendant’s, and on December 30, District Judge Hippo García issued a temporary restraining order requiring the incumbents to remain in office until a preliminary hearing in January.

At that point, Korbel said in an interview in his San Antonio office, all parties should have agreed to settle. “We offered. What we wanted was new elections. In a lawsuit like this, everybody loses [if the case goes to trial]. But they refused.” Had the defendants settled, Korbel explained, the \$300,000 to \$500,000 it will cost to try the case could have been saved. If Cásarez, González, and Coronado prevail (and based on Judge Biery’s ruling, the plaintiffs believe they will), those costs will probably be paid by Val Verde County—and the State of Texas, which has intervened with the defendants.

An early settlement would have made life easier for Murry Kachel, who while under oath told Judge Biery that he had never been a member of the Ku Klux Klan. A settlement would have discouraged the press from looking into D’Wayne Jernigan’s ill-fated 1990 Rio Grande expedition. And had the parties settled, TRLA’s funding—from Washington and Austin—would be more secure from Senator Gramm and Governor Bush, who claim the agency exceeded its mandate when it got involved in a what they call a “political lawsuit,” then requested legal fees. And if the parties had settled, Senator Gramm would be attending to the pressing requirements of the 105th Congress, rather than conducting a public relations war with the Legal Services Corporation—the governing board and funding mechanism for TRLA.

But the defendants refused. “We won the election,” Murry Kachel said in a telephone interview. “We outsmarted them and won fair and square. Why should we settle?” On the eve of the preliminary hearing, the Val Verde Commissioners Court agreed, voting to instruct its attorneys to refuse the plaintiffs’ offer to settle.

The two Republicans who won the contested races on election day, Murry Kachel and D’Wayne Jernigan, had resigned from their jobs last year to run for office: Kachel quit his Laughlin air traffic controller post to enter the race for Precinct 1 Commissioner, and Jernigan left his job at U.S. Customs to run for sheriff. Both are small, slender, florid-faced men, ham radio operators and members of clubs like the American Legion and Knights of Columbus. In a region that gave rise to the big, powerful rancher of legend, these two men spent years holding the sort of bureaucratic posts in which you might carry a gun but would never have occasion to use it.

After entering the race Jernigan opened a campaign office in San Felipe—right across the plaza from TRLA—where he and Kachel collaborated from time to time. They ran shoestring campaigns typical of small towns: they distributed signs and bumper stickers; went door-to-door; paid for political spots on Tejano Jamzz, the Mexican radio station in Ciudad Acuña; and bought ads in the *Del Rio News-Herald*. Perhaps they plotted a win-by-absentee-ballot campaign—though it seems unlikely—or maybe Kachel and Jernigan picked up a few more

sophisticated campaign tactics in May, when the two of them drove together to Austin to attend several days of candidate school. At any rate, about a month before the election, they sent out campaign letters to hundreds of military personnel and spouses living outside the county. It's not clear what prompted them to do this. Testifying in pre-trial depositions, Jernigan and Kachel's statements didn't exactly match: Jernigan claimed his wife and some volunteers learned about the FPCA voters one day when they were down at the County Clerk's office, while Kachel said that he provided Jernigan with the list of applicants after going to the office on his own initiative.

The FPCA procedure, as codified in a 1973 statute, is intended to allow a member of the military to request a ballot for and vote—in federal elections. The law leaves it to the states to determine what sort of ballot is sent out to postcard applicants; in Texas (and in fact in most states) county offices automatically mail out the full ticket—even when the voter requests a “federal” ballot, for no such ballot is printed by the state. As a result, members of the armed forces who have not set foot in the county for years, even decades, can vote

MEMBERS OF THE ARMED FORCES WHO HAVE NOT SET FOOT IN THE COUNTY FOR YEARS, EVEN DECADES, CAN VOTE IN LOCAL ELECTIONS BY PICKING UP A POSTCARD AT THE BASE WHERE THEY ARE STATIONED, SENDING IT TO THE VAL VERDE COUNTY CLERK'S OFFICE, AND RECEIVING THE FULL MAIL-IN BALLOT FOR THEIR PRECINCT.

in local elections by picking up a postcard at the base where they are stationed, sending it to the Val Verde County Clerk's office, and receiving the full mail-in ballot for their precinct.

Murry Kachel anticipated that an international mailing for a county race might seem improper, and he addressed that issue in the first paragraph of his letter to Air Force voters who requested FPCA ballots.

Dear Absentee Voter!

I'm writing to you today because, throughout my 23 year military career, I realize how difficult it is to try to stay abreast of local election issues while stationed overseas....I was always hesitant to vote for candidates that I knew NOTHING about. I have included a card about myself because I want you to vote for me....I NEED YOUR VOTE. So, when your ballot arrives, vote for the candidates of your choice but please...look down the ballot...(you may have to turn it over). Find the section for County Commissioner, Precinct 1, and mark my name. Murry M. KACHEL

In fact it's doubtful whether this letter had any effect on the military voters. Most of them had already mailed in their ballots by the time it arrived; others don't recall ever receiving it. But almost all of the 799 FPCA voters had Anglo surnames and almost all were officers—in other words, they were likely to vote Republican—and on election day, Jernigan and Kachel carried the twentieth precinct (where the base is located and where most of the FPCA voters claimed their “voting residence”).

In his mailing Kachel even set out to rekindle a sense of community among the voters of the Air Force diaspora, who had moved on to Japan, Germany, Hawaii, Delaware, California,



▲ Murry Kachel

Courtesy of Del Rio News Herald

Nevada, Oklahoma, or San Antonio:

Perhaps you might remember me as the Tower or Radar Chief Controller at Laughlin. Or as the guy that recovered the downed airman at Lake Amistad. I was probably the MARS radio operator that handled your message back to your family while you were overseas handling a world conflict. Maybe we met when I was the President of the Amistad Kennel Club or other clubs. I have been there when the base and our fellow military people needed me..

But local elections in West Texas are still won in cafés, in church parking lots, in line at HEB, or at backyard *tamaladas*—where voters who know something about candidates talk to voters who don't. In such places, the background stories of the two Republican candidates who left federal employment to look for work with the county might have been discussed.

In the strip-mall office of his attorney, Robert Garza, we asked Sheriff González about one such story. A barrel-chested, impatient man whose grandfather was a Val Verde county judge, González was appointed sheriff to fill a vacancy in 1996. In 1990, while González was a sheriff's deputy, D'Wayne Jernigan reportedly got wind of a Mexican cocaine-smuggling operation that was moving

drugs across the border—in “the orifices of heifers.” As a customs chief on the border, González said, Jernigan should have known that no breeding stock could be imported into the United States: to smuggle the drugs, you’d first have to smuggle the heifers. Perhaps Jernigan (who did not return our phone calls) wasn’t up to speed on the calf-heifer-cow-bull-steer distinctions. At any rate, on April 18, he sent two armed officers across the bridge to the shipping pens in Ciudad Acuña, where the drug-smuggling cows were rumored to be gathered for shipment into Texas. The agents spoke little or no Spanish, were wearing pistols, and González said, “sat in their big American cars in one of the poorest sections of Acuña.”

Someone noticed.

“I heard it on the customs radio,” González said, describing one agent’s radio report of his arrest by Mexican police—and the quick response of his partner, who immediately drove from the other end of the stockyard and directly into his own arrest. González and a Spanish-speaking customs agent went to the Mexican jail building to begin negotiating the release of the two detained agents, while Jernigan, according to

“WE TOLD THE MEXICANS TO KEEP IT ALL; THEY’D HAVE BRAND NEW GUNS AND EXTRA AMMUNITION. WE JUST WANTED THEM TO GIVE US THE BODIES AND LET US GO HOME.”

González, did nothing to help: “Unless you call ordering a Blackhawk helicopter to fly up and down the border all day helpful.” González suggested that for further details, we talk to the now-retired customs agent who accompanied him into Mexico.

“Dumbshits. They were all dumbshits.” That’s “T” Texas Terry Bowen’s explanation of the 1990 shipping-pen undercover operation. Before he retired from U.S. Customs and began to work as a barbecue pit-man, bull rider and rodeo clown, Bowen often worked undercover in Mexico. A brief conversation at the Food Store, the barbecue stand/feed supply where he cooks with his former partner, an ex-Border Patrol agent, left us with the impression that Bowen understands the nomenclature of cattle gender, as well as the risks associated with working undercover in Mexico.

“You don’t go into Mexico without informing the proper authorities over there,” he said. “And you don’t go armed. At least you don’t wear sidearms.” It also helps, Bowen added, if undercover agents are fluent in Spanish. “And Jernigan should have known that no breeding stock is shipped into this country.”

Bowen went on to describe twelve hours of *opéra bouffe* in which he and González tried to negotiate the release of the two agents before the Federal Judicial Police transported them to Saltillo, the state capital. “It was real tense. Dr. Machain had just been kidnapped out of Mexico, and we were afraid the Mexicans wanted a warm body in return,” he said. Because the Mexican Attorney General was not in Mexico City, the Mexican authorities in Acuña could not approve the release of the two Americans.

According to Bowen, it was easier to track down the Attorney General—through DEA officers in Mexico—than it was to get Jernigan to do anything right. Initially, Bowen said, Jernigan did not come over to participate in the negotiations. When he was coaxed across, on his first trip he was accompanied by a customs agent, two helicopter pilots and a Texas Ranger. “Mexicans hate



▲ D'Wayne Jernigan

Courtesy of Del Rio News Herald

Texas Rangers,” Bowen said. “So we told them to go on back.”

Bowen and González finally persuaded the Mexican police to release the two agents, and were preparing to depart when more weapons were found in the agents’ vehicles.

“One of them was a firearms specialist, and they had automatic weapons and five or ten thousand rounds of ammunition,” Bowen said of the two agents. “We told the Mexicans to keep it all; they have brand new guns and extra ammunition. We just wanted them to give us the bodies and let us go home.”

The Mexican authorities agreed to do so, after they spoke to the agents’ supervisor: D’Wayne Jernigan. He arrived with an armful of DARE gummy caps, a handful of balloons, and a box of “Just Say No” pins. “It was his wampum to give to the Mexicans, I guess,” Bowen said. “I told him to take that crap back to his car and come inside and talk.”

The Customs Chief finally got into the police station—just ahead of a shift change, when Mexican agents “wearing their caps backwards and carrying machine guns,” began to pour into the building. Jernigan assumed the Americans were being attacked and called the agents detained upstairs (were they also had a radio) to warn them. “He hollers on the sector radio that *Federales* with machine guns were surrounding him,” Bowen said. It must have been to



▲ Murry Kachel in Germany, holding photo he described as evidence of an assault by black soldiers

Der Stern (Germany)

much for the Mexican authorities, who ordered the immediate release of the agents, their guns, and the two vehicles.

"They [U.S. Customs] were ready to send a SWAT team from Houston to try to get them out," González said, when the five men returned to Texas after twenty hours of negotiations. The incident was covered in two short, circumspect stories in the *Del Rio News-Herald* and got even less space in Acuña's daily *Zócalo*.

Terry Bowen did not vote for D'Wayne Jernigan in the sheriff's race.

There is little comedy in Murry Kachel's story. According to press reports, published photographs, and interviews with reporters for both the Armed Forces publication *Stars and Stripes* and the German newsmagazine *Der Stern*, Kachel was a member of the Ku Klux Klan while he was a young serviceman stationed in Germany in 1981. (See "Cyclops," page 13.)

Kachel denies his Klan involvement and told reporters after the January 21 hearing in Judge Fred Biery's court that he'd never been a member of the Klan and had never worn a Klan hood. When told that we have photographs and news articles from Germany, and that we have contacted the two reporters who did the 1981 Klan stories, Kachel said he had no comment and referred us to his attorney, who also would not comment on the Klan allegations.

The election totals make clear that Jernigan and Kachel did have some local backing: Jernigan beat González 5,373 to 5,106, while Kachel posted 1,266 votes to Frank Coronado's 1,153. And there was local support for the two Republican candidates at the hearing

JERNIGAN ARRIVED IN MEXICO WITH AN ARMFUL OF DARE GIMME CAPS, A HANDFUL OF BALLOONS, AND A BOX OF "JUST SAY NO" PINS.

where some courthouse spectators wore Republican Party pins, and one woman outside the courtroom complained that "this town's been run by the same crooked Mexican

family for years."

The two Democrats are both from Del Rio: González never left, and had worked as a sheriff's deputy for nine years before he was appointed sheriff to fill a vacancy in January of 1996. Coronado spent twenty years working in California's criminal justice system, where he had served as deputy commissioner of the Board of Prison Terms before he retired and returned to Del Rio in 1992. In 1994 he ran for county judge and lost to a Republican. In that election, Coronado was 400 votes ahead of his opponent until the absentee military votes were counted. He lost the election by 102 votes.

Eliminate the FPCA vote in local elections, Coronado says, and
continued, page 14

W... Kachel, a Republican candidate for the Verde County Commission, was one source of the story. Der Stern, suggesting the German magazine is a scandal-mongering tabloid. Quotes from him were fabricated, he said, and pictures of him wearing Klan regalia must have been pasted together.

Sixteen years ago in Germany, however, Kachel and his Klan activities were the subject of numerous news articles, made national television news in Germany, became a topic of debate in the German parliament, and caused diplomatic tensions between the U.S. and Germany. Sergeant Kachel was also under investigation by the U.S. Department of Defense for his Klan activities in Germany, a Defense Department spokesman told the press at the time, and, according to an American reporter who interviewed Kachel in 1981, Kachel was thrown out of Germany by the Air Force after his Klan activities became public.

According to Ed Reavis, a black American reporter who has been with the U.S. military paper *Stars and Stripes* since 1971, the story began with a letter from Kachel himself suggesting that the paper do a story on the modern Ku Klux Klan. Reavis was at first not interested in doing a story, but changed his mind when KKK membership cards began showing up in base snack bars. Reavis asked Kachel for an interview, and Kachel agreed.

Kachel introduced himself as the "Exalted Cyclops" and the "Grand Kleagle" of the Klan, according to Reavis. He also described to Reavis his method of recruiting: Kachel would go to a bar and wait until a mixed-race couple came in, then turn to a white patron and say, "Isn't that disgusting?" If the person responded positively, Kachel made his pitch for the Klan.

Reavis was surprised by Kachel's openness, and knew he had a good story.

At the time, Kachel was working as a mail carrier in a small town in Germany. He was also a member of the German National Socialist Party, a far-rightist party that sought to unite the German people. A journalist for the *Stars and Stripes* newspaper in Germany posed as a new recruit to infiltrate meetings of both the old and new Nazis—and became one of the first to report on the emergence of the new right in Germany.

It was in the course of this research that Kromschroeder came to meet Marty Kachel. Kachel would go to a bar and wait until a mixed-race couple came in, then turn to a white patron and say, "Isn't that disgusting?" If the person responded positively, Kachel made his pitch for the Klan.

Kachel—independently of Reavis. Kromschroeder told the *Observer* that he received the invitation to Kachel's home from two German neo-Nazis who had become members of Kachel's Klan organization. In a meeting at Kachel's apartment, Kachel explained his white supremacist views to Kromschroeder and showed him his gun collection. Kachel was very interested, Kromschroeder remembers, in getting his message out, and was expecting a reporter from the *Stars and Stripes*.

Reavis arrived at Kachel's apartment a short time later, accompanied by a photographer. When he saw the assembled neo-Nazis, he was hesitant about going in until he saw Kromschroeder (whom he had known as a journalist for many years) at the back of the room. "Thank God I saw Gerhard there," Reavis recalled. "I knew at least I was going to get out alive."

Reavis conducted the interview, and then the photographer began taking pictures. Kachel and his friends put on their Klan robes and walked across town to a

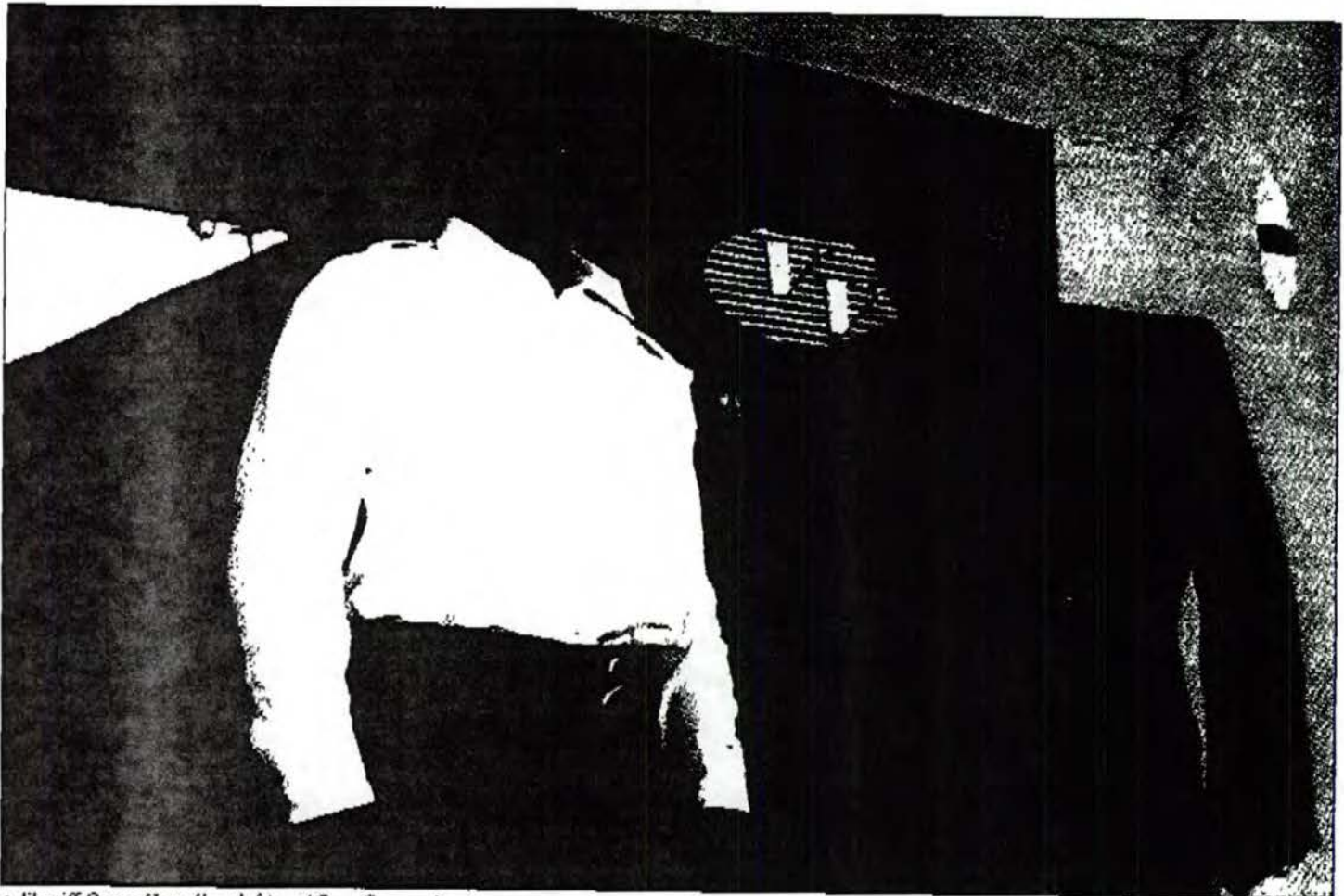
... Kachel's face uncovered.

Although "Reavis" and Kromschroeder's articles appeared almost simultaneously, it was Kromschroeder's article in Germany's largest-circulation news magazine, *Der Stern* (with Reavis' staff photographs) that made the story a sensation. The main German television network ran a feature on the evening news with a picture of Kachel (ARD, "Tagesshemen," May 27, 1981); the German parliament debated Kachel's Klan activities and demanded that the U.S. government actively prosecute the criminal activities of their servicemen. Anti-Klan citizen groups were formed in many German cities. At the time the stories were written, the United States Defense Department confirmed that they had Kachel and thirty-one other U.S. servicemen under observation because of their Klan activities, and several of Kachel's Neo-Nazi/Klan friends became the subjects of German criminal investigations.

But what happened to Kachel? According to Reavis, Kachel left on vacation as soon as the story broke. While he was still away, Reavis remembers, the Air Force broke into Kachel's apartment, boxed up all of his possessions and shipped them immediately to the United States—as they would do to Kachel shortly afterward, transferring him to Laughlin Air Force Base in Val Verde County.

The last time Reavis heard from Kachel was when Kachel phoned him from Texas shortly after arriving there, explaining that he was afraid the Air Force would throw him out. Reavis reminded Kachel that it was his idea to do the story in the first place, and suggested that Kachel go to the ACLU. "I can't," Reavis remembers Kachel telling him, "they're all Jews."

Ayn Miller is an investigative reporter working in Germany.



▲ Sheriff Oscar González (left) and Sam Coronado

Lou Duhaime

allow the members of the military to vote for state, city, and county elections where they reside, and you will have true local elections in Val Verde County.

For the TRLA, filing *Cásarez v. Val Verde County* was a risky move: the case was politically sensitive, and in the past few years the Republican Congress has put a stranglehold on federally-funded legal aid agencies. Even after he took the case, Korbelt was hoping to find a private lawyer to take over, and although Congress barred legal aid agencies from accepting attorney's fees last April, he inserted a conditional request for fees into the pleadings, on behalf of such private counsel as might step in. One day before the January hearing, as TRLA offices awaited notice that their funding would be cut because of the lawsuit, civil rights attorney David Richards agreed to take over.

In the meantime, Korbelt had sent long interrogatories to the FPCA voters, asking questions about where they owned homes or other property, where they had bank accounts and insurance, when they had last been in Del Rio, or where they'd last voted. And TRLA staff started looking at the registers of postcard applications in the Val Verde County Clerk's office. Using estimates based on the 74 percent of applications in which the "last date of residency" had been filled out, TRLA determined that approximately 457 of the FPCA voters had last resided in Val Verde more than four years

ago—203 of those more than ten years ago.

Interrogatories started to come back, and some of the military voters contacted Korbelt in person with questions. As the picture became clearer, no single "typical voter" emerged—a number of them have claimed Texas as their state of residence to avoid paying state income tax, but others live in no-tax states such as Nevada. Some have voted for years in Val Verde county, but many began voting in 1992 or 1996, after they had already been absent from the county for years. One military officer and his wife live in Texas and were never stationed at Laughlin—but they honeymooned in Val Verde twenty-six years ago.

Of the dozen FPCA voters we contacted, one was adamant in his defense of his right to vote in all Val Verde elections, but the others were less certain. "I completely understand" the basis for the lawsuit, one FPCA voter, Gary Walker, told the *Observer* over the phone. "I don't know if you should be allowed to [vote in local races] or not, unless you have relatives still there." Another voter, Paul McViney (who noted he had not cast his vote for any of the local candidates), said that he had maintained Texas as his state of residence, but after many years in Virginia he thought he might switch: "It's a calculus you have to make based on all these various factors—they may or may not declare you a resident."

Two days after the hearing Biery issued his temporary injunction.

tion, which leaves González in office as sheriff and Arturo Gallegos, who did not seek reelection last year, as Precinct One county commissioner. Biery also ruled that the federal trial (*Cásarez vs. Val Verde County*) would not begin until after the state election contest (the losers vs. the winners) is tried. A state court will decide if the FPCA voters were residents before the federal court decides whether the military votes constituted a violation of the Voting Rights Act.

The *Cásarez* lawsuit reflects both the nomadic status of military personnel and the imprecise definition of voting residency. If military members can decide where they will vote, it's logical for them to select a state with no state income tax. But if everyone who has been stationed at Laughlin Air Force Base in, say, the past ten years can vote in local elections, an estimated 10,000 people who don't live in the county could cast votes there. Add spouses, and the number might exceed the 19,972 voters who live in the county.

None of these crucial details is reflected in angry press releases

**THE CASE DOES NOT CONTEST THE
RIGHT OF MILITARY PERSONNEL
TO VOTE—ONLY THE RIGHT OF
PERSONS WHO HAVE BEEN AWAY
FROM THE COUNTY FOR YEARS TO
VOTE IN LOCAL ELECTIONS.**

of the Texas Republican Party brass—including Henry Bonilla, Phil Gramm and Kay Bailey Hutchinson, Secretary of State Antonio Garza and state Republican Party chair Tom Pauken, who are all denouncing the lawsuit as an "outrageous" attempt by an "activist organization" to challenge the military's right to vote. When Judge Fred Biery issued his January 24 injunction, upholding García's restraining order, the GOP began again. Lawyers for the plaintiffs, and Biery himself, had insisted the case does not contest the right of military personnel to vote—only the right of persons who have been away from the county for years to vote in local elections—but that didn't seem to register with the Capitol Hill speechwriters. On January 30, in a blustery speech to the Senate, Gramm repeated his demand that the Justice Department intervene on the defendants' behalf, and although TRLA had by this time turned the suit over to private counsel, Gramm threatened to hold up the Federal appropriation for the Legal Services Corporation, which provides most of the funding for TRLA and other legal aid groups.

Standing in front of the TRLA office two days earlier, Jovita Cásarez seemed to anticipate Gramm's threat. "This office is here to serve the people of this community," she said. "And the people of this community are going to fight to keep it open." □

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Last Name	First Name	PH AC	Phone Number	FX AC	Fax Number	Source
Albrecht	Hon. Rebecca	602	506-3727	602	506-7867	WH
Alexander Wise	Gail			202	662-1099	ST
Allen	Bonnie			312	888-8032	ST
Allingham	Lynn	907	271-5071	907	583-3380	AH
Ammerman	Jay			312	988-6931	SM
Anderson	Austin	313	971-5689	313	971-8521	WH
Anderson	Phillip	501	372-0800	501	372-8453	TB
Arango	John	505	867-3880	505	867-8517	LS
Archer	Dennis			313	224-4128	LS
Ashe	Bernard	518	439-8713	518	439-3279	AS
Asher	Jonathon	303	868-9399	303	830-7880	LS
Askow	Hulet	404	658-3490	404	657-9108	MV
Aspen	Marvin			312	435-7678	BQ
Aspen*	Susan					TB
Atlas	Scott	713	768-2024	713	615-5399	DJ
Aran	Alfred	717	238-2001	717	238-2003	AH
Ballie	James	612	347-7013	612	347-7077	DJ
Barkett	Hon. Rosemary	305	536-7335	305	536-7382	DJ
Barnett	Helaine			212	477-2732	BG
Barnett	Martha	904	224-7000	904	224-8832	OF
Baskin*	Larry			202	283-8103	TB
Battle*	LaVeeda			205	324-3802	LS
Beall	George	410	658-2715	410	539-8981	MV
Beck	David			713	659-8151	MV
Bedke	Michael	613	229-2111	613	229-1447	MV
Belman	Dennis P.	410	312-6703	410	381-8430	WH
Bergmark	Martha	202	336-8800	202	336-8959	LS
Bienvenu	David	504	523-1385	504	524-6881	PB
Billings	Hon. Judith	801	578-3900	801	578-3999	DJ
Birkos	Keith	573	635-4128	573	635-2811	MV
Born	Brooksley	202	942-5832	202	942-5999	LS
Boza*	Clara	306	577-2914	306	577-7001	WH
Brady	Alpha			312	988-5100	ST
Bresnahan	Pamela	202	487-8861	202	487-8900	SS
Brooks	Terry			312	988-5032	ST
Brown	Jack			918	583-1189	BQ
Brown	Mary Shannon	416	598-1550	416	598-1528	AH
Bruce	Jackson			414	271-3562	BG
Busch	John			304	838-2290	BG
Bushnell, Jr.	George	313	983-6420	313	982-2009	OF
Butler	Sarina			312	988-5795	SM
Carlton, Jr.	A. P.	919	755-1800	919	890-4180	OF
Carter	Terry	703	785-3408	703	785-8468	LS
Cassey	Steve	617	723-9093	617	387-8815	AH
Caton	Curia	415	772-8092	415	772-6288	DJ
Cherry	Sandra	501	324-8584	501	324-7199	MV
Clapp	Michael			802	864-1967	MV
Clark	Julie	202	452-0620	202	872-1031	LS
Clyde	Robert			614	728-3749	MV
Coleman	Nancy	202	562-8685	202	662-1032	PB
Cook	Charles	614	752-8919	614	728-3749	AH
Cooper	N. Lee	205	254-1000	205	254-1999	OF
Cordova	Leroy	512	463-1444	512	469-0112	AH
Cortez	Miles	303	634-4000	303	634-4400	MV
Gummskey	John			618	459-0048	MV
Curran	Jane			407	638-0287	MV
Curtin, Jr.	John	617	951-8325	617	951-8736	MV
Dalia Santa	Cassio	312	988-5775	312	988-5032	WH
Daniel	Tracy	334	289-1515	334	281-6310	AH

Notes
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to attend

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Last Name	First Name	PH AC	Phone Number	FX AC	Fax Number	Source
De Leon*	Micaela			202	962-3661	MV
DeConcini	Christina	202	662-1008	202	962-1032	PB
DePriest	Darryl			312	968-5217	BM
Devine	Francois	216	238-8348	215	238-1287	LS
Dodenhoff	Linda	504	581-1046	504	586-1926	AH
Dodson	Doreen	314	221-2800	314	436-8400	LS
Downer	Robert	319	338-9222	319	338-7250	MV
Dudley	Adriane	809	775-7474	809	776-8044	BG
Dunbar	Jack			601	234-8638	BG
Elkins	Kenneth			312	988-5032	ST
Ellis*	Harriett			312	988-5281	TB
Englehard	Patsy			312	988-5100	ST
Evans	Robert			202	682-1762	SM
Fanning	Stephen	401	421-8541	401	421-2703	AH
Figa	Philip			303	894-0821	MV
Fitzpatrick	Thomas	206	623-9900	206	624-8885	SS
Fletcher	James	312	753-5881	312	493-8609	AH
Flood	Kevin	407	834-1433	407	834-7681	SS
Flowers	Michael	614	227-2340	614	227-2390	WH
Forger	Alexander	202	336-8800	202	336-8969	LS
Fox	Lawrence	215	988-2714	215	988-2757	TB
Frazier	Elisia C.	219	455-5493	219	456-5403	BG
Frazier	Kenneth	908	423-5259	908	735-1188	MV
Frederick	Paula	404	527-8730	404	527-5744	DJ
Freeman	Peter	312	222-8350	312	527-0484	AS
Fritz	Thomas			605	342-5185	BG
Futter	Victor	201	643-5063	201	643-6500	TB
Geitan	Jose			206	386-5259	MV
Garlow	Judy	415	581-8252	415	581-8829	AH
Garvey	Joanne	415	772-6726	415	772-6268	WH
Genova	Joseph			212	530-0470	MV
Gerstman	Sharon Stern	716	851-3454	716	851-3440	SS
Gilbert	Harris			616	266-1728	MV
Glescott	Michaeline			312	988-5032	ST
Gold-Bikn	Lynne	610	272-5565	610	272-8878	BG
Green	B. Riney	615	782-2241	615	726-3185	MV
Graf	Rolland			515	245-4452	BG
Goudine*	Beverly	312	988-5771	312	988-5032	ST
Hailstorks	Addie	202	452-0620	202	872-1031	LS
Hall	David	617	373-3307	617	373-8793	DJ
Halverson	James			212	848-5252	BG
Hamilton	Bruce	602	340-7201	602	271-4930	WH
Hammer	Roy			617	227-0781	BG
Hanle, Jr.	John			312	988-5249	SM
Hannahan	Pat			202	662-1032	ST
Hengstler	Gary			312	988-6014	SM
Higgins	John	308	382-3888	308	382-3919	AH
Hirshon	Robert	207	772-1941	207	772-3627	TB
Hodge	Key	617	542-5788	617	556-8989	BG
Hollenbaugh	Ritchey	614	224-4148	614	224-0738	WH
Hornaby	Will			312	988-5032	ST
Houghton	David	402	475-7091	402	475-7098	MV
Hughey	Alice	312	968-5748	312	968-5032	AH
Jack	Marina			312	968-5153	SM
Jackson	Dorothy			312	968-5032	ST
Jenkins	James			601	753-2609	MV
Johnson	Lillian	602	258-3434	602	263-1538	LS
Johnson, Jr.	Ronald	602	340-7372	602	271-4930	AH
Jordan	Oarell			214	936-3125	TB

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Last Name	First Name	PH AC	Phone Number	FX AC	Fax Number	Source
Juceam	Robert	212	858-8040	212	742-8648	DJ
Keller	Warren			808	878-5547	MV
Kelly	Carolyn	203	445-2403	203	445-4538	BG
Kickingbird	Kirke	405	521-5188	405	521-5185	BG
Knafka	Lisa	305	623-2360	305	623-2344	LS
Kramer	Terry			312	988-5271	SM
Kraul	John			313	223-3588	OF
Langrock	Peter			802	388-8148	BG
Largent	Esther	202	942-5319	202	942-5591	BG
Laeseter	Earle	708	324-0050	708	327-1538	BG
Laesault	Guy	202	452-0820	202	872-1031	LS
Leverich	Bingham	202	862-8000	202	778-5188	MV
Lewis	Mario	815	544-1112	815	544-5058	AH
Udenauer	Susan	212	577-3349	212	577-3431	LS
Livingston	Lora	512	473-9300	512	473-9332	AH
Loeb	Harlan	212	886-7738	212	867-0779	LS
Loeb	Leonard	414	272-5832	414	272-7918	AH
Londen	Jack	415	877-7415	415	877-7522	DJ
Ludgood*	Merceria	202	452-0620	202	872-1031	LS
Lyons	Clint	202	452-0820	202	872-1031	TB
Marquardt	Christei	813	298-8148	813	298-1883	SS
Marquardt	Mark	312	372-5908	312	372-1962	AH
Marshall	Kathryn			380	299-1090	BG
Marshall	Margaret	617	495-4778	617	498-8109	AH
Marston	Emmett W.	901	522-9000	901	527-3746	AS
Martin	John	313	323-8288	313	845-2262	MV
Martinez	Judy Perry	504	569-2030	504	569-2999	BG
Mathews	Roderick			804	354-7281	BG
Mayo	Mara	804	399-4430	804	399-4854	LS
McCall	Colleen	416	622-2840	415	953-8153	AH
McGelpin	F. Wm.	314	444-7600	314	241-6056	MV
McCarthy, Jr.	John	505	982-4374	505	982-0360	BG
McGoy	Jeannine	603	224-8942	603	224-2910	MV
Melver, III	Harrison	202	223-1780	202	223-1803	LS
McKay	John			208	587-2308	MV
McKaown	Margaret M.	208	583-8888	208	583-8500	WH
McKaown	Melvin	803	765-0517	803	799-4118	AH
McNulty	Truman			414	223-5000	BG
McWilliams*	J. Michael					TB
Middleton	Jack	803	825-8484	803	825-5850	BG
Miers	Harriett			214	740-8800	TB
Mitchell	Robyn	305	858-5555	305	858-4777	BG
Moser	M. Peter			410	578-5018	OF
Murphy	Denis	614	228-8135	614	221-0218	SS
Neiman	Tanya	415	287-0715	415	957-1686	PB
Neuhardt	James	313	258-9833	313	985-0372	LS
Newton	Dean W. Frank	808	742-3793	808	742-1629	AH
Norman	Kath			334	281-6310	MV
O'Connor III	Joseph	812	332-9295	812	331-8808	MV
Ogawa	Diane			505	848-1891	TB
Oliver	Julie			512	477-8302	MV
Paul	William			916	861-0417	BG
Pera	Lucien			901	524-4936	BG
Peterson	Arthur	807	586-4000	807	566-3777	MV
Piccone	Arthur			717	238-1204	MV
Pickering	John			202	893-8383	LS
Piercey	Rachel	504	581-4043	504	588-0518	PB
Pierson	Sam	803	765-0517	803	799-4118	AH
Pladner, Jr.						

Thursday, August 01, 1996

HILLINV

Page 4

Last Name	First Name	PH AC	Phone Number	FX AC	Fax Number	Source
Powers	Ragan	206	292-1144	206	340-0902	AH
Prigoff	Michael			201	568-7795	BG
Pritchard	Llewelyn			202	663-6363	TB
Quigley	Bill	504	881-5590	504	881-5428	MV
Ramo	Roberta Cooper			505	848-1891	OF
Reich	Abraham			215	238-1267	MV
Rexer	Linda	517	371-8907	517	371-3325	MV
Reyes	Angela	716	428-4545	716	428-5343	AH
Rhudy	Robert	410	576-9494	410	385-1831	AH
Robb, Jr.	John			505	788-7395	MV
Robinson III	T. Wm.	606	655-4200	606	655-4239	MV
Rodriguez	Raquel			305	579-0717	MV
Rosenblum	Ellen	503	248-5029	503	248-3425	BG
Ross	Catherine			617	552-2815	TB
Ross	Jonathan L.	603	668-2211	603	623-8442	LS
Rozkowski	Joseph	401	788-3447	401	785-3175	AH
Sales	James	713	651-5151	713	651-5246	AH
Saunders	Don	202	452-0620	202	872-1031	LS
Sawyer	Carol					TB
Schair	Fern			202	336-8959	TB
Schiller	Donald			312	641-6361	BG
Schiller	Eileen					PW
Schmidt, Jr.	Richard	202	293-3860	202	293-4827	WH
Schwartz	Alec	312	988-5743	312	988-6032	AS
Scudder	Steven			503	224-5516	ST
Seaborn	Robin	813	347-5723	813	345-7670	AH
Segal	Debbie	404	521-0790	404	521-3434	DJ
Shear	Ken	215	238-8300	215	238-1159	LS
Shen-Jaffe	Ada	206	464-6933	206	626-6366	AH
Shestack	Jerome	215	977-2280	215	977-2346	OF
Sikenat	James			212	856-1600	BG
Singer	Linda	202	939-8695	202	232-4757	LS
Singleton	Sarah	505	988-2645	505	982-4289	LS
Singee	Gerry					TB
Skilton	John Singleton			608	257-5502	MV
Slonim	Nancy			312	988-5665	ST
Smegal, Jr.	Thomas + Susan	415	954-0241	415	391-2493	BG
Smith	Marianna	301	320-2811	301	320-8962	BG
Smith	Samuel			306	789-2793	OF
Smith, Jr.	Wm. Reece	813	223-7000	813	229-4133	MV
Snow	Glee	318	285-3157	318	285-3159	MV
Snow	Edith					TB
Snow, Jr.	Cubbedge	812	743-7051	912	743-4204	BG
Staebler	Sally	313	846-7850	313	594-1287	LS
Stein	Robert			312	988-5151	OF
Sterman	Lynn			312	988-5032	ST
Stevens	John			704	253-7200	MV
Stobbe	Donna	803	799-8653	803	799-4118	PB
Sueman	Thomas Michael			202	626-3961	BG
Sweetin	Sheroe			312	988-5032	ST
Tachild	Marlin	310	458-8340	310	395-8727	AH
Talley	James			704	372-2819	MV
Thomas	Duke			814	484-6350	BG
Thomas	Sidney	406	657-5950	406	657-5849	MV
Thomson	Phyllis	601	946-4476	601	355-8635	MV
Tinder	Thomas			304	558-2467	MV
Torregrasso	Joseph			215	963-5289	MV
Trice	Anne	803	765-0517	803	799-4118	AH
Tucker	Laurence	672	825-4138	672		

Last Name	First Name	PH AC	Phone Number	FX AC	Fax Number	Source
Tyrrell	Jayne			617	367-8815	MV
Valente	Roberta	202	662-1737	202	662-1032	PS
Venters	Jane Adams	606	678-4916	606	679-3691	MV
Vital	J. Anthony			310	551-2710	MV
Vivero	Mauricio	202	662-1764	202	662-1770	LS
Vogel	Howard			423	546-0789	MV
Vreeland	Al	205	345-3440	205	345-3444	NM
Wagner	Patricia	312	988-5757	312	988-5032	ST
Walther	Steven			702	827-2185	BG
Wander	Herbert	312	902-5267	312	902-1061	TB
Warner	Ted	602	284-7101	602	234-0419	MV
Washer	Jim			312	554-1117	MV
Wegman*	Winifred					TB
Weiner	David	216	621-0160	216	241-2824	TB
Weiner	Robert	202	942-5116	202	942-5999	LS
Weiss	Elaine			312	988-5151	SM
Whitson	Lish	206	292-1144	206	340-0902	SS
Willard-Jones	Donna			907	278-0449	OF
Witgraf	George	712	225-5481	712	225-5300	MV
Wolchok	Carol			202	662-1032	ST
Wolfe	Saul	201	992-0800	201	992-0301	SS
Yohnka	Edwin	312	988-5102	312	988-5100	ST
Zeion	Laurie	213	692-5482	213	692-5454	LS

file
ABA

Revised

Guest List for Coffee - Saturday, August 3, 1996

Acheson, Eleonor D. ("Eldie")	Smith, Samuel S.
Allen, H. William	Smith, Susan
Allen, Kay W.	Studley, Jamiene S.
Amron, Cory M./Ritter, Halle (Daughter)	Tacha, Deanell Reece
Anderson, Missy	Tucker, Marna S.
Anderson, Phillip S	Weiss, Elaine
Barkett, Rosemary	
Barnett, Martha W.	
Barnett, Rick	
Barnett, Sarah (Daughter)	
Baskir, Lawrence	
Bellows, Laurel G.	
Bellows, Linsay (Daughter)	
Cooper, N. Lee	
Cooper, Joy	
Cooper, Corinne	
Curtin, John J. "Jack" (Former ABA Pres.)	
Curtin, Mary (Wife of Mr. Curtin)	
Daughtrey, Martha Craig	
Falsgraf, Janet	
Falsgraf, William W. (Bill)	
Falsgraf, Natalie (Granddaughter)	
Fenning, Lisa Hill	
Goldsmith, Joy	
Goldsmith, Peter (Barrister Immediate Past Pres.)	
Greenberger, Marcia D.	
Griffin, Christopher L.	
Jones, Elaine R.	
Kaye, Judith S.	
Lamm, Carolyn B.	
MacCrate, Robert (Bob)	
Marks, Fe Morales	
Martinez, Judy Perry	
Mayden, Barbara	
Ogawa, Diane	
Ramo, Dr. Berry	
Ramo, Jennifer	
Ramo, Joshua	
Ramo, Roberta Cooper	
Richmond, Alice E.	
Schafran, Lyn Hecht	
Schafran, Larry	
Shestack, Jerome	
Shestack, Marcia Rose	



THE DIRECTOR

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

November 6, 1995

*file
Legal
Services*

Honorable Robert C. Byrd
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Senator Byrd:

The purpose of this letter is to provide the Administration's views on H.R. 2076, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, FY 1996, as passed by the House and by the Senate. As you develop the conference version of the bill, your consideration of the Administration's views would be appreciated.

The Administration is committed to balancing the Federal budget. The President's budget proposes to reduce discretionary spending for FY 1996 by \$5 billion in outlays below the FY 1995 enacted level. The Administration does not support the level of funding assumed by the House or Senate Committee 602(b) allocations. The Committees' allocations raise serious concerns about the overall priorities reflected in the appropriations process. The Administration must evaluate each bill both in terms of funding levels provided and the share of total resources available for remaining priorities. The House bill is \$3.1 billion below the President's request, and the Senate bill is \$3.7 billion below the request.

The Administration is pleased that the House and Senate have supported an increased overall funding level for the Department of Justice. Continued support for the Department of Justice is essential for the fight against crime.

However, as detailed below, the Administration strongly opposes several aspects of the both the House and Senate versions of the bill. For these reasons, the President would veto the bill if it were presented to him as passed by the House or as passed by the Senate.

Community Oriented Policing Services (COPS)

The Administration is pleased that the Senate has provided \$1.7 billion for the COPS program, although the Senate's recommendation is approximately \$200 million less than the Administration's request. The Senate funding level would provide grants to localities to hire new police and eventually put 100,000 new officers on the streets of America.

The House-passed bill would eliminate the COPS program and, instead, fund a law enforcement block grant program that would allow spending on anything from street lights to public works projects. The American public has shown a clear desire for additional police to work hand-in-hand with communities to fight crime. The block grant approach would not guarantee a single new officer. The President has indicated that this is unacceptable. COPS is a highly successful program that promotes community policing, a proven, effective means of reducing crime at the neighborhood level. The Administration strongly urges the conference committee to accept the Senate's position with respect to the funding mechanism for the COPS program and to fund the program at the requested level of \$1.9 billion.

Other Violent Crime Reduction Trust Fund Programs

Both the House and the Senate would provide \$3.9 billion for programs funded by the Violent Crime Reduction Trust Fund. The Senate has provided funding for various crime prevention programs, including crime prevention block grants and drug courts. However, the House has failed to fund crime prevention programs, as authorized in the Violent Crime Control and Law Enforcement Act, with the exception of the violence against women and prison drug treatment programs. The Administration believes that funding allocations should be restored for these proven, effective, crime prevention programs, including the President's Crime Prevention Council. The Administration urges the conferees to support, at a minimum, the Senate's position on these programs.

United Nations and Other International Organizations

The funding levels provided in both the House and Senate versions of the bill would seriously underfund the Nation's treaty-obligated assessments to the United Nations (U.N.) and other international organizations. These low levels would undermine programs and activities that support U.S. interests in the world. The Administration urges the conferees to provide the President's request level.

At the fiftieth anniversary of the U.N., the President spoke before the General Assembly and reminded Americans to "not forget that our values and our interests are served by working with the U.N." These involve, among others, issues relating to non-proliferation, humanitarian relief, health, human rights, and peacekeeping. The President also told the U.N. delegates that "the U.N. must reform to remain relevant." The Administration is committed to a reform agenda, the success of which is linked to U.S. payment of its outstanding arrears, which total nearly \$1 billion. The Congress and the Administration need to develop a plan to clear these arrears in a manner that links U.S. payments to reform and improvement in the U.N. system.

Department of Commerce

The Administration urges the conferees to support the Department of Commerce and its critical programs. The Department works to ensure economic growth and a higher standard of living for all Americans. With the smallest budget of any cabinet department, the Commerce Department has posted a solid record of achievement in building a stronger U.S. economy. The deep cuts proposed by both the House and the Senate ignore the need for long-term job creation, continued technology investment, a renewed national export strategy, and environmentally sustainable economic growth.

Department of Commerce - Advanced Technology Program

Both the House and Senate funding levels for the Advanced Technology Program (ATP) are unacceptable to the Administration. The conferees are strongly urged to provide the President's request for this important program. ATP is an essential element of the Administration's civilian technology program. Analysis of ATP awards to date shows that they foster important technology development, promote industrial alliances, and create jobs. The House and the Senate funding levels for ATP would prohibit new awards and would force the government to renege on funding commitments for awards made in prior years to over 400 companies.

Department of Commerce - Other Civilian Technology Programs

The Administration prefers the House funding levels for the civilian technology programs. However, both the House and Senate funding levels would jeopardize U.S. competitiveness by under-funding these important programs, which accelerate the development and deployment of technologies that expand our economy and help Americans compete in the global marketplace. The Administration strongly urges the conferees to restore funding to these programs.

The Senate level would sharply reduce funding for the National Information Infrastructure grants program and would rescind prior-year balances for award competitions already underway. This program assists hospitals, schools, libraries, and local governments in procuring advanced communications equipment to provide better health care, education, and local government services.

The Senate level would severely reduce funding for the National Institute of Standards and Technology (NIST) laboratories and facilities. These reductions would undermine NIST's ability to provide the scientific and industrial community with the measurement base essential to industrial competitiveness, public health, and safety. The Senate would

also rescind \$152 million in prior-year balances for the NIST facilities program -- a multi-year commitment to facilities improvement required to maintain the U.S. national measurement system.

The Administration also urges the conferees to approve requested funding for the GLOBE program which promotes knowledge of science and the environment in our schools.

Department of Commerce - Economic Statistics

Both the House and Senate versions of the bill would reduce funding for Commerce statistical programs. While the Administration prefers the Senate level, reductions to the Economics and Statistics Administration (including the Bureau of the Census and the Bureau of Economic Analysis) would result in fewer improvements to the Nation's statistical system. This system provides businesses, the academic community, and policy-makers critical economic and demographic indicators.

Legal Services Corporation

The Administration is pleased that the Senate has restored funding for the Legal Services Corporation (LSC) and urges the conferees to support a program level for the Corporation at or above the Senate level. The Administration does not support the excessive restrictions on LSC operations contained in language provisions in both the House and Senate versions of the bill. The Administration supports the continuation of the LSC in order to provide legal services to those most in need of assistance.

International Programs

The Administration urges the conferees to provide at least the House funding level for State Department operations and foreign buildings program, which would allow the Department to continue functioning without serious disruption of diplomatic activity. The House levels, nonetheless, would require further reductions in operating budgets and squeeze State's ability to meet U.S. foreign policy objectives and provide support to over 37 other U.S. agencies operating overseas.

Neither bill adequately funds important public diplomacy programs that support U.S. international leadership. The House funding level for U.S. Information Agency (USIA) operations is \$50 million below the President's request and would require the closing of at least 20 posts. The Senate mark is \$17 million lower than that of the House. The Administration urges the conferees to provide at least the amount allocated by the House for USIA operations. Although the Senate recommendation for educational and cultural exchange programs is ten percent higher

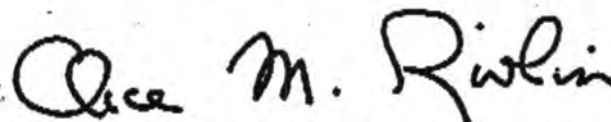
than the House mark, the funding level remains 17 percent below the President's request for Fulbright and other core programs. The Administration urges the conferees to provide at least the Senate funding level for the exchange programs.

The Senate funding level for International Broadcasting would require cuts of almost 29 percent below the President's request, including a 61 percent cut in Radio Free Europe/Radio Liberty. This would be a devastating blow to international broadcasting, coming on the heels of a comprehensive consolidation and restructuring, which has generated considerable budgetary savings. Even at the House level, which is \$70 million higher, the U.S. would have to cut back severely its worldwide broadcasting activities. The Administration urges the conferees to provide at least the amount allowed by the House for international broadcasting.

Both versions of the bill would also undermine our ability to provide international leadership in arms control. The House would provide the Arms Control and Disarmament Agency with \$40 million, while the Senate would provide only \$22.7 million. The Senate funding level would decimate the ability of the U.S. to continue ongoing arms control negotiations and verification activities. The Administration urges the conferees to adopt at least the House level of funding for this important national security activity (assuming that related activities continue to be funded in the Defense Appropriations bill).

Additional Administration concerns with the House- and Senate-passed versions of the bill are contained in the enclosure. We look forward to working with the conferees to address our mutual concerns.

Sincerely,



Alice M. Rivlin
Director

Enclosure

Identical Letters Sent to Honorable Bob Livingston,
Honorable David R. Obey, Honorable Harold Rogers,
Honorable Alan Mollohan, Honorable Mark O. Hatfield,
Honorable Robert C. Byrd, Honorable Judd Gregg,
and Honorable Ernest F. Hollings

Enclosure
(Conference)

ADDITIONAL CONCERNS
H.R. 2076 -- COMMERCE, JUSTICE, STATE, JUDICIARY,
AND RELATED PROGRAMS APPROPRIATIONS BILL, FY 1996
(AS PASSED BY THE HOUSE AND BY THE SENATE)

The Administration looks forward to working with the Congress to address the following concerns:

Small Business Administration (SBA)

Operating Expenses. The Administration urges the conferees to adopt the House level of funding for operating expenses, including funds transferred from the Business Loans Program Account and the Disaster Loans Program Account. Funding below this minimal level would require further reductions in SBA's staffing and would endanger SBA's ability to protect the government's interest in their \$30.7 billion loan portfolio.

Disaster Loan Program. Both the House and Senate would provide the requested \$34 million for the Disaster Loan Program. The requested level, however, assumes enactment of a program reform to increase interest rates on these loans to the Treasury cost of borrowing plus two percent. If the reform is not enacted, the \$34 million provided by the House and Senate would support only \$123 million in disaster loans -- about one-quarter of the historical average (excluding catastrophes).

The Administration has also requested \$100 million in contingent emergency funds for SBA disaster loans in FY 1996. The President has recently released \$125 million in FY 1995 contingent emergency funds provided by Congress. These FY 1995 funds were released because of higher-than-anticipated disaster costs associated with Hurricanes Marilyn and Opal. There are no remaining contingent funds, and SBA resources for disaster loans are now expected to be exhausted before the end of FY 1996. The Administration urges the conferees to include \$100 million in contingent emergency funds in FY 1996 to ensure that SBA disaster loans will be available if needed for future disasters.

Federal Communications Commission

The Senate version of the bill would sharply reduce the Federal Communications Commission's (FCC's) ability to promote competition in the telecommunications industry and protect consumers. In addition, the Senate's reduction would strain the FCC's ability to continue its successful spectrum auction program that has, to date, raised over \$9 billion for the Federal treasury.

Federal Trade Commission

The Senate-passed bill would provide \$25 million for the Federal Trade Commission (FTC), \$10 million below the House funding level. This level of funding would severely limit FTC's ability to carry out its mission, including protecting consumers from widespread telemarketing and health care scams and working with State attorneys to protect consumers and the marketplace in their respective States.

Equal Employment Opportunity Commission

Both the House and Senate would provide \$233 million for the EEOC, a reduction of \$35 million from the President's request. This allocation would be insufficient to address the backlog of over 100,000 unresolved complaints that is currently facing the Commission.

Securities and Exchange Commission

The House-passed bill would provide \$298 million for the Securities and Exchange Commission (SEC), the same as the FY 1995 enacted level, through a combination of offsetting collections and new budget authority. The Senate would provide total funding of \$268 million. If the Senate funding level were adopted, such a large reduction from the FY 1995 enacted level would weaken the ability of the SEC to maintain the efficient functioning and integrity of securities markets. The Administration urges the conferees to adopt the House-passed funding level.

Department of Commerce - Other Programs

Under both the House and Senate funding levels, the National Oceanic and Atmospheric Administration (NOAA) would have significant program dislocation. To avoid slowing down weather service modernization appreciably and to retain important research and fisheries management programs, the Administration supports the House levels for NOAA "dry-side" programs and Senate levels for NOAA "wet-side" activities.

Both the House and Senate levels would cause serious program reductions for a number of other Commerce bureaus, including the Economic Development Administration, Minority Business Development Agency, Bureau of Export Administration, General Administration, and Technology Administration. The Administration urges the conferees to allocate additional funds to these programs.

The Senate version of the bill gives the Office of Management and Budget (OMB), in consultation with the Department of Commerce, responsibility to abolish, reorganize, consolidate or transfer, functions within the

Commerce Department. The Administration would prefer that the primary responsibility for these activities be given to the Commerce Department, in consultation with OMB. In addition, the Administration is concerned about the legislative rider added by the Senate that would impose a moratorium on future listings under the Endangered Species Act. The Administration will work with the conferees to address this concern.

Department of Justice

Community Relations Service. The Administration is pleased that the Senate has restored funding for Community Relations Service, an organization that has served as an important stabilizing resource in communities. To terminate this program, as the House has proposed, would leave the Federal Government without a critical tool in addressing fast-emerging crises. The Administration supports the Senate's position on this needed program.

Office of Inspector General. The Administration is concerned with the House and Senate actions that would reduce the resources of the Department of Justice Office of Inspector General (OIG) by \$8 million below the FY 1995 availability, a reduction of more than 20 percent of the OIG's current capacity. The House and Senate have rejected the President's proposal to transfer \$5 million from the base funding for the Immigration and Naturalization Service (INS) to the OIG, an action that could put in jeopardy the continued INS reimbursement of \$5 million to the OIG. Furthermore, Senate action would reduce the OIG by an additional \$3 million. These reductions come at a time when the Congress has proposed significant increases for Federal law enforcement. The Administration strongly urges the conferees to restore funding for the OIG to the FY 1995 level and, at a minimum, to continue to permit the unencumbered reimbursement from INS.

Organized Crime and Drug Enforcement Task Force (OCDETF). The Administration opposes reductions imposed by the Senate on the OCDETF account. The main reductions have been imposed against Treasury law enforcement bureaus -- specifically, the Senate has reduced the Treasury bureaus' allocation by \$16 million below the request. This reduction would require Treasury bureaus to reduce their law enforcement operations. IRS, with a reduced tax law enforcement staff, could not participate in any new OCDETF investigations and would lose the ability to perform a number of new narcotics investigations. Reduction of Customs and ATF participation in the task force would reduce the level of border smuggling expertise and firearms

expertise brought to bear in Federal investigation. More importantly, by singling out the Treasury bureaus, the overall performance, spirit, and intent of the OCDETF program could be marred.

Department of Transportation

The Administration supports the Senate's action to restore \$46 million in funding for the new Maritime Security Program, an initiative critical to the security of the United States. Failure to fund this program, as the House has proposed, could result in the elimination of more than two-thirds of this fleet by the year 2000 and the loss of over 5,000 seafaring jobs.

International Programs

Office of Inspector General. The Administration is concerned about the Senate's reduction to the request for the State Department Inspector General. The Administration plans to consolidate the Inspector General operations of the State Department and United States Information Agency (USIA) in FY 1996. However, the Senate mark would not provide sufficient funding for the planned consolidation of these activities. The Administration would strongly prefer the House mark for the combined State/USIA Inspector General.

Capital Investment Fund/Foreign Buildings Operations. The Administration requests restoration of reductions made to the State Department Capital Investment Fund and Foreign Buildings Operations. The Capital Investment Fund, which both the House and Senate cut by 50 percent, is a fenced investment account designed to modernize the Department's inadequate information technology base. The outdated information infrastructure within the Department reduces effectiveness and efficiency. In addition, both the House and Senate would cut State's foreign buildings program. The Senate would also reduce funding for projects previously approved by the Congress through a \$140 million rescission. The Administration would strongly prefer the funding levels and conditions approved by the House for foreign buildings programs. Finally, the Administration urges the conferees to restore adequate funding to the International Boundary and Water Commission for support of the San Diego/Tijuana International Wastewater Treatment Plant.

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CELESTE LAGOMARSINO
ALEX MOREAU
WILLIAM J. VONDERHEIDE
EDWARD T. ARNOLD
THOMAS E. MESEVAGE
JOYCE A. DAVIS
AMY R. BITTERMAN
MICHAEL DAVID LICHTENS*EIN
HOWARD A. MATALON
ALICE K. SMALL
BRIAN WEEKS
VERONICA SMITH LEWIS*
EDWARD M. ZIMMERMAN
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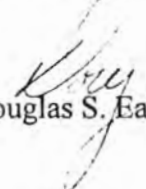
April 25, 1994

The Honorable Hillary Rodham Clinton
First Lady
Office of the First Lady
The White House
Room 100 OEOP
Washington, DC 20500-2000

Dear Hillary:

I thought you might be interested in seeing the enclosed two interviews, appearing in this month's issues of Management Information Exchange and human rights.

Yours truly,


Douglas S. Eakeley

DSE:cw

Enclosures

cc: Ms. Melanne Verveer ✓



MIE INTERVIEW

Douglas Eakeley

By Victor Geminiani



Douglas S. Eakeley was born in Morristown, New Jersey. He received his BA from Yale University in 1968. After two years of study at Oxford University as a Rhodes Scholar, he returned to Yale where he graduated with his J.D. in 1972. He first became involved with legal services while participating in the clinical program operated by Yale in conjunction with the New Haven Legal Services. While practicing in New York City, he served on the Board of Directors of the Legal Aid Society and the Board of Trustees of Community Law Offices of East Harlem.

In 1980, his practice returned him to New Jersey where he joined the board

of Essex-Newark Legal Services Project, the oldest and largest legal services program in New Jersey. He was a founder of the Legal Services Foundation of Essex County and was soon elected in 1982 to the board of Legal Services of New Jersey, the state support program. Soon after joining, he was elected chairperson of the board, a position he occupied until 1990 when he joined Governor Florio's administration as the First Assistant Attorney General of New Jersey. In November, 1993, he was appointed to the board of the Legal Services Corporation and was elected chairperson.

The interview took place in his home in Short Hills, New Jersey on February 12th as part of the National Equal Justice Library's Oral History Collection.

Victor Geminiani is the executive director of Legal Services of Northern California. He currently serves on the American Bar Association's Standing Committee for Public Service Responsibility and is the co-chair of the Pro Bono Committee of the ABA's Litigation Section.

Victor:

Thank you for very much for making time available on this blustery and snowy February day. Could you tell us a little bit about your background prior to becoming involved in legal services?

Doug:

That would be prior to law school. I was born in Morristown and grew up in Westfield, New Jersey, where I was educated in the public school system. I went to Yale College on a scholarship and majored in economics. I swam on the swimming team, played water polo, and did some work with disadvantaged children in a public school in what is known as the "hill" in New Haven. After graduation from Yale, I went to Oxford University to study law for two years. I returned to Yale Law School for two more years because Yale gave me a one year credit for my law studies at Oxford. That's when I picked up the trail of legal services. Yale had recently started a clinical legal services

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program. I was able to participate in the program that very first year and was assigned to Newhallville Legal Services. Our office was a storefront in one of the poorer districts right outside of the Yale part of New Haven.

Victor:

New Haven Legal Services Program was one of the original grey area programs funded by the Ford Foundation in 1964 to test a new model for legal aid delivery. Do you have any memories of those early days in that storefront office?

Doug:

I remember having to go from client to client while conducting interviews in a housing project. I remember being part of something that was very special and very new

I did not know then that I was stepping into something that they had been very successful in helping to establish – a new concept of neighborhood-based law offices dedicated to helping poor people.

at the time, but I didn't realize quite how historic it was until many years later. Edgar and Jean Cahn had worked in the early years in the program and written about their experience in a law review article entitled *The War on Poverty - A Civilian's Perspective*. They had already left Yale, so I did not have the pleasure of meeting them at the time. I did not know then that I was stepping into something that they had been very successful in helping to establish – a new concept of neighborhood-based law offices dedicated to helping poor people.

Victor:

You were a Rhodes scholar with President Clinton when you went to Oxford. Can you tell me anything about that experience? Has President Clinton changed or is he pretty much the same?

Doug:

We both changed, but I think there is a fundamental integrity to the man that was there right from the beginning. I think Bill Clinton pretty much knew who he was and where he wanted to go before most of the rest of us did. By tradition, the Rhodes scholars sailed to England together. I remember my first impression of Bill Clinton, somewhat unkindly wondering whether this guy was for real. His down-home "aw shucks" mannerisms created some skepticism in some of us who were more cynical Easterners. But it didn't take too long to discover that this was somebody who was genuinely interested not only in the world about him, but also in the individual people in that world. He had this unerring capacity to relate to people from every walk of life. That was the lasting impression I had of him and it's as true today as it was then.

Victor:

Later on in the early 1980's you became associated with the Legal Services of New Jersey, the state support program in New Jersey. Can you tell me how that occurred?

Doug:

I graduated from Yale in 1972 and went to New York City to clerk for Judge Harold Tyler, a federal judge, and then joined the law firm of Debevoise, Plimpton, Lyons and Gates, now Debevoise & Plimpton, in midtown Manhattan. One of the reasons I joined them was because they were very supportive of their lawyers being involved in their community. Within a year or two of my arriving there, I started to develop an interest in pro bono work

that would continue for the rest of my professional career. I became Special Counsel to the New York City Board of Corrections. Alexander Forger was the president of the New York State Bar Association at the time and Chairman of the Legal Aid Society. I can't quite remember how the connection got made, but he asked me to write a background paper for a conference on access to justice. He helped get a Ford Foundation grant to fund the project. It was not geared to legal services but to the legal needs of moderate income people and their inability to obtain lawyers. I wrote what became a published report called *A Lawyer At A Price People Can Afford*. That experience led to a wonderful working relationship with Alex Forger that, in turn, brought me onto the Board of Directors of the Legal Aid Society. I'd also become a trustee of the Community Law Offices in East Harlem. We ultimately formed a volunteer lawyers division within the Legal Aid Society which became the home of Community Law Offices. I also chaired what was (and is) known as the "Associates Campaign" – a fundraising drive conducted annually among associates of every major New York City law firm on behalf of the Legal Aid Society.

In the beginning of 1980, I decided that I wanted to come home to New Jersey and left Debevoise to join the firm of Riker Danzig. Several months later, I made some inquiries and landed on the board of the Essex-Newark Legal Services Project, which was the oldest and largest of the legal services programs in New Jersey. After the Reagan election about a year later, I organized a volunteer pro bono program and initiated a fundraising campaign to supplement what had been lost with the first Reagan budget. That led to the creation of the Legal Services Foundation of Essex County and my first statewide recognition. I received an invitation to join the board of

Legal Services of New Jersey in early 1982. Shortly after being named to the board, I was elected chair and remained chair of Legal Services of New Jersey for eight years. I left private practice to join the Florio Administration in the beginning of 1990 as First Assistant Attorney General.

Victor:

Do you remember any of your impressions of legal services back in the late 1970's and early 1980's?

Doug:

I joined the Essex-Newark Legal Services Project just after there had been an extraordinary confrontation between the lawyers serving on the board and senior staff. The executive director of the project had been ousted. The board was seriously fractionalized. There was virtually no communication, much less support with or from any of the organized elements of the private bar. Legal services lawyers weren't that appreciative of the private bar, and that feeling was reciprocated by many members of the bar. The legal services staff were preoccupied with scrambling for scarce resources and competing for those resources. I think that impaired their ability to define and serve the needs of their clients. In terms of per capita income, Newark is the most poverty affected city in the United States. It was a very devastating, depressed area with a large population of poor people who needed help. That made all the more tragic and frustrating the scarcity of resources, and the inability to deliver those resources effectively to make the most use of whatever there was. The private bar was, to some extent, satisfied to have legal services lawyers fill their responsibility to help poor people achieve equal access to justice. They saw little need to become involved any further.

Ronald Reagan, certainly unintentionally, did us a favor in

attacking the program as vehemently as he did. The rhetoric and the ideological attacks produced a coming together of lawyers in the legal services community and the private bar in ways that have created

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new alliances and bridges, and ultimately built a foundation that is stronger than it ever was before. It provides us, hopefully, with the base on which to build for the future.

Victor:

You served both on the board of Legal Services of New Jersey and as chairperson for a good part of the 1980's. Are there one or two particularly strong memories that you have of the work you did with the program during that period of time?

Doug:

I'll give you one positive and one negative. We litigated for about three years against the state of New Jersey to require the state to measure and articulate the standard of need for children on AFDC. We wanted to determine what was necessary for minimally adequate levels of food, shelter, clothing, and the like so that a benchmark could be established by which to evaluate the actual level of funding. Hopefully, the state government would do something more to make up the difference once the reality of the situation was revealed. I represented about 90 community groups including religious, fraternal, civic, and labor organizations as amicus petitioners. They all were participating on behalf of the entire community in an effort to require our state government to recognize its obligation to children living in poverty. We were bitterly resisted by the state government and lost in the

appellate division but accomplished a significant victory in our state Supreme Court. It was a bittersweet victory in one sense, since the state then developed a standard of need that was duly promulgated, and no progress was made towards substantially raising levels of AFDC payments. However, the litigation was a wonderful experience, because it not only brought together the private bar and legal services lawyers, but also the entire community around a cause which had as a goal securing justice for people in need.

Going from the sublime to the truly ridiculous, I remember our first LSC monitoring visit. There was a total interruption and cessation of activity for a week as Legal Services of New Jersey was monitored. I can't remember how often we were monitored during that period. But it was far too often, and clearly due to the effectiveness of the program in providing support to field programs and taking on major case litigation. The program was quite strong under De Miller's extraordinary command. LSC was the agency instructed with the mission of distributing federal funds to support legal services lawyers and was also charged with making sure the legal services delivered were of the highest quality and most cost effective. Having them come in and be so perverse in the way they conducted monitoring was hard to fathom then, and is still hard to fathom now.

Victor:

I think there is a general consensus that during the 1980's there was a relatively hostile environment by the Executive branch of the federal government towards the legal services program. Do you have a sense of the effect that hostile environment had on the delivery of legal services for the low-income?

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Doug:

Absolutely. The monitoring example I gave you was a very small indicator of the attitude. The attitude was followed with regulations, paperwork requirements, and a reduction in funding for state and national support as well as for local field programs. The cumulative impact of those regulatory burdens and the restrictions on legislative and class action advocacy imposed extraordinary burdens that made already under-funded programs that much less able to do what they were supposed to do.

Victor:

There has been some discussion among field programs, and I presume among some of the leadership of LSC, about the need to engage in a healing process. Do you feel that is a high priority for the Legal Services Corporation, and if so, what can the Corporation do to help in that healing process?

Doug:

That is a very high priority for the Corporation. Not just the field programs need healing. This nation

This nation needs to be reminded that justice is a fundamental principle to which we are committed, and that legal services is an incredibly important part of the job of seeing that people secure justice.

needs to be reminded that justice is a fundamental principle to which we are committed and that legal services is an incredibly important part of the job of seeing that people secure justice. The first thing we tried to do and will continue to do is reach out to field programs to learn what their needs are and how we can best meet those needs. The Corporation's role is not only to monitor the spending of federal funds to make sure that

the restrictions in our authorization are complied with, but also to actually see that the funds are used for the purposes intended. That means the Corporation has an affirmative obligation to go to the field, migrant and Native American programs, and say we are here to help you. I think there is a very important role that the Corporation can play through funding of support, through funding of research and communication, and through a user-friendly evaluation process that helps programs improve the quality and effectiveness of their delivery. That is part, but not all of the healing process, and those steps are very definitely important ones.

Victor:

In the latter part of 1993, you were not only appointed to the board of LSC, but you were also chosen by your peers on the board to be their chairperson. You have a very busy professional career. Can you tell us why you decided to make that commitment?

Doug:

Legal services has always been a priority in my professional life. It has become an increasingly significant one over time. It has always been the source of leavening in my professional life, and the principal means that I've been able to find to make my own small contribution to equal justice. I can't think of any higher calling than being on the board or serving as chairperson of the board of the Legal Services Corporation. It is worth making available however much time that is required to serve in that capacity.

Victor:

Each chairperson that comes to a board brings a redefinition of the role and responsibilities from his or her own personal perspective. As you think about your role as the chairperson of the board of the Legal Services Corporation, can you tell us

how you will define that role and those responsibilities?

Doug:

Well, we're still in the developmental stage. Actually, we may still be there three years from now, but I hope with a little more focus. The board was sworn in on November 8th. We are eleven diverse, strong-willed people committed, each in our own way, to legal services and equal justice. We had a board meeting December 4th, 5th, and 6th. We had a board meeting the first

We are eleven diverse, strong-willed people committed, each in our own way, to legal services and equal justice.

weekend in January and also at the end of January. So far we have thus come together on four occasions as a board, and we're still getting to know each other. As a starting point, we have had to develop a common baseline of understanding and appreciation for what we were stepping into. This includes an appreciation for the Legal Services Corporation and its role, and an understanding of how it was perceived and performing in the field. At our last board meeting, we took the last day among ourselves to talk about roles and missions and what we wanted to see. We're also in the transitional period. We have a national search underway for a new president. As a first step, we really needed to bring in someone who could help us find out what the terrain was, where the problems were, and to help us move in a new direction. We were pretty sure we wanted to begin redefining our responsibilities without waiting until we hired a new president. As our transitional president, Alex Forger is now helping us as we, as a board, think our way through that process.

Victor:

There is a natural and sometimes healthy tension between the functions of the board of directors and the staff of the Corporation. Can you share any thoughts you have on the relationship that you hope the board will have with the permanent staff that will ultimately be hired?

Doug:

This is tricky part, because before Alex Forger and his senior transitional management team came in January, we really needed to play dual roles of board and management. When I assigned oversight responsibility for each component of the Corporation to one or the other of our three standing committees, I intended those committees to take a much more drastic hands-on position than might otherwise have been appropriate. At the time, we were in November, which was the beginning of another fiscal year, and we had no budget. We were told we had inherited a surplus, but it turned out to be a multi-million dollar deficit in our management and administration level. I thought we had people talking inappropriately to the Congress. We were not speaking as one voice. We had an agency that really had been going in one direction, because that was the direction set by the former board. We knew that we wanted to make at least a 180 degree change. Consequently, it was necessary initially to assert control. Over time, we've got to step back from that. The board really ought to be there serving as a policy maker and as steward to make sure that the Corporation discharges its obligations to the Congress, to the public, and to those whom it funds.

Victor:

If you define short term as one year and long term as four or five years, can you describe what your short term and long term vision is for the Legal Services Corporation?

Doug:

This first year's effort will take us into the future together and that is terribly important. We must conclude our search for a new president by finding the absolutely best person to direct our future work. We want to secure re-authorization from the Congress, hopefully with as few

It is absolutely vital that we obtain a Congressional commitment in the form of a re-authorization to the Legal Services Corporation Act and its mission and then secure an investment by Congress of resources to make it happen.

restrictions as possible. We want to secure a significant increase in appropriations that advances us towards the goal of equal justice. We've asked for a minimum access budget increase of \$448 million that would bring LSC appropriation to \$848 million. That itself is more than twice what we have now. The President has recommended \$100 million more, which represents a 25% increase. If *The Wall Street Journal* is any guide, even a 25% increase is going to be an uphill struggle. It is absolutely vital that we obtain a Congressional commitment in the form of a re-authorization to the Legal Services Corporation Act and its mission and then secure an investment by Congress of resources to make it happen. Also in the short term, we are confronting what I call the regulatory burden that is now out there and intentionally put in the way of local programs' ability to effectively deliver services. Those, I guess, would be my top short term: president selection, re-authorization, funding, and regulatory reform.

In the longer term, I'd like to see the Corporation develop as a primary vehicle for encouraging the nation to provide equal justice. I would like to see LSC become, first

and foremost, the principal spokesperson of legal services programs in Washington on issues such as appropriations. We need to have an agency in Washington reminding our federal government that it has a responsibility to provide for equal justice for all. We need to find a variety of ways to support what legal services programs do, not only with federal funds, but also to assist them in finding funds and other resources in their communities that will help them expand services. We also need to improve and enhance the quality and effectiveness of the legal services that are being provided. Part of this will be done by developing an appropriate monitoring system to make sure the federal funds are being used for the purposes intended. That process should also contain an evaluation component that helps programs do better with the resources they are provided. We need to get beyond the questions of access to talk about advocacy and service that inches us towards equal justice as the goal.

Victor:

Do you think field programs for the most part share in that short and long term vision, or do you think there may be differences of opinion?

Doug:

There are undoubtedly differences of opinion, which is why the legal services community is so strong and vibrant and ultimately so inspiring. Views are sometimes different, but the values are fundamentally the same. The commitment to those values is very strong.

Victor:

I suspect the field programs would agree wholeheartedly with that vision. As can be expected, it's in the implementation of that vision where the differences might occur. There are at least three other institutions

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that have traditionally been involved in the delivery of legal services. One, of course is the American Bar Association, which in 1965 committed to support federal funding for the first time. Another is the National Legal Aid and Defender Association, which was created in 1917 to coordinate assistance to programs. A third is the Project Advisory Group, which was created in late 1960's to advocate for legal aid program interests. Do you see any of those institutions having a problem with either the short or long term vision that you have suggested? How do you see those institutions participating in the development of that vision?

Doug:

The answer to your first question is no, I see no fundamental divergence in our mission and commitment to equal justice. I would add though, that our strong support from the ABA should also be supplemented by an active working relationship and coordinated efforts with the minority bar associations.

To move to the second question, we have done as much as we could physically during our first three months to reach out for and include in our discussions and our decision making representatives of the ABA, NLADA, and PAG. We've included

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not just those in Washington, but we've tried to make sure that we invite people from the field and support centers. This ought to be a shared vision and a shared commitment. We need an inside perspective of those organizations and the staff in programs they represent to assure our activities are consistent with our mission. I don't think we're going to

get where I would like to see us going if we don't go there together.

Victor:

Do you see any of the three institutions carrying out that part of the vision?

Doug:

Absolutely. I haven't broken it down into different roles. I spoke to the House of Delegates of the ABA this past Tuesday at their mid-year meeting in Kansas City. I asked them for their active support in Washington to help us obtain a significant

I also asked the ABA representatives to go back to their states and recommit themselves to partnerships at the state and local level with their legal services programs.

increase in appropriations from the Congress and to pass reauthorization with minimal restrictions. I also asked the ABA representatives to go back to their states and recommit themselves to partnerships at the state and local level with their legal services programs. This could be done both through sustained and enriched participation on local boards of directors, and also through pro bono involvement and local fundraising activities. We're not the private bar, nor are we the representatives of the field programs. Indeed, since we fund field programs, there has to be some distance at some point in time between the grantor and the grantee. Together we do reflect a community of interest. It's important that all members of that community participate in strengthening our delivery of legal services. We're not planning to seek control over decision making or delegate responsibilities. The PAG, at one point, was more or less the official advisory group to the board of the Legal Services Corporation. I would

like to see NLADA, PAG, and the Center for Law & Social Policy, if not officially at least regularly, be asked for input at every point where we need advice and different perspectives. That's basically what we've been trying to do. If you look at every meeting we've had of the board, we've had representatives of those organizations come share a table with us.

Victor:

Since federal funding began in 1965, legal services programs have found themselves caught in the political pendulum. Some swings have had negative impact on programs while others have had a positive influence. There is an argument to be made that given our client constituency and their involvement with private and governmental activities, that it's hard to remove this program from the impact of the political system. Do you think it's possible to eliminate or at least reduce the political influence on this program and if so, what role can LSC play in accomplishing that goal?

Doug:

It is important to take the politics out of the program as much as we can. The Corporation has a central role to play in doing that. This board's intention is to be as non-partisan as we can and encourage everyone in the Congress and in the community at large to support legal services for the very fundamental reason that we all have a stake in justice. Programs funded by LSC play an important part in delivering on that promise. There shouldn't be any politics involved with the delivery of justice. We intend to go to Capital Hill and tell our political leaders that we want off the pendulum. We are not a new board going back to the time when the pendulum was at a different place. We intend to move in a different direction. We need the support of all of our political leaders regardless of their

ideology or party affiliation. Helping people in need should be non-partisan. Unfortunately, a large number of problems affecting poor people are legal problems that involve governmental activities, and enforcement of rights often can only be done by using lawyers to advocate for the rights of the low-income. We need Congressional leaders to help us help them.

Victor:

PAG's subcommittee, the Funding Criteria Committee, recently developed a new funding concept, which was introduced, I believe, at the December LSC board meeting. It is based on access to justice as opposed to the traditional concept of funding which has been minimum access. Do you see a substantial difference between the two concepts?

Doug:

I think there is a difference. I see minimum access funding as a first step toward something longer term and more significant – and that is equal justice. Minimum access is basically an arbitrary definition that was used very effectively by an earlier board, led by now First Lady Hillary Rodham-Clinton and Bill McAlpin, to obtain funding for national coverage at a rate of two lawyers per ten thousand poor people. I don't think that they ever intended the goal to be their ultimate destination, and if they got there, they would stop. It's really a means of measuring how well you're progressing along the way. There's some peril associated with minimum access as your only objective. That's why I've been trying carefully to talk in terms of minimum access as a first step towards something else. For me, full access to justice is that something else.

Victor:

You mentioned before that your board has requested an appropriation of \$848 million from Congress,

which is a substantial increase over the \$400 million appropriation for the year 1994. If you had ten minutes with President Clinton to convince him that this program deserves a substantial increase in appropriations over the next three to four years, what would you say to him?

Doug:

Our national priority should be justice. I think it is. I know it is. It takes some reflection to realize how central to that priority legal services is and can be. If you look at every domestic priority and initiative that the President has offered, all the way down to safe streets and 100,000 more cops on the street, you'll find legal services advocacy and our clients at the center. Welfare reform, health care, education, employment opportunities, personal security, juvenile violence – all of these

If you look at every domestic priority and initiative that the President has offered, all the way down to safe streets and 100,000 more cops on the street, you'll find legal services advocacy and our clients at the center.

ultimately affect our clients, and there will be a greater need for legal services advocates if these initiatives go through.

Victor:

We are faced with a federal deficit which has dominated public attention over the last eight or nine years. The President seems to have made some substantial progress on reducing that deficit to date. We also have people that don't necessarily share the importance of our programs as evidenced by the recent Wall Street Journal editorial. What is your outside limit on what this program can realistically achieve in funding over the next three to four years?

Doug:

If Congress remains where it is and the deficit remains where it is, than we're not going to do as well as we would like to do. I see this as being a very interactive process. The better we use the additional funds we do receive this year, the better we can make a case next year for further increases in spending. The more articulate we are in reminding the Congress and the President about their responsibility for justice and our role in helping them fulfill that responsibility, the more we're going to see, hopefully, a willingness to help. The more we encourage the nation to do justice and support legal services, the more supportive, presumably, their representatives will be in the Congress to help us. I see us challenged to change a lot of attitudes and perspectives to generate increases in funding in the magnitude that we're seeking. It's clear that we're not going to reach that order of magnitude overnight merely because we have a new board and a new president. Although it helps, it will not alone produce substantial funding increases. In fact, with the recent earthquake relief bill that went to Congress last week was an amendment called the Penny-Kasich amendment, that would have reduced our funding by 5% this year. Actually coming in the middle of the fiscal year, it would have been in effect a 10% reduction in current appropriations. That only failed to pass by a narrow margin. I definitely recognize the political obstacles along the way, but I am confident in the greatness of our cause. I'm almost as confident in our ability to ultimately deliver if we do the other things I've mentioned – encourage the Congress and the government to make a national commitment for equal justice. That, incidentally, also raises another point. One part of the Legal Services Corporation's role, I

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think, is to serve as a catalyst in the deliberations of cabinet agencies. When the Justice Department is considering its new initiatives on access to justice and their program to put more police into a community, we should be there to tell them how legal services programs can provide a stabilizing force by helping them access programs for kids and families. The same is true when the Social Security Administration is reviewing its user unfriendly regulations and operating procedures. There is a role and a place at every table for legal services advocates with perspectives on their clients' needs. I think that we can do better by introducing legal services advocates from the field into those deliberations. Program staff represent a gold mine of perspectives in ways that can make the government itself perform better.

Victor:

PAG's goal of \$3.5 billion is an enormous amount of funding compared to present resources. If, in fact, the LSC appropriation is substantially less than that in three to four years, where else should programs look to secure that goal?

Doug:

I suppose the answer is everywhere else. But first let me quibble with your premise. \$3.5 billion is not an enormous amount of money compared to the overall federal budget, compared to the importance of justice as a principle and a goal of this nation, or compared to the unmet legal needs of the poor in the community. I don't really shy away from the number, because it isn't a really big number. It's almost trivial compared to any of those benchmarks. It's also true that justice should be everyone's concern and commitment.

We should not be solely relying upon the federal government to provide the resources necessary for advancement towards equal justice. With interest rates where they are,

IOLTA programs have been dealt a fairly devastating blow in many states. Clearly, IOLTA was a welcome supplemental source of funding for many programs during

We should not be solely relying upon the federal government to provide the resources necessary for advancement towards equal justice.

the past decade. I think that lawyers ought to be asked to make private contributions to state and local legal services programs. To a certain extent, there are other ways in which the federal government should be funding legal services. So much of what legal services staff do is occasioned by wrongful government actions. Too often there are bureaucratic snafus or deliberate misreadings of regulations to deny eligibility or create a maze that people have to walk through in order to receive the entitlements due them. Programs ought to receive a commission every time we help a government program work the way it is supposed to work. We can help by encouraging the President, the First Lady, the Attorney General, and others when speaking publicly to mention legal services and its significance as a means of helping encourage the private sector to make their contributions to equal justice along with everyone else. I'd like to see LSC reach out to corporate counsel and involve them in some way. I would like very much to make sure that the Corporation creates bridges between our programs and corporate America. I think in these ways, by encouraging a greater public awareness and appreciation of what legal services programs do, we will be facilitating local programs' abilities to obtain additional resources.

Victor:

Can you tell me what you think the strengths and weaknesses of our current field programs' delivery system are?

Doug:

That's a very difficult question to answer diplomatically. The strengths of the program are that it has survived under the most adverse possible conditions. That survival has forged a high quality steel framework that will endure and remain. As a nation, I believe we are committed to a legal services delivery system that is based upon local programs' defining local priorities in accordance with local needs. Survival and the forging of that high quality steel has also led to some burnout. Unfortunately, there really hasn't been a lot of new, fresh ideas and people coming into the program. We've not been able to recruit at law schools because programs don't have that many positions open for hiring. Therefore, there really is a generational gap, I think, between the current legal services leadership and people who are coming up behind them in the ranks. There's not as much going on in law schools that feeds directly into and enriches legal services programs both by way of students or ideas. I think both the strength and weakness of our current program are its people.

Victor:

What about the strengths and weaknesses of our support system?

Doug:

I don't think it was an accident that the Reagan Administration curtailed funding disproportionately for national and state support. I think that was done in recognition of the potential effectiveness of that support in maximizing the impact of the dollars that went to field programs. It is important to understand the different roles national and state support centers provide. Let's take

state support first. I come from a state which has a very active, very well regarded state support program that provides coordination, managerial support, training, issue orientation, and also impact advocacy. Legal Services of New Jersey is deeply involved in drumming up support from our state legislature for state appropriations to supplement the federal appropriations to field programs. I think there are a number of states where the potential role for state support centers has not been fully utilized. That's a resource problem in part. I think it's also a political problem. Not in an elective political sense, but rather a question of factions or groups finding the means and the will to come together in their state support program and provide the authority and responsibility at the state level for what's going on in the program.

National support is as critically needed as state support. I really see national and state support as being the best way to supplement the delivery of services at the local level. Our national support centers have problems that, to an extent, are

There's also a risk of being stretched too thinly. It's very hard to do a lot when you've only got two lawyers to focus on national issues of major concern to poor people.

resource driven. We have something like 16 national support centers. There is a risk of compartmentalization occurring, just as government often confronts compartmentalization of its agencies. There's also a risk of being stretched too thinly. It's very hard to do a lot when you've only got two lawyers to focus on national issues of major concern to poor people. We need to think through how we can coordinate better, not only among and between the national support community, but also with the Corporation, national

and state support, and local field programs. I think some of this will come into better focus as the Corporation figures out how we're going to approach the evaluation function better. I see a lot of potential and it's all up for consideration.

Victor:

Leadership is not only accomplished by implementing activities, but also by creating, sending and emphasizing messages. Have you given any thought to how your vision and strategies will be conveyed to the field, other institutions, and to Congress?

Doug:

I have not thought precisely in those terms. The first speech I gave was at the NLADA annual meeting in Albuquerque less than a week after I was sworn in as a member of the board and chairperson. In that speech I took pains to say that local programs are important – they are the most important part of what we're about and why we exist. We need and want input from the people who are ultimately fulfilling the mission with which we are entrusted. I think that over time another important symbol has to be diversity. Not just the people, although that's an important starting point. In order to be effective in serving the needs of our clients, I think we have to be more reflective of our clients. Incidentally, that also suggests that we need to find a better role for clients and organizations or clients within the Legal Services Corporation so that we can receive meaningful input not just from field programs, but also from clients and client advocacy groups independent of other programs. I'd like to think a lot more about symbols. What we do or say in order to persuade and encourage people to be concerned about equal justice will depend very much on the symbols we utilize. I can't pretend to have those symbols at my fingertips at this point.

Victor:

Previously you mentioned compartmentalization of government activities. There are some who believe legal services programs have become compartmentalized by not participating in local or national bar activities sufficiently or linking up with other advocacy groups who share common interests concerning the low-income. Do you think LSC has a role in trying to reduce or restructure, in some way, that compartmentalization?

Doug:

Part of what you've just described is the product of a lack of resources and a siege mentality that is very understandable. Once we can reduce the regulatory constrictions, increase the funding, and make the

The Attorney General has now challenged the lawyers in her department to join bar associations and become active in participating in some of the substantive work on the organized bar.

funding process more user friendly, I hope that we will be providing local programs and lawyers with a means for participating more willingly in their communities at large. It's interesting, you could say the same thing about the Justice Department lawyers. I had an interesting discussion the other day with the Associate Attorney General and Roberta Ramos, who will be stepping up to the president-elect position of the American Bar Association in August. We were talking about the need for linkages between the Justice Department, the organized bar, and legal services. During the conversation, someone remarked that it's been a long time since anyone even wanted to be partners with legal services or the Justice Department. The Attor-

(Continued on page 18)

MIE INTERVIEW...continued from page 17

ney General has now challenged the lawyers in her department to join bar associations and become active in participating in some of the substantive work of the organized bar. I

The more that we can get out and participate and become part of the overall legal and social fabric in our communities, the stronger we'll find those communities supporting legal services.

think that would be a very welcome addition for legal services, too. It's no accident that Helaine Barnett, the executive director of the Civil Division of the New York City Legal Aid Society, has just been elected to the Board of Governors of the ABA. That is a first. Arch Murray was the first legal aid attorney elected to be president of the New York State Bar Association. The more that we can get out and participate and become part of the overall legal and social fabric in our communities, the stronger we'll find those communities supporting legal services. It's a

long-run, worthwhile investment, and the quality of our advocacy will be enhanced by greater participation in the community.

Victor:

Can you tell us who in the legal services community has most influenced your thinking?

Doug:

My commitment to justice has at its fundamental core my religious upbringing. It is very difficult to think of justice without thinking of our covenant relationships with God and one another. I start with the Bible – probably Isaiah as the bridge between the Old and New Testaments more than anybody else as a source and clearly the New Testament and the life and teachings of Jesus. I jump back in time, probably to Aristotle. I bring that forward. I think that Bobby Kennedy and Nick Katzenbach are sources of inspiration for me. Dick Debevoise in my own community has always been someone who has been a role model for me. De Miller, the president of Legal Services in New Jersey, is a soul brother and constant source of

guidance and advice. Those are among the people who have provided me with at least some of my orientation.

Victor:

Any final thoughts you'd like to share?

Doug:

I am so extraordinarily proud and challenged and humbled by my new position. I do think that for a lawyer, there can be no higher calling. I just hope that I will meet that calling and do something that makes a difference for the better.

Victor:

I want to thank you for your time and hospitality this afternoon. You have come to a position of leadership at a critical time in legal services history. Please let me give you the very best of wishes from our community and a warm thank you for what I'm sure will be your essential contributions.

Doug:

Thank you. It's wonderful to be part of that community.

CONGRATULATIONS!

IN THE RECENT MIE BOARD OF DIRECTOR ELECTIONS, ROBERT BYRD, DENNIS BRICKING, AND LEANNA GIPSON WERE RE-ELECTED BY THE MEMBERSHIP TO ANOTHER THREE-YEAR TERM ON THE BOARD OF DIRECTORS.



THE PRICE OF EQUAL JUSTICE:

What's in Store for the Legal Services Corporation?

Attending a rodeo to mark the end of the ABA's 1994 Midyear Meeting, Douglas Eakeley listened while the narrator spoke in ringing terms about the United States, using the word "freedom" four times.

"He didn't use the word 'justice' once," says Eakeley, the new chair of the Legal Services Corporation.

"We need reminding from time to time that this country was founded in the words of the preamble to the Constitution, 'to establish justice,'" Eakeley notes.

"When we salute the flag, we are renewing our commitment to a country dedicated to the principles of liberty and justice for all. But we don't hear much about justice."

Eakeley predicts that one objective of the Legal Services Corporation board will be a public education campaign "to remind and encourage the nation to do justice."

Eakeley, 48, became head of the LSC last November, a part-time, non-paid position. He practices in Roseland, New Jersey, with the firm of Lowenstein, Sandler, Boylan, Fisher & Kohl.

Eakeley started his interest in legal services as a student at Yale Law School, where he worked in a legal services clinic with fellow student Hillary Rodham. Later, Eakeley trained at other legal services positions in New York and New Jersey.

In 1992, he became chair of Legal Services of New Jersey, Inc.

In addition to befriending Hillary Rodham, Eakeley attended Oxford University at the same time as Bill Clinton, and became a roommate of the president's after both returned to Yale.

He quips that he was at the first professional pairing of Bill and Hillary Clinton, when the two joined Eakeley in a mock trial competition at Yale.

This interview, recorded from his home, was conducted by Human Rights Editor Vicki Quade.

In terms of justice, can there be equal access for all?



Interview with Douglas Eakeley

By Vicki Quade

Equal access is possible. I don't think you can equate equal justice with equal access.

In the legalistic society that is America, access to the system of justice is a very important component of securing justice. And therefore, access becomes fairly critical.

W. Clark Durant, a predecessor of yours at the Legal Services Corporation, once talked about allowing nonlawyers to do the work of LSC lawyers as a way of providing equal access to justice.

That proposal reflects a basic ignorance of the significant legal problems confronting poor people. It, indeed, trivializes them. It shows an insensitivity, as well, to the nature of justice and the

commitment of this country to justice under law.

It's very hard to see how non-lawyers could deal with crises in poor families' lives, such as a threatened wrongful eviction, or violence in the household, or a cutoff in entitlements.

We're dealing with a legalistic and bureaucratized society where even lawyers don't make their way too easily at entities such as the Social Security Administration.

Nonlawyers can be trained to deal with bureaucracies and other elements of law. Wouldn't using non-lawyers give people more equal access to justice?

You can't do away with legal representation of the poor in civil matters in order to accomplish justice.

But definitely we could do more than we're doing now if we had the resources.

I would start with community education so that people can understand their situations, understand their problems, and identify solutions.

Not all solutions need to be legal in the first place.

Our system works because most people voluntarily obey the law and follow the rules. It's when the social consensus breaks down that you find there's more of a need to resolve disputes, and lawyers can be very helpful and essential in some of those areas.

If we could do more to encourage people to follow the law and the rules in the first place, there would be less need for lawyers.

And yes, there is a lot of regulatory maze that need not be threaded by lawyers; nonlawyers can do that. Another way to attack that particular problem is to eliminate the maze.

Why is the Social Security Administration so user-unfriendly? It's supposed to be a government serving people. But it's got it inverted. And that is true of many of our benefit-distributing agencies.

Every Legal Services program of which

I'm aware depends to a great extent on the use of trained legal assistants, paralegals, because that is a way that nonlegal work can be effectively delegated.

At this point, the Legal Services Corporation can't even provide minimum access to justice.

That's correct.

Is that because the LSC is in a constant battle for funds?

It is primarily resource-driven. The minimum access formula that we seek to fund, which has been endorsed by the American Bar Association, is itself an artificial construct. That formula calls for two lawyers for every 10,000 poor peo-

ple, and that was established in 1980-81.

The appropriation request for the coming year is \$848 million compared to this year's \$400 million appropriation. Even if we were to get to that level, we are still not going to be anywhere near assuring everyone with bona fide legal needs of a means of addressing those needs.

Nevertheless, that is an important first step.

\$848 million is nothing more than where we were in 1980-81 adjusted for inflation and the demographics of poverty. This program has been devastated for the last 12 years.

We have not even kept pace with inflation, or adjusted for the increasing

number of people living in poverty. While we're talking about that, let me just drop a footnote: one out of every four children under the age of six in this country is living in poverty; one out of every five children is living in poverty.

Over three-quarters of the beneficiaries of the Legal Services program are children.

Funding is critical, and in terms of the overall federal budget, we're not asking for a lot.

Funding, however, is not our biggest problem.

We inherited a Legal Services Corporation that has layer upon layer of restrictions and inhibitions imposed by Congress. These are in the form of

A Recommitment to Justice: How the ABA Can Help

By Douglas Eakeley

The American Bar Association, through its House of Delegates, standing committees, and membership, has played a critical role in nurturing the Legal Services Corporation from its inception.

Indeed, it was 29 years ago that the ABA unanimously passed a resolution acknowledging the responsibility of the organized bar to make legal services available to all who need them. The ABA pledged its commitment to working with the Office of Economic Opportunity and other appropriate groups to develop and implement what would become the national legal services program.

As Bill McAlpin put it in leading the debate at the time, the issue is "how can the legal profession best serve the public. . . . What we are here considering is no less fundamental than the reason for and justification of our existence as a profession."

Passage of that resolution laid the foundation of an extraordinary partnership between the ABA and the legal services community. That partnership was put to the test in the early 1970s. Because of the ABA's support, the legal services program emerged the stronger, with the signing of the Legal Services Corporation Act in July 1974.

Under the leadership of board chairs Hillary Rodham Clinton and

her successor, Bill McAlpin, the corporation briefly achieved the interim goal of "minimum access" funding of the program at two lawyers for every 10,000 poor persons throughout the country.

That "minimum access" funding level, unfortunately, became the high watermark, as a new Reagan administration attempted to eliminate Legal Services altogether. Once more, the American Bar Association played a crucial role in defending the existence and integrity of the program. When federal funding was then slashed by 25 percent, it was the organized bar which stepped forward and sought to replace those lost federal dollars with a major contribution of pro bono services and private funds.

Today we have a new administration, and a new LSC board of directors, committed to the mission of the agency. That mission is to serve the ends of justice.

The motto "equal justice under law," which is inscribed under the portico of the Supreme Court building in Washington, D.C., reminds us that justice is both the foundation of our law and its objective, and that central to the concept of justice is equality of treatment, consideration and opportunity.

But just because we have a new administration and a new board does

not mean that we will necessarily advance toward the goal of equal justice under law. Although current funding is less than one-half of what is needed just to regain "minimum access," the budget deficit and a welter of competing claims will make it very difficult to increase funding in any meaningful sense in the short run.

Indeed, there are competing budget-reduction bills in the Congress that would reduce the Legal Services Corporation's current appropriations either by 5 percent or 50 percent.

Moreover, the Legal Services Corporation Act was last reauthorized in 1977 and lapsed in 1980. Since then, the program has been carried through the appropriations process, attracting a series of congressionally-imposed restrictions on its operations that display distrust, if not hostility, for the corporation and its grantees.

In short, Legal Services needs the ABA again. We need your visible support at the national level in helping us persuade the Congress to reauthorize the program with a minimum of restrictions and to fund it at levels commensurate with the unmet legal needs of the poor. We need your continued participation on local programs' boards of trustees and in their private attorney involvement initiative and fundraising activities. And we need your assistance in improving the quality and effectiveness of legal services rendered to the poor.

Douglas Eakeley, the new chair of the Legal Services Corporation, delivered a keynote address on this topic to the ABA's House of Delegates during the 1994 Midyear Meeting.

restrictive riders that came in with the appropriations process.

We also have massive paperwork requirements.

One of our short-term objectives is to get back to an even playing field so that the Legal Services Corporation does not inhibit the delivery of resources, limited as they are.

Ultimately, we think we can do a lot more to support, encourage and increase the quality and effectiveness of legal services with the resources made available.

So how do you get back to a level playing field?

We're in the middle of a massive review of all of the regulations and bylaws and paperwork requirements that have accumulated over the past 12 years. And they are massive.

An active working group is going after all of this with a view of starting with a clean slate and an even playing field.

How many lawyers are in the Legal Services Corporation?

I don't know. The total staff is only 110.

We have the lowest ratio of administrative costs to funds delivered of any federal program.

What is that ratio?

Well, you tell me. Our management and administration line is about \$11 million out of an appropriation of \$400 million.

Part of the responsibility is to make sure that the federal funds that are distributed go to the right recipients and are used for the right purpose. Another part is to evaluate and support and assist, and we're not doing very much of that.

The first step is to clear away the regulatory hurdles that reduce the effective-

ness of programs and were intentionally set up to do so.

Do you need to educate the public more about rights in order to prove that something like the LSC is needed?

Absolutely.

This country from its beginning has oscillated between the twin pillars of liberty and justice. We have all too often in the last decade pursued liberty and self-interest at the expense of community and the needs of others.

We've not heard our elected officials remind the public of our commitment as a nation to the ideal of justice and the responsibility of everybody to participate in making that ideal a reality.

With the influx of new immigrants to America, has the Legal Services Corporation made any effort to introduce the law to this new group?

Well, yes and no. There are substantial restrictions on what legal services lawyers are permitted to do to represent aliens, or even the children of aliens.

Very often, the first response to a cry for help from an alien is, "I can't help you."

Indeed, we now have in California and Florida proposals that would deny benefits to children that were abandoned in this country.

In terms of trying to change the regulations that affect the Legal Services Corporation, is this something else you're looking at?

Well, this is one of the riders or restrictions on the corporation's funds.

In addition to seeking higher appropriations for the program so we can meet more of the legal needs of the poor, in addition to clearing away the unneces-

sary and indeed antagonistic regulatory thicket, we are also seeking as a high priority from this Congress reauthorization of the Legal Services Corporation Act, which lapsed in 1980.

Part of the debate in the reauthorization process is, to what extent should the Congress reincorporate all these affirmative riders and restrictions that have come up in the prior appropriations into the new reauthorization act?

One of those or more than one deals with restrictions on advocacy for aliens. It's a difficult choice to know what to do with.

We are, as a board, committed to seeking reauthorization as a statement of commitment by the Congress to equal justice as a goal, and the Legal Services Corporation as one of the agencies charged with moving us towards that goal.

We would like to see the corporation reauthorized with a minimum number of restrictions, but we're not going to take on every interest and fight every fight in order to get reauthorization.

So that's an indirect way of saying, "I don't know."

The board has not taken a position on whether to actively and specifically oppose restrictions on advocacy for aliens.

What's your timetable?

The administrative subcommittee of the Judiciary Committee has already had hearings. They're marking up a bill as we speak.

The Senate has not held hearings and is a little bit further back on that.

On the appropriations side, the President delivered his budget request on February 7, and so we're now in the congressional arena on appropriations.

— Interviewed by Vicki Quade

[Audience Rumble]

Lady accompanied by the Attorney General, Roberta Ramo, Doug Eekley and Alexander Forger.

[Applause]

First Lady Hillary Clinton:

Thank you. Welcome. Please be seated. Well, this is an unbelievable gathering. I must say looking around this room and seeing so many leaders of the fight for legal services, people who have stood steadfast on behalf of legal advocacy for all Americans. We were just talking before we came in, we are not sure there has ever been a gathering honoring legal services in the White House [Laughter]. And then someone said, well perhaps there was a small one. Sarge Shriver may know this, when the bill was signed. But in any event, this is a long, overdue appreciation for all of you who have been leaders in the fight for legal services for all of these years.

We are delighted to have with us so many distinguished people, I could not begin to introduce all of them. But we will have a chance to say hello personally following this ceremony with a receiving line, which is the unfortunate mode of saying hello in the White House; but at least we'll have a chance to visit, and leading into the reception. I wanted to

just emphasize a few of the points made by the President in your program when he declared this "National Legal Services Week." Because both of us feel so strongly about legal services and have been really working in different ways over the years to bring about the stability of the corporation and support for the many groups and organizations represented here. I can remember very well the long conversations a number of us had back in New Haven when we were at the end of the first wave of law students who were introduced to legal services because of the pioneering work of the Ford Foundation's first grant for the program in New Haven; and many of us were involved with that program. And through the law school, the Chairman of the Board, Doug Eekley was one of those people my husband and I would discuss such matters with. And going on from there through the experience that I was privileged to have both running a legal aid clinic at a law school, running a prison project, working to establish legal services programs once the new legislation was passed of being implemented and then one of the great honors of my life, being appointed to the board of the Legal Services Corporation. And in that capacity, having the opportunity to work with so many of you.

Every day and every year that we maintained our support for legal services and it's underlying promise of equal justice under the law, we knew that it was always a battle and certainly that battle could not have even been waged without the strong support of the organized bar, both at the grass roots level and at the national level. Because some of us are old enough, actually most of us in this room, this is an unlikely crowd these days, to remember the kinds of discussions that we would have about legal services with those who

did not agree with our underlying objectives. Actually, I have found myself in the last twenty months harkening back to those early discussions. It is an eery ring of familiarity about some of the arguments to those I've encountered with respect to health care reform. I showed up in Fayetteville, Arkansas, ready to teach criminal law and ready to run a legal aid clinic and a few hours after having moved to that place, went and attended the welcoming reception for the law school faculty put on by the local county bar. And the president of the Washington County Bar took me around and introduced me with great fanfare as the new lady law professor and introduced me to the Chancellor of the Chancery Court of Washington County, a very distinguished man who looked to be a member of a cast for some civil war drama playing a very straight, decorous, confederate general. And once I was introduced, the judge looked at me and he said, and what are you teaching? I said, well, I'm teaching criminal law, but I'm going to be establishing and running a legal aide clinic. And he said, well, I have no use for lady law professors. And I have no use for that legal aide stuff. And I think many of us who were legal aide lawyers remember those days and know that many of the battles that were fought were fought against a lot of misunderstanding and some basic philosophical disagreements about what the Constitution meant. But if we look at what the President says, the Preamble to the Constitution reminds us that our great nation was founded to establish justice and secure the blessings of liberty. And the very nature of justice demands that it be available to all.

The people on this platform with me as well as all of you have been dedicated to making those words live in the lives of Americans. And we are so lucky to be blessed with

people like our Attorney General, who is devoted to securing the blessings of liberty. I'm delighted that the Secretary of Health and Human Services, Donna Schilelah, who is a fighter for a lot of the rights that are often denied people that legal services lawyers have to then fight for to secure is here with us. And Doug Eekley, our new Chair, and Alex Forger, our new President. And I'm just so pleased that the first woman member or the first woman who's the President of the American Bar Association, has chosen this event to be her first public appearance, Roberta Ramo. So it's my great, great privilege to thank all of you for being part of this celebration and to introduce to you our Attorney General, Janet Reno.

[Applause]

Janet Reno:

It's a great honor for me to be hear with so many of my heroes and heroines in the law. I look around this room and it is an extraordinary testament to what lawyers should be about. It's wonderful to join in celebrating a 20th anniversary. And with all such celebrations, it's not just an opportunity to look back at accomplishments, though there are many, it's an opportunity to look to the future and to challenge ourselves to make the law real for all Americans. On the east side of the building of the Department of Justice along Ninth Avenue, is the statement that the common law is the derived from the will of mankind issuing from the people, framed by mutual competence and sanctioned by the light of reason. We have a special responsibility to make sure that all people have access to that law and that they are strong enough and have a voice that will enable them to let their voice be heard. There is

no question about this administration's commitment to the mission of the legal services corporation. I can tell you that on the night of February the 9th at about 9 o'clock at night, I sat in the Oval Office meeting with the President of the United States for the first time a year and a half ago, and one of the first questions he asked me was about legal services. And he began to show something of an interest in me when I mentioned that I had served on the legal services board just shortly after I had come out of law school.

Equal access for all Americans whether rich or poor is one of the fundamentals upon which our democracy rests. The President believes so strongly in that. And if he didn't believe in it that strongly, the First Lady would be right there because she's the first Clinton that I met in my office some now two years ago and that is what we talked about in terms of how we provide access for our children and families to the law.

The program is funded by the Legal Services Corporation combined with the pro bono efforts of attorneys around the country have become one of the most effective means of providing access to the poor. As many of you know, I talk an awful lot about children. And I think it is imperative that we come together and recognize the special responsibility we have. You have been doing it. All of you who represent legal services efforts around the country have been at the forefront. But we have got to make the message heard throughout America. According to the U.S. Census Bureau, over 14 million children in America live in poverty. Two out of every five in this country that live below the poverty line are under 18 years of age. I have just come from a briefing on juvenile violence that is terrifying in terms

of what it means of the correlation between youth violence and poverty in this country. So when we talk about legal services for the poor we're in large part talking about legal services for children. We are in large part talking about doing something about the causes of crime and preventing crime in the first place. In fact, some of the most important cases undertaken by recipients of corporation funds have focused on the rights and needs of children. In addition, whether a particular case involves the eviction of a family from an apartment, or the right of an adult client for certain benefits, the future well being of the child is often at stake. In fact, according to data provided by the Legal Services Corporation, an estimated 78 percent of the cases handled by local Legal Services Program involve or directly affect children.

I salute your past efforts on their behalf, and I encourage you never to forget the most vulnerable of the vulnerable. But I ask you, let us join together in rededicating our efforts to letting America know that unless we invest in children, unless we see that they're represented, unless we see that they have access to the law, we are never going to be able to build enough prisons 15 and 20 years from now. We will not have a work force 15 and 20 years from now. And let us sell legal services on an investment in our future because I think corporate America, business America is finally beginning to understand.

I also want to talk to you about ways in which the Department of Justice can work with you to reach the goals to which we are committed. Last year for the first time in far too long, a senior Department of Justice official testified before Congress in support of the reauthorization for the corporation. It is important that we, as a nation, express our

commitment to legal services by passing reauthorization legislation. I look forward to continuing to work with you in that effort. We must also remain vigilant in protecting the corporation and the legal services programs it funds from partisan battles. President Nixon and the 93rd Congress envisioned the non-partisan corporation dedicated to providing the poor with an equal voice when they assert their rights as Americans. Unfortunately, much effort has been exerted over the years to limit the type of cases legal services providers can undertake. Recently, Senator Graham proposed an amendment to the Appropriations Bill that would have prevented LSC funded legal services providers from providing representation in suits concerning the distribution of federal or state welfare benefits. We were able to defeat that Amendment by working closely with the corporation and our friends on the Hill, but we must remain attened of similar efforts in the future. And we must work together and I want to do so in every way that this department can.

The Department of Justice has undertaken a senior level review of issues relating to access to justice as part of a larger analysis of civil justice reform. As part of that effort, lawyers from the Department have traveled to and met with legal services providers around the country. By working with these organizations we hope to be able to more accurately identify where the greatest needs are and how best to address these needs. One of the many issues we are exploring is the possibility of allowing non-lawyers to play a greater role in providing legal services to the poor. I've also asked that the Department's policy regarding pro bono work by it's attorneys be carefully reviewed and overhauled. It is my hope that we can change our rules so that our attorneys, and we have some absolutely wonderful, great

lawyers, in the Department, will be able to engage in pro bono efforts. If we are able to do so, individuals in communities throughout the country, not just Washington, D.C., will benefit greatly. I would expect that many of our attorneys would participate in programs funded by the Corporation.

We are also providing technical support training, advice and encouragement to a number of native American tribes around the country as they seek to establish or spring from their established, their traditional tribal courts. Some of the poorest and most forgotten Americans are the country's native Americans. In 1992, there were 32 LSC funded components in 25 states dedicated to providing legal services to native Americans. As we work with the tribes to develop these courts, it is clear that the long term success of these programs may rest with the Corporation. And we look forward to joining you in all possible efforts.

Many of these efforts are still far from being finalized. However, I am confident that working with you, we will be able to move closer to the goals of equal access as the years unfold. Given this President, this First Lady, their efforts, their dedication, I believe the future is much brighter than it's been in a very, very long time.

[Applause]

First Lady Hillary Clinton:

It is now my personal pleasure to introduce a friend of mine and someone who has worked very hard on behalf of the organized bar and will continue in her new role as the President of the American Bar Association to espouse the needs of the bar but with a particular eye toward enhancing the role of lawyers in every way that they serve society and continuing the strong support of the bar for legal services and that is Roberta Ramo.

[Applause]

Roberta Ramo:

Mrs. Clinton, my dear and honorable friend, and distinguished former Chair of the Legal Services Corporation, General Reno and incredibly distinguished guests. Today we celebrate one important application of the American passion for justice. The creation of the Legal Services Corporation 20 years ago. I stand humbly in this great, American place as the most recent in an unwavering line of 20 Presidents of the American Bar Association from Justice Lewis Powell on forward, who have had the honor of leading, initiating, supporting, and protecting federal funding for civil legal services for the poorest Americans.

In 1965, in fact, the ABA House of Delegates unanimously spoke about the need for federal funding and it used these words "freedom and justice have flourished only where the practice of law as a profession and where legal services are performed by trained and independent lawyers and the American Bar Association reaffirms its deep concern with the problem of providing legal services to all who need them and particularly to indigents and

persons of low income." The lineage of those ideas go back to the beginning of the century when Charles Evan Hughes and Reginald Hebert Smith sought the sponsorship of the American Bar Association to begin the first organized provision of legal services by lawyers out in the community.

I think it's an essential part of the American character that we recognize that those things that make us best in the theory of our democracy are sometimes also those very acts that make us uncomfortable in its practice on occasion. From the earliest arguments about freedom from government interference with our private lives that took place in the pubs and the salons that were, during the Continental Congress to the arguments to the adoption of the Bill of Rights, with it's brilliant formulation, recognizing that the differences in this case of religious beliefs and the protection to pursue them would be a strength of our nation and not a rending between us. We have understood as a country that the rights and responsibilities of our citizens as individuals often sandpaper one person's view of right against another's. But we have provided the justice system as our national table which becomes more satinlike with each application of an individual smoothing of a rough spot seen sometimes and felt only by one person. And at other times by larger groups of people in common need of help. President George Washington observed that the administration of justice must be the American government's most solid pillar.

Every day lawyers in their own office in small towns and big cities by themselves and honest and honoree solo practice or in large firms in small towns and in big see people who

have come to the civil justice system to unknot the difficulties in their lives. We know that they bring us problems that are occasionally easy to solve but loom very big in their lives. And sometimes it is enormously complex to even frame the solution to other groups of problems. But as officers of the court with the leadership of local legal services offices, we understand that day by day, client by client, what we are really doing is practicing democracy and not just law.

I remember from my days first as a law student at the University of Chicago Clinic and later on in the south, that I never felt more powerful than when I had the power as a lawyer to help a single person sitting across the desk from me, who had no money, many problems, when I could honestly say, the law can help you.

We lawyers of the American Bar Association know that only a deep belief in the fundamental willingness of the justice system to look at each person's difficulty or aspiration can decide things fairly and impartially, make it possible for us to exist in this exquisitely diverse country. If it took wealth to get into the office of a practitioner of democracy, equal justice for all would be an empty promise. And after a while, even the wealthy wouldn't believe it. It is the genius of the American Legal Services Corporation and the ABA's great contribution to it's culture, I think, that it combines both the need for federally funded access to the justice system for our poorest citizens and at the same time protects the ability of legal services lawyers to represent their clients with the same independence, ethical requirements and view of excellence that is held in the private bar.

Further, it represents the understanding of the ABA that even with 920 formal programs for donated legal services by lawyers across the United States, those dedicated legal services lawyers from the pueblos of New Mexico to the largest cities of our nation, have special expertise and special dedication in solving the problems of the poor. And today among other things, let me take a moment to thank each of them wherever they are who have lived their lives so that each one of those clients who sits across their desk can hear those wonderful words from a lawyer, I can help you.

Mrs. Clinton, we deeply appreciate, I have to say, more than you can imagine, what it means to have you and the Attorney General of the United States, invite us to the White House to talk about the legal needs of the poorer of this country. And we know that everyone in this room is committed to a justice system that will work for everyone. In these times of increasing complexity of every part of our society, we cannot risk a loss of passion or resources in fulfilling the promise of American justice. Lawyers understand that civil justice cannot be an illusion. Justice and the rule of law must be palpable, reliable and fundamentally fair. The lawyers of the Legal Services Corporation and those thousands of lawyers in private practice who give their services to the poor every day make it so. The provision of lawyers for the poor is not an expression of compassion, but the work that ties all America together, solving problems under law and in peace. If people with troubles have no access to the system, they don't believe in justice. And we risk that they will lose their beliefs in other principles of American democracy as well.

Ricks Dillingham was an archaeologist who I knew from New Mexico, who became a wondrous p_____. And he made exquisite vessels that every time I saw them always reminded me of America. He first made pieces of porcelain in different colors and different textures and of different sizes with different patterns and somehow he put them all together into single jars that were the most beautiful vessels you had ever seen. Well our country takes wondrous and beautiful people who are different in many ways, but who are bound together by the Constitution, the Bill of Rights, the common dedication to American ideals and a justice system that the Legal Services Corporation, the American Bar Association and this administration are working to shape so that all who need it regardless of wealth, have access to the justice dispensed inside. And when they do, each and every American can draw more strength that President Washington's pillar holds the American dream more securely for their children, for their grandchildren, and for the ages.

Thank each of you for your devotion, and thank you Mrs. Clinton and General Reno
[Inaudible].

[Applause]

First Lady Hillary Clinton:

There were a number of members of Congress who had hoped to be here but because of votes, I'm not sure how many, if any, were able to come. Are there any members who did make it? I looked around and I did not recognize any and they were calling up to the var...

[End of Tape, Side #1]

[Start of Tape, Side, #2]

First Lady Hillary Clinton (continued):

...who was just up on the Hill dealing with GAAT and other matters, but actually started out negotiating on behalf of people in Florida as a legal services lawyer, which is probably why he is so good in the job he currently has because as a legal services lawyer you have to be very creative. And Mickey has a lot of experience doing that. There are also a number of members of the judiciary who are here. We are very grateful for their steadfast support over the years and their willingness to be part of organized efforts to support legal services. There are also a number of you who are former and present members of the ABA Board of Governors and other positions of leadership within the ABA, as well as state bar associations. We could not be here today without you. During what many of us refer to as the dark ages of legal services in the early 1980's, when there were constant and relentless efforts to abolish the corporation either outright or by starvation, many of you were our only defenders and we are very grateful for that. And there are many who are former and present members of the existing Board of the Legal Services Corporation. And since I think it's

important that we be forward looking and futuristic and not totally drown in nostalgia this afternoon, I would like to introduce those members of the current Legal Services Corporation, who although they have the strong support of the President, are still swimming upstream. It is still a hard, hard case to make in many quarters about the need to support legal services. So please join me in welcoming Alex Forger, whom we have already introduced, Doug Eekley, the Chairman, Nancy Rogers, if you would stand, Nancy, Buckey Askew, who has been a stalwart, La Veeda Battle, La Veeda, John Broderick, who I've saw earlier, John Brooks, Edna Fairbanks Williams, our dear friend, Bill McAlpin, who always seems to be there when legal services has a problem, Maria Louisa McCardo, Tom Sneagle from San Francisco, Ernestine Whattlington.

We are so pleased that we have such a strong Board committed to the future of legal services and now we will take a moment for those of us who will be in the receiving line to go into the Blue Room. For those of you who have not been here before, it goes Red Room, Blue Room, Green Room, it's great, you know, it's just easy to find your way around. And then join us please for a reception in the State Dining Room.

Thank you all very much for being here.

[Applause]

Interviews:

Judge Howard Dana Interview:

Greenfield: In your experience as a judge, and in private practice, can you describe the outstanding caliber of legal service attorneys?

Judge Howard Dana: Legal service attorneys have historically been some of the best lawyers that have ever appeared in our court and, and or against whom I've advocated. They are, they are terrific. They are, they are just wonderful lawyers.

Greenfield: Can you describe some of the qualities that make them stand out perhaps?

Judge Howard Dana: Well I think, I think their competence is, is uni, is almost uniformly very high. They are, they're committed to what they do. They are, they're helping, helping clients not for any personal reason, but to make sure that our, our nation's promise of justice for all is fulfilled.

Greenfield: Is there any difference, you think, between a legal service as opposed to someone else? What special quality do you think it takes to be a legal service attorney as opposed to any old attorney out there?

Judge Howard Dana: I think it's required, I'm not sure that there is a difference. I think legal services attorneys are good attorneys and uh, and often superb attorneys, and I think that we

have, we are blessed with the same caliber of attorneys in legal services as that we have in outside of legal services.

Lillian Johnson Interview:

Greenfield: In your, in your service on the Legal Service Corporation Board in the past, you've seen a lot of history. What have you learned from the past two decades that can stand out?

Lillian Johnson: I've learned that this battle for legal services is ongoing and is only beginning and that there's a huge gap between where we are and where we need to be.

Greenfield: Can you describe a little what that gap would be, what that gap is?

Lillian Johnson: Yes. We are, we are not providing equal justice for all by a long shot in this country. And most people think that we are and that's the problem. Congress doesn't understand. State legislatures don't understand. But millions and millions of Americans cannot get a fair shake in our legal system because they can't get a lawyer.

Greenfield: And why do you think that is?

Lillian Johnson: Because there is not enough money to hire enough lawyers to do the job.

Greenfield: What do you see the future of the Legal Services Corporation? What is your vision?

Lillian Johnson: My vision is an expanded Legal Services Corporation with more and more resources helping, helping the poor, help themselves.

Greenfield: Any one experience or one moment stand out as sort of crystallizes for you what it means to have worked for the Legal Services Corporation?

Lillian Johnson: No. It's been a, a for almost everyone in legal services, whether they're on the front lines or in the backup positions as I've been, it is a, it's a mission that is, that sort of defines the human being and defines the person.

Greenfield: And one final question. What drove you to be part of the Legal Services Corporation? Was there something that you think personally that, that led you to do such a thing?

Lillian Johnson: The President Reagan initially and then President Bush asked me to help in that regard, and I said yes.

[Pause]

Greenfield: Lillian. Can I call you Lillian?

Lillian Johnson: Yes, you may.

Greenfield: How did you first become involved with Legal Services?

Lillian Johnson:.. Actually, I was a student at the legal serv--at the community, the University of Chicago Law School.

Greenfield: Start over.

Lillian Johnson: Okay.

Greenfield: How did you become involved in legal services?

Lillian Johnson: I first became involved in legal services as a law student at the University of Chicago Law School. And in fact, the law school clinic was in the basement, and it was the best decision in my life to actually go down in the basement and have the opportunity to meet real people and ask them how I could help them. And the best feeling in the world is to be able to say, yes, I can help you and this is what we can do in order to resolve the problem.

Greenfield: [Inaudible]

Lillian Johnson: Well, because I think that in some ways because most people who decide to go into a service profession actually do it because they want to be of service to somebody. Of course, we'd like to have it valued and our society, sometimes that value is monetary. But going into a service profession and actually getting the opportunity to talk with the person who has the problem and to help them join with you in developing a resolution to the problem. And then being able to actually do it. And then seeing the sense of satisfaction for them, the opportunity to make an impact on an individual's life is extremely rewarding.

Greenfield: ...so your answer is leading to my question, what are the perks, what are the personal rewards that you have gained [Inaudible]?

Lillian Johnson: Well, I've had an opportunity to give back to my community. And that was probably the most important thing for me. It was a very simple decision on my part to determine that I was going to go into legal services as a career. I had the opportunity growing up to be helped by a number of people and in each of those, in each of the instance in which I was helped, I always got the sense that they would be delighted if there was someone who could offer something back to the community. And each instance in which I was helped, they would always say, "I'm just glad to do something for someone who can bring something back to our community."

And in fact, my first experience in the law had to do with a lawyer who decided to come to a grade school and talk about the rewards of being in the profession. And one of the things that he said in response to a question that was posed about individuals who had been essentially locked out of their property was that this is a country of laws. And in order to be able to understand it and take advantage of all the opportunities that are here -- and he talked about how many opportunities were here, you really have to understand the laws. And he encouraged all of us to actually think about a career in the law. And it was at that time that I decided that that sounded interesting enough to me.

Then I had the experience where schoolmates had unfortunately been in situations where their family had sold the mineral rights of their property and didn't realize it, and the company, oil companies discovered oil and the family only got the rental for the land that the derrick occupied. And unfortunately, it was very little. So that they were essentially like me, low income family and not having the opportunity to take advantage of some of the opportunities that were available. And I decided then that I wanted to know more about that.

When I got into law school, a lot of the law didn't make much sense, because I couldn't understand or appreciate how it could translate in helping other people. And it was actually the opportunity to go down in the basement into the law school clinic and see real people lined up and then seeing the smiles on their faces, not only on the client's faces, but on the law student's faces, and the law professor's faces when they were able to resolve a problem. And then I know that from my own experience being a part of the solution is

empowering. And so I had an immediate appreciation for how important it is to involve people in resolving their own problems. And I decided I wanted to get that feeling every day of my life if I could. And I tell you that's what I've enjoyed.

Greenfield: So you could have had a lot of money as a lawyer, you chose not to, so obviously money is not what's driving you [Inaudible]?

Lillian Johnson: Is what's driving me to do what I do is my commitment to making a difference and actually seeing that there is, in America, access to justice for all. And I get a lot of pride out of being a part of this whole movement.

Greenfield: You've talked about going down into the basement and discovering this role and how empowering it was. What advice do you have for a young lawyer who's starting out in a career and assuming [Inaudible], what advice would you give him?

Lillian Johnson: Well, I'm not sure that it's necessary for me to give someone right out of law school who's decided that that's what, that they've chosen a profession and that that's what they want to do. I would just challenge them to experience helping someone and being a part of resolving a problem that results in a family being able to remain in shelter or resolving a problem that results in a terminally ill person actually getting the kind of health care that they need to, that they deserve. Or having the opportunity to see the look on a family's face when someone has placed in a position where they don't lose their property because there's been

someone to step in and interpret the law on their own behalf. Or look at the faces of clients that are involved a divorce workshop where they actually get the opportunity to learn how to get a divorce for themselves. Or see the abused spouse and the excitement on their faces when they discover that they don't have to take the abuse anymore, that there are other opportunities available to them. And I challenge them just to see it. And then to remember why we chose this profession in this first place. Then I dare say that they'll make the right decision.

Greenfield: There's a program director [Inaudible]?

Lillian Johnson: Well, I think it's real important to share with as many people as possible about the serious need out there. I know that there's a lot of people who feel as though lawyers create problems for people in terms of lawyers producing more litigation or lawyers being involved in bringing a law suit against a particular individual or an industry. But the real serious problems that people are facing can only be resolved if they have access, I mean actual access to the justice system. And because we are such a large and in my area, there's such a significant increase in the number of people, just in general who have moved to the southwest. And for those individuals, getting to the position where they can gain access to the things that they have a right to, takes some kind of support and assistance. And in terms of understanding our legal system, it takes legal support. In my community in Arizona, the, we've had a 67 percent increase in the poverty population, so that my client community from 1980 to 1992 increased to such an extent that we consider ourselves in depression.

Greenfield: Well, how do you _____? We're talking about a large group, what kind of _____?

Lillian Johnson: We have a, we set priorities, primarily with the assistance of members of the legal community and the community and the staff around issues that have more to do with life threatening aspects of a person's life. And we limit those things to shelter, access to shelter, access to life in abusive situations. Access to health care, opportunities for access to income and that's primarily the public benefits or in some cases, unemployment compensation and social security benefits. It has to do with whether or not there are other ways in which an individual can gain access to legal assistance and how vital that legal assistance is to their existence. And unfortunately, we have far too many people who go wanting because we have not had the increase in resources available to us to be able to make more lawyers and other advocates available to them to help them resolve their legal problems. We have just not kept pace with the number of people that are moving into our community and have need of legal assistance and don't have the resources to be able to pay for it.

Greenfield: [Inaudible] What are the biggest challenges facing legal services?

Lillian Johnson: The biggest challenges faces the legal services community is providing as rapidly as possible increased access to legal assistance in each and every one of our communities. And, unfortunately, battling what has come to be a problem with people's perception of the role that lawyers play in providing legal assistance for poor people. If all of

the lawyers in our entire community was to take on two cases per year for poor people, we would still be denying 50 percent of the people who are financially eligible for legal assistance in our community. And the legal community simply cannot accomplish this alone. We have to have the assistance from all of society. And I dare say it's a worthy goal. And unless we make justice available for all, justice is not available for any.

Greenfield: [Inaudible] there's a challenge out there. Finally, [Inaudible]?

Lillian Johnson: My program's greatest success is that each year, we have increased the number of people we have been able to serve by at least 10 percent. Our goals subsequently is to be able to say that we have made sure that no stone has been left unturned in order to insure that equal access to justice in Arizona is a reality. That's the biggest challenge we face.

Greenfield: [Inaudible] the greatest success?

Lillian Johnson: Oh, the greatest success is being able to say that each year, we've increased the number of people who've been able to say that they've gained access to our justice system as a direct result of the work that our program is doing in Arizona.

Greenfield: [Inaudible]

Lillian Johnson: Thank you.

Les Jin Interview:

Greenfield: Say your name.

Les Jin: My name is Les Jin. J, i, n.

Greenfield: L, e, s?

Les Jin: And it's L, e, s. And I'm General Counsel of the United States Information Agency.

Greenfield: [Inaudible] Okay. Tell us about why you just became [Inaudible]?

Les Jin: I joined legal services right out of law school. And I thought it was an opportunity to practice law and to do something that I thought I would really enjoy.

Greenfield: [Inaudible] more detail than that. What , is there something that sticks in your personal life, was there some kind of moment?

Les Jin: Sure. I started out as just a volunteer with the legal aid program in Chicago. And that was something I really wanted to do because I grew up believing that being a lawyer

could make a difference for people, and certainly found that to be true in my experience as just a volunteer. I was able to then continue working for legal assistance foundation of Chicago a number of years of that. And I thought that it was one of the best experiences of my legal career.

Greenfield: Why is that?

Les Jin: I think I got a chance to work with the smartest, most dedicated, hard working, compassionate lawyers I've ever worked with. It did help basically form the foundation of my legal status.

Greenfield: So you're not working with [Inaudible]?

Les Jin: No. I've been really fortunate in that I've always been able to work with some really good lawyers, but not only have I been able to work with really good lawyers, but I've been able to work, have opposing counsel who are from the most prestigious law firms who are really good lawyers, but I've never met a group of lawyers who are any better than the ones in legal aid.

Greenfield: Give me sort of a short list of some of your most personally rewarding [Inaudible] experience perhaps or [Inaudible]?

Les Jin: I think the greatest reward of being a legal aid lawyer is being able to work with individuals and it may not be a lot of dollars, but you can tell that it makes a big difference in their lives, and to be able to work with people who just appreciate that you're willing to be there and fight for them. That's one of the biggest personal rewards that I can remember.

Greenfield: Any particular instance where that happened with one individual [Inaudible]?

Les Jin: No. I guess not.

Greenfield: Tell me something. How do you think the legal services are viewed from the community as a whole?

Les Jin: I worked for the Legal Assistance Foundation of Chicago from about 1978 to '83 and then I spent two years with the Legal Service Corporation in the Chicago region. And in that capacity I had a chance to travel all the way, all throughout the midwest and the south, not only in the big cities, but in small towns, towns like Johnson, Tennessee, and North Plat, Nebraska and the thing that always impressed me was that when I met with private lawyers because I talked with them about legal aid, those that, a lot of them when they didn't know much about legal aid, they were somewhat skeptical. Those that really had a chance to work with legal aid lawyers and knew what legal services were about, they all uniformly thought that it had a high respect for the lawyers in the community.

Greenfield: Have you ever been able to transform skepticism into praise or into admiration perhaps?

Les Jin: Hmmm, um...

Greenfield: [Inaudible]

Les Jin: Yeah. It really wasn't kind of my job. So I, it would be kind of hard to...

Greenfield: A question. Some people might have a [Inaudible] bad rap, I mean helping the poor, it's psychological or whatever. What do you say to the skeptics about legal services?

What would you say to try to convince me perhaps, if I were a critic, what would you say to try to persuade me that it's a good thing?

Les Jin: I think legal services is the, I think the Legal Services Corporation and the lawyers they find are the most American of all institutions because the fundamental tenet of being an American and the American system is equal justice or access to equal justice. And the Legal Service Corporation tries to provide that.

Greenfield: How?

Les Jin: By trying to provide individuals who could not have otherwise afford a lawyer an

opportunity to have their cases heard before a court.

Greenfield: Anything you would like a statement or you have a chance now for eternity here so to speak, to sort of say your feelings, your attitudes, your reflections on this Corporation, why it's great, why it should keep going. [Inaudible]

Les Jin: I think probably my last answer probably addressed that. Maybe what I would like to say in ending is that the personal experiences I got from working with Legal Services as a lawyer and working with the cases, an opportunity to handle a diverse amount of cases and to work in diverse communities, it's made a big difference in my life since, both as a lawyer and otherwise. I think it's made me a better person; and it's made me a better lawyer.

La Veeda Morgan Battle: Interview:

La Veeda Morgan Battle: Are you going to ask me them before you turn it on so I can think about them or are you going?

Greenfield: Well, I just [Inaudible]

La Veeda Morgan Battle: Okay. Right. Okay.

Greenfield: I understand that you were legal services manager, [Inaudible]?

La Veeda Morgan Battle: Well, I first worked in a clinical program _____ in a legal services program; and I became involved because I was interested...

Greenfield: Okay, Davis --

La Veeda Morgan Battle: Davis, Okay.

Greenfield: They don't know where Davis is. If you want to say Davis

La Veeda Morgan Battle: All right. University of California, Davis Law School. Okay.

Greenfield: I'm sorry. I won't be interrupting you.

La Veeda Morgan Battle: Yeah. Yeah, but uh, and after working in that clinical program.

Greenfield: Start again.

La Veeda Morgan Battle: Okay. All right.

Greenfield: You were start out, you were a legal services managing attorney. How did you

become involved in the services?

La Veeda Morgan Battle: Well, I first participated in a clinical program...

[End of Tape Side #2]



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Facsimile Transmission

December 1, 1994

National Institutes of Health
National Institute of Child Health and Human Development
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Attention: Susan Pollack
Company: The White House
Telephone #: (
Fax #: (202) 456-6244)
Subject:

Sender: David B. Gray, Ph.D.
Sender Telephone #: (301) 402-2242
Sender Fax #: (301) 402-0832

You should receive 1 pages, including this cover sheet.. If you do not receive all the pages, please call the number above.

COMMENTS:

Susan, Thanks for considering inviting Dr. Lawrence Johnston, Research Director of the Paralyzed Veterans of America (PVA). The reason for inviting him is that the PVA has a solid record of accomplishments in promoting health of paralyzed veterans, especially through athletics. The PVA recently published a book "Conditioning with Physical Disabilities" by Kevin P. Lockett and Ann Keyes. I have known Dr. Koop for approximately ten years and think that he would approve of programs that promote physical well being in aging veterans. Finally, Larry is a life-long Minnesota Democrat.
Dave

To: Distribution

Fr: Nicole Rabner

Re: Phone invitation for Physical Fitness Event

DT: December 1, 1994

Please use the following example when inviting guests to the White House for the Physical Fitness event:

*"We would like to extend an invitation to you for a program the White House is having in support of physical fitness. There will be a program of speakers which will highlight the importance of fitness and the administration's commitment to promoting good health. The speakers will include the First Lady, Dr. Koop introducing his "Shape Up America" campaign and Florence Griffith Joyner and Tom McMillan, the co-chairs of the President's Commission on Physical Fitness and Sports. The program will be on December 6, 1994 and you can enter through the East Appointments Gate before 9am. We hope you will join us in promoting good health and fitness for all Americans!"

EDWARD M. KENNEDY, MASSACHUSETTS, CHAIRMAN

CHARLES E. SCHLES, RHODE ISLAND
HOWARD M. METZENBAUM, OHIO
CHRISTOPHER J. DODD, CONNECTICUT
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STROM THURMOND, SOUTH CAROLINA
CARL D. HATCH, UTAH
DAVE DURENBERGER, MINNESOTA

NICK LITTLEFIELD, STAFF DIRECTOR AND CHIEF COUNSEL
SUSAN K. HATTAN, MINORITY STAFF DIRECTOR

United States Senate

COMMITTEE ON LABOR AND
HUMAN RESOURCES

WASHINGTON, DC 20510-6300

June 28, 1994

Honorable Ernest Hollings
Chairman

Subcommittee on Commerce, Justice and State, the Judiciary and Related Agencies
United States Senate
Washington, D.C. 20501

Dear Mr. Chairman:

We are writing to urge your support of the request by the Clinton Administration for \$500 million for the Legal Services Corporation for Fiscal Year 1995.

As you know, the Senate Labor and Human Resources Committee exercises authorizing jurisdiction over legal services. In that capacity, we have become increasingly aware of the urgent need for an increased appropriation to ensure access to the civil justice system for all Americans, regardless of their economic means. Such access is essential in order to ensure public confidence in the fairness of the legal system.

The decline in federal support for the Corporation over the past fourteen years has been drastic. Legal Services programs have been unable to keep up with the needs of the thirty-seven million Americans living below the poverty line. The number of legal services offices open to assist the poor has dropped 36% since the early 1980's, from over 1400 to slightly over 900. The number of attorneys has fallen from 6559 in 1980, to 4651 in 1993, a 29% drop.

A recent nationwide study of legal services programs found that in May of 1993, 61% of the poor people who requested assistance for problems with which an attorney could help them had to be turned away for lack of resources. Legal needs studies throughout the country similarly indicate that only a small fraction of the needs of the poor for assistance are being met.

We are all, of course, aware of the need for fiscal restraint in these difficult times. After examining the fiscal crisis currently facing legal services, however, we are convinced that the relatively modest amount of federal money invested in this program is an essential expenditure if we are to fulfill the promise of equal justice under law.

PHOTOCOPY
PRESERVATION

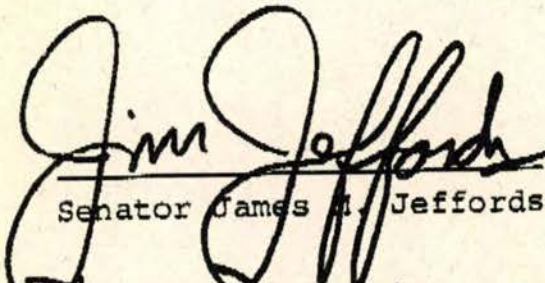
Honorable Ernest Hollings
June 28, 1994
Page 2

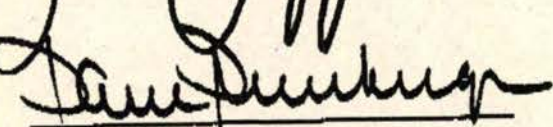
President Clinton's request will bring funding to about 61% of its 1981 level. With this new funding, offices will be reopened in areas accessible to the poor, additional staff will be hired and more effective approaches to the delivery of legal services will be utilized. Most important, if this investment is made, many more citizens with critical legal problems will be served.

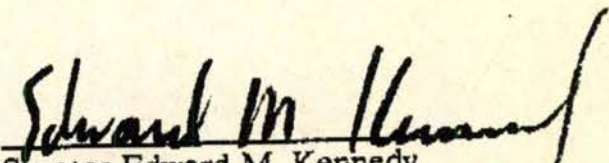
With your committee's support, we can significantly strengthen this country's commitment to fulfilling the Constitution's promise of equal justice under law. We urge you to support the President's request of \$500 million.

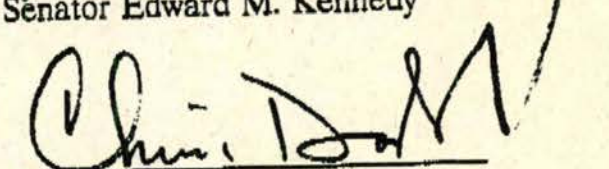
Thank you for considering our views.

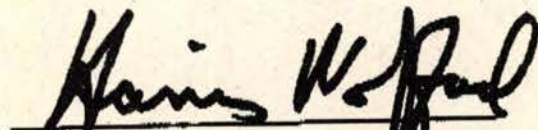
Sincerely,


Senator James M. Jeffords

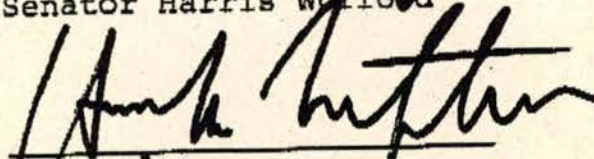

Senator Dave Durenberger

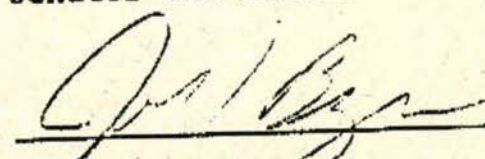

Senator Edward M. Kennedy


Senator Christopher J. Dodd

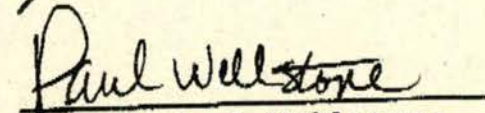

Senator Harris Wofford

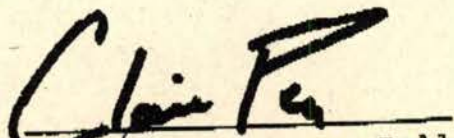

Senator Tom Harkin


Senator Howard M. Metzenbaum


Senator Jeff Bingaman


Senator Paul Simon


Senator Paul Wellstone


Senator Claiborne Pell

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THE NATIONAL ORGANIZATION OF LEGAL SERVICES PROGRAMS

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VOLUME XVII ▲ NUMBER 18

UPDATE

JULY 29, 1994

H.R. 4603 PASSES SENATE AWAITS CONFERENCE WITH HOUSE

Late last week, the Senate approved, by voice vote, H.R. 4603, the FY 1995 Commerce, Justice and State, the Judiciary and Related Agencies appropriations bill which includes an appropriation for the Legal Services Corporation of \$400 million, an amount consistent with the recommendation from the Senate Appropriations Committee and from its Subcommittee on Commerce, Justice, and State.

The relative calm which occasioned the approval of the overall bill was in marked contrast to the acrimony attending the debate surrounding an amendment offered by Sen. Phil Gramm (R/TX) and supported by Sen. Ernest Hollings (D/SC)—the Subcommittee chair. The amendment as offered on the Senate floor read as follows:

Provided, That none of the funds appropriated in this Act made available by the Legal Services Corporation may be made directly or indirectly available to any grantee to file or maintain in any Federal or State court any action that would have the effect of nullifying any provision of Federal or State law which seeks to reform welfare;

There was no surprise that the amendment was offered, for during the course of the discussion of the Senate Appropriations Committee on July 14 in which the \$400 million was approved for LSC, Sen. Gramm expressed his intention to offer such an amendment on the Senate floor. At the mark-up, Sen. Hollings expressed support for the concept underlying the amendment. (For earlier insight, see *Update*, VOL. XVII, No. 10, May 5, 1994).

The amendment was defeated on a motion to table offered by Sen. Arlen Specter (R/PA) and supported by 56 Senators while 44 opposed it. The Senate vote was as follows:

YEAS—56			NAYS—44		
Akaka	Eron	Mikulski	Bennett	Gorton	McCain
Baucus	Feingold	Mitchell	Bond	Gramm	McConnell
Biden	Feinstein	Moores-Brown	Breaux	Grassley	Murkowski
Bingaman	Glenn	Moynihan	Brown	Gregg	Nickles
Boren	Graham	Murray	Burns	Hatch	Numm
Boxer	Harkin	Packwood	Eyrd	Heflin	Presler
Bradley	Hatfield	Pell	Costa	Helms	Roth
Bryan	Inouye	Pryor	Cochran	Hollings	Sasser
Bumpers	Jeffords	Reid	Coverdell	Hutchison	Shelby
Campbell	Kassebaum	Riegle	Craig	Johnston	Stump
Chafee	Kennedy	Robb	D'Amato	Kempthorne	Smith
Coburn	Kerry	Rockefeller	Dole	Lott	Stevens
Conrad	Kerry	Sarbanes	Domenici	Lugar	Thurmond
Danforth	Kohl	Simon	Fuhrer	Mack	Waltrop
Daschle	Lautenberg	Specter	Ford	Mathews	
DeConcini	Leahy	Warner			
Dodd	Levin	Wellstone			
Dorgan	Lieberman	Wofford			
Durenberger	Metzenbaum				

While the successful defeat of the amendment may alienate some friends who have supported Legal Services in the past, the action of the majority of the Senate was a re-affirmation of the principles upon which LSC was established. As evident in the floor debate, opponents of the amendment (and necessarily supporters of the motion to table) appreciated the fundamental principle of access to justice (or to the courts for the vindication of rights). Speaking in opposition to the amendment was a bi-partisan group including both Senators from New Jersey and one from California. The following Senators spoke against the amendment: Sen. Paul Wellstone (DFL/MN) who held the Senate floor the longest; Sen. Max Baucus (D/MT); Sen. Barbara Boxer (D/CA); Sen. Bill Bradley (D/NJ); Sen.

RICHARD M. TAYLOR, JR.
Chairperson
Legal Services of North Carolina
Raleigh, North Carolina

ROSIE NEWSOME
Vice-Chairperson
LSP of Northern Indiana
South Bend, Indiana

BEN THOMAS COLE, II
Vice-Chairperson
East Arkansas Legal Services
West Memphis, Arkansas

DOROTHY REED
Secretary/Treasurer
Legal Aid Society
Charleston, West Virginia

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The Legal Aid Society

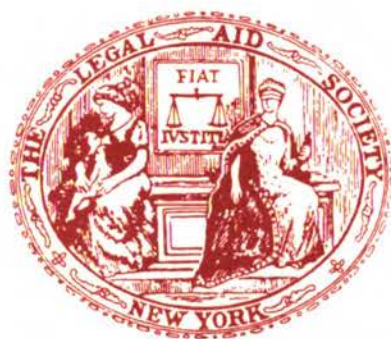
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Servant of Justice Award Dinner

March 23, 1995

file

THE LEGAL AID SOCIETY



SERVANT OF JUSTICE AWARD DINNER

March 23, 1995
The Waldorf - Astoria

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

August 6, 1993

PRESIDENT NAMES LEGAL SERVICES CORPORATION MEMBERS

President Clinton nominated nine individuals to be members of the Board of Directors of the Legal Services Corporation today. They are:

Hulett Hall Askew
Laveada Morgan Battle
John T. Broderick, Jr.
John G. Brooks
Douglas S. Hakaly
F. William McCalpin
Maria Luisa Mercado
Nancy Hardin Rogers
Thomas P. Szegal

In addition, the President announced his intention to nominate two additional members:

Edna Fairbanks-Williams
Ernestine P. Watlington

The LSC was established in 1974 is to provide equal access to justice through the provision of "high quality legal assistance to those would be otherwise unable to afford adequate legal counsel". The Board of Directors supervises and directs the activities of the Corporation, which provides support for indigent clients in non-criminal cases.

Hulet Hall Askew is currently the Executive Director of the Georgia Chief Justice's Commission on Professionalism and the Director of the Office of Bar Admissions, positions he has held since 1990. Previously, Askew spent seven years at the National Legal Aid & Defender Association and seven years in various positions at the LSC, where he was Director and Deputy Director of the Office of Field Services. He also served as Regional Director and the Deputy Regional Director in the Atlanta Regional Office both with LSC and its predecessor, the Office of Economic Opportunity.

(more)

Legal Services Corporation
page two

Laveada Morgan Battle is an attorney in private practice in Alabama, specializing in employment discrimination and public utility regulation law. She previously served in the public sector, including positions as an Administrative Law Judge with the Equal Employment Opportunity Commission and as General Counsel to the Governor of Alabama's Public Staff for Utility Consumer Protection. A leader of the Alabama bar, she is the past President of the Alabama Lawyers Association. Battle's commitment to legal services for the poor dates to the beginning of her legal career, when she worked for two years as the Managing Attorney of the Birmingham Area Legal Services.

John T. Broderick, Jr. is in private practice in a small New Hampshire law firm. Mr. Broderick was the President of the New Hampshire Bar Association and the New Hampshire Trial Lawyers Association. The New Hampshire Bar has been at the forefront of the organized bar effort to preserve legal services.

John G. Brooks has been in private practice in the Boston law firm of Peabody & Arnold since 1937, and has served as President of the Boston Bar Association, Chairman of the Massachusetts Board of Bar Overseers and member of the Board of Delegates of the Massachusetts Bar Association. Since the 1960s, he has been an articulate and committed advocate of expanding legal access for the poor, leading in the fights for the creation and protection of the LSC and serving as President of Greater Boston Legal Services, President of the National Legal Aid and Defender Association and Member of the American Bar Association Special Committee on Access to Justice.

Douglas S. Bakely has spent most of his career in private practice, first in New York and then in New Jersey. He recently served two years as New Jersey's First Assistant Attorney General. Mr. Bakely has long been involved in Legal Service issues, having served both as Counsel and Chairman of the Board of Trustees of Legal Services of New Jersey.

F. William McCaig was appointed by President Carter to the Board of the Legal Services Corporation and served as its Chair from 1980-81. During his tenure on the Board, he fought attempts to slash LSC's budget and to scale back its mandate. He is also a leader of the national bar, having served as immediate past President of the National Legal Aid and Defender Association, past Secretary of the American Bar Association, past Chairman of the Fellows of the American Bar Foundation, and past President of the St. Louis Bar Association.

(more)

Legal Services Corporation
page three

Maria Louisa Mercado, a partner in a Lubbock, Texas law firm, has devoted her legal career to social justice and equity issues. Born in Mexico, she was brought to Texas by her family as a child. She worked two years at West Texas Legal Services as a staff attorney and six years as an Assistant Texas Attorney General in the Consumer Protection Division before opening a private practice. Long active in Mexican-American causes, she is on the Board of the Mexican American Legal Defense Fund.

Nancy Hardin Rogers is a Professor and Associate Dean at the Ohio State University of Law where she specializes in dispute resolution issues. She has written extensively on mediation and other dispute resolution techniques and is prominent in many national and state organizations addressing these issues, including serving as Chair of the American Bar Association Committee on Dispute Resolution. Rogers began her legal career as a staff attorney with the Legal Aid Society of Cleveland, and continued her commitment to the provision of legal services to the poor after joining the faculty at Ohio State University by teaching a clinical program that served primarily low income clients.

Thomas F. Snegal, Jr. is a private practitioner specializing in intellectual property law. He was appointed by President Reagan to the Board of the Legal Services Corporation in 1984, and led the fight against the Administration's efforts to reduce the budget and scope of the LSC. He has also been a leader of the California Bar, serving as Vice President of the Board of Governors of the State Bar of California, President of the Bar Association of San Francisco, President of the Legal Aid Society of San Francisco and Chair of the ABA Section Officers Conference.

Edna Fairbanks-Williams has been involved in legal services to the poor at the local, state and national levels. She has served on the Board of Directors of Vermont Legal Aid, Inc. for over twenty years. She has served as the President of the Board since 1978. Fairbanks-Williams was an original member of the Vermont Low Income Advocacy Council, a client-elected organization of which she still serves as an officer. She has also worked on behalf of low-income persons outside of Vermont. She now serves on the Advisory Committee to the Northeast Regional Training Center, which offers training to legal services programs throughout New England. Fairbanks-Williams has a G.E.D., and currently works as a volunteer in the area of problems affecting low income children.

(more)

Legal Services Corporation
page four

Ernestine P. Watlington has served on the Board of Directors of the legal services program covering Harrisburg and Lancaster, Pennsylvania, and currently serves as President of the Law Coordination Center, which provides support to local legal services programs in Pennsylvania. She also serves on the Board of the National Economic Development and Law Center, a national legal services center supporting economic and community development initiatives across the country. In 1981, after 14 years working in community organizing for a Community Action Agency, Watlington founded Harrisburg Community and Economic Affairs, Inc., which aids low income persons to develop and maintain their own programs in their neighborhoods. Watlington completed the 11th grade in 1950, left school, and then earned a degree in 1970.

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- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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