File
Legal
Services

REPORT DATE 10/24/94
REPORT TIME 04:50PM

20th Anniversary of the Legal Services Corporation -
Thursday, September 29, 1994 - 04:00PM
Contact Social Office X6310

THE PRESIDENT AND MRS. CLINTON

Hon. Eleanor Acheson
    Assistant Attorney General, Department of Justice
Hon. (Amb.) Madeleine K. Albright
    U.S. Representative to the United Nations
Hon. Shelia Anthony
    Assistant Attorney General for Legislative & Intergovernmental Affairs, Department of Justice
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    Executive Director, San Francisco Neighbourhood Legal Assistance Foundation
Ms. Barbara R. Arnwine
    Lawyers' Committee for Civil Rights Under Law
Ms. Barbara Asante
    Legal Services Corporation
Mr. Jonathan Asher
    Executive Director, Legal Aid Society of Metropolitan Denver
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        Miss Caroline Askew
Mr. Clinton Bamberger
    Baltimore, MD
Ms. Helaine Barnett
Ms. Patricia Batie
    Legal Services Corporation
Ms. LaVeeda Morgan Battle & Mr. Lynn Battle
    Member, LSC Board of Directors
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    Legal Services Corporatino
Hon. (Rep.) Howard L. Berman
    House of Representatives
Mr Jeff Blatner
    Chief Counsel, Senate Judiciary Subcommittee on Immigration and Refugee Affairs
Hon. Mary Bourdette
    Deputy Assistant Secretary for Legislation, Department of Health & Human Services
Justice & Mrs. William J. Brennan (Mary)
    The Supreme Court of the United States
Mr. John Broderick
    Manchester, NH
Hon. (Rep.) Jack Brooks
    House of Representatives

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20th Anniversary of the Legal Services Corporation - September 29, 1994

Mr. & Mrs. John G. Brooks (Miriam B.)
Member, LSC Board of Directors
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President, National Bar Association
Hon. Carol M. Browner
Administrator, Environmental Protection Agency
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House of Representatives
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Executive Director, Western Center on Law & Poverty
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Mr. Danilo Cardona
Legal Services Corporation
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Secretary of Housing & Urban Development
Ms. Julie Clark
NLADA
Mr. Robert Clyde
Ohio Civil Legal Needs Assessment Committee
Mr. Willie E. Cook, Jr.
Executive Director, Neighborhood Legal Services/District of Columbia
Mr. Leroy Cordova
Texas Equal Access to Justice
Mr. Roger Cramton
Cornell Law School
Mr. Jack Curtin
Boston, MA
Hon. Lloyd Cutler
White House Counsel
Mr. Talbot "Sandy" D'Alemberte
Miami, FL
Judge Howard Dana
Cumberland County Courthouse
Hon. Drew S. Days III
Solicitor General, Department of Justice
Mr. Horace B. Deets
Executive Director, American Association of Retired Persons
Hon. Walter E. Dellinger III
Assistant Attorney General, Department of Justice
Mr. Lyle Denniston
Baltimore Sun
Mr. Paul J. Drolet
Chief Counsel, House Administrative Law & Government Relations Subcommittee
Mr. Benjamin Eakeley

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20th Anniversary of the Legal Services Corporation - September 29, 1994

Mr. & Mrs. Douglas S. Eakeley (Priscilla)
Chairman, LSC Board of Directors, Riker, Danzig, Scherer, Hyland & Perretti
Mr. Robert Echols
Mr. Peter B. Edelman
Counselor to the Secretary, Department of Health & Human Services
Hon. Christopher Edley
Office of Management & Budget
Mr. Tom Ehrlich
President, Indiana University
Mr. Steve Engelberg
Monsanto Company
Hon. Michael Espy
Secretary of Agriculture, Department of Agriculture
Ms. Cecilia Esquer, Esq.
University of Arizona College of Law
Mr. Robert Evans
American Bar Association
Mr. Michael Faenza
President & CEO, National Mental Health Association
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Member, LSC Board of Directors
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Mr. Victor Fortuno
Legal Services Corporation
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General Counsel, Coca Cola Company
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Deputy Attorney General, Department of Justice
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Wellesley Hills, MA
Mr. James Head
Executive Director, National Economic Development and Law Center
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United States Senate
Mr. Alan W. Houseman
CLASP
Ms. Jolen Huerta
Western Center Law & Order CRCA
Mr. R. William Ide
Long, Aldridge & Norman

20th Anniversary of the Legal Services Corporation - September 29, 1994

Mr. David Isbell
Covington and Burling
Hon. Les Jin
General Counsel, US Information Agency
Justice & Mrs. Earl Johnson (Barbara)
Los Angeles, CA
Ms. Lillian Johnson
Executive Director, Community Legal Services
Ms. Elaine Jones
Director/Counsel, NAACP Legal Defense and Education Fund
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Akin, Gump, Strauss, Hauer & Feld
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Arlington, VA
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PR New York
Ms. Jennifer Klein
Mr. John Lane
Ms. Esther Lardent
Washington, DC
Mr. Laurence M. Lavin
Executive Director, National Health Law Program
Mr. Anthony Lewis
The New York Times
Mr. Stacy Lloyd
Mr. Dwight Loines
New York, NY
Mr. Charles Lovelace
AFSME
Mr. Clinton Lyons
National Legal Aid & Defender Association
Mr. John W. Martin
Vice President and General Counsel, Ford Motor Company
Mr. & Mrs. F. William McCalpin (Margaret)
Member, LSC Board of Directors
Ms. Mary McClymont
Ford Foundation
Mr. Robert McCracken
Manitowoc, WI
Hon. Nancy McFadden
Deputy Associate Attorney General, Department of Justice
Mr. Harrison McIver
Project Advisory Group

20th Anniversary of the Legal Services Corporation - September 29, 1994

Mr. John McKenzie
 The New York Times
  Ms. Susan Willens
Hon. Thomas F. "Mack" McLarty
 Counselor to the President
Mr. Stacy Lloyd
 Mellon Offices
  Mr. Stacy B. Lloyd
Ms. Maria Luisa Mercado
 Member, LSC Board of Directors
  Mr. Randy Chapman
Hon. Cynthia Metzler
 Assistant Secretary for Administration and Management, Department of Labor
Hon. (Judge) Abner J. Mikva
 Chief Judge, U.S. Court of Appeals District of Columbia Circuit
Mr. Melville D. Miller
 Executive Director, Legal Services of New Jersey
Mr. Larry Mitchell
 Director of Government Relations, National Farmers Union
Hon. (Rep.) Alan B. Mollohan
 (D/West Virginia), House of Representatives
Mr. & Mrs. Bruce Morrison (Nancy)
 Chairman, Americans for a New Irish Agenda, Morrison & Swaine
Mr. Archibald Murray
 Executive Director, Legal Aid Society of New York City
Mr. Ralph G. Neas
 Leadership Conference on Civil Rights
Hon. (Sen.) Sam Nunn
 United States Senate
Ms. Jane O'Grady
 AFL-CIO
Hon. Louis F. Oberdorfer
 U.S. District Court District of Columbia
Mr. Revius Ortique
 New Orleans, LA
Mr. John Osthaus
 House Appropriations Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies
Ms. Catherine Ozer
 Executive Director, National Family Farm Coalition
Hon. Leon E. Panetta
 Chief of Staff to the President
Mr. Deval L. Patrick
 Assistant Attorney General for Civil Rights, Department of Justice
Hon. Federico Pena
 Secretary of Transportation

20th Anniversary of the Legal Services Corporation - September 29, 1994

Ms. Linda Perle
    CLASP
Hon. John Podesta
    Assistant to the President & Staff Secretary
Ms. Deborah Pollack
    Feldesman, Tucker
Mr. Ron Pollock
    Families USA
Mr. Lonnie Powers
    President, NLADA
Mr. Llewelyn Pritchard
    Seattle, WA
Hon. Harriet Raab
    General Counsel, Department of Health and Human Services
Mr. Thomas Railsback
    Washington, DC
Mr. Franklin D. Raines
    Vice Chairman and General Counsel, Fannie Mae
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    Albuquerque, NM
        Miss Jennifer Ann Ramo
        Mr. Joshua Ramo
Mr. Henry Ramsey, Jr.
    Office of the Dean, UDC
Hon. Janet Reno
    Attorney General, Department of Justice
Ms. Linda Rexer
    President, National Association of IOLTA Programs
Mr. David Richardson
    Legal Services Corporation
Hon. Richard W. Riley
    Secretary of Education
Ms. Yvonne Robertson
    Legal Services Corporation
Ms. Nancy Hardin Rogers
    Member, LSC Board of Directors
Mr. Ronald P. Rosello
    Bronx, NY
Mr. John M. Rosenberg
    Executive Director, Appalachian Research and Defense Fund
Ms. Dianne Rouse
    Legal Services Corporation
Mr. Louis Rulli
    Community Legal Services
Mr. Leslie Russell
    Legal Services Corporation
Ms. Peggy Santos
    Dorchester, MA

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20th Anniversary of the Legal Services Corporation - September 29, 1994

Hon. Fernando Torres Gil
    Assistant Secretary for Administration on Aging, Department of Health & Human Services
Ms. Nina Totenberg
    National Public Radio
Mr. Michael B. Trister
    Lichtman, Trister, Singer & Ross
Mr. Anh-Huong Phi Tu
    Legal Services Corporation
Ms. Marna Tucker
    Feldesman, Tucker, Leifer, Fidell & Bank
Hon. John E. Tull, Jr.
    Commissioner, Commodity Futures Trading Commission
Hon. (Dr.) Laura D'Andrea Tyson
    Chairman, Council of Economic Advisers
Mr. Charles E.K. Vasaly
    Executive Director, Legal Services of Northern Virginia, Inc.
Mr. & Mrs. Richard Warden (Barbara)
    United Auto Workers
Ms. Ernestine P. Watlington
    Member, LSC Board of Directors
Ms. Elaine Weiss
    Reginoal Director, Department of Health & Human Services
Ms. Kathleen Welch
    National Association of Public Interest Lawyers
Mr. Fred Wertheimer
    President, Common Cause
Mr. William Whitehurst
    Austin, TX
Ms. Marjorie Wilkerson
Hon. Judith A. Winston
    General Counsel, Department of Education
Mr. & Mrs. George Wittgraf (Victoria)
    Sayre & Wittgraf
Ms. Laurie Zelon
    Morrison & Forster

20th Anniversary of the Legal Services Corporation - September 29, 1994

Rabbi David Saperstein
Director, Religious Action Center of Reform Judaism
Mr. Donald A. Saunders
Project Advisory Group
Ms. Bari Schwartz
Office of Rep. Howard Berman
Ms. Dorothy Seder
Senator Hollings' Staff, Senate Appropriations Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies
Ms. Patricia Shakow
The Washington Post
Hon. Donna E. Shalala
Secretary of Health & Human Services
Mr. John J. Sheehan
Legislative Director, United Steel Workers
Mr. Jerome J. Shestack
Wolf, Block, Schorr & Solis-Cohen
Hon. Sargent Shriver
Fried, Frank, Harris, Shriver & Jacobson
Mr. Antone Singsen
Watertown, MA
Mr. Thomas Smegal III
Piedmont, CA
Mr. Thomas F. Smegal, Jr.
Member, LSC Board of Directors
Mr. Chesterfield Smith
Miami, FL
Mr. William Reece Smith, Jr.
Tampa, FL
Ms. Rosita Stanley
Macon, GA
Mr. & Mrs. Jonathan Steinberg (Marianne)
US Court of Veterans Appeals
Mr. Larry Sturgeon
Project Advisory Group, NLADA
Ms. Fern Schair Sussman
Executive Secretary, Association of the Bar of the City of New York
Mr. David Tatel
Chair, Hogan & Hartson
Mr. Stuart Taylor
American Lawyer/Legal Times
Mr. Richard M. Taylor, Jr.
Executive Director, Legal Services of North Carolina
Mr. Maurice Templesman
Leon Templesman & Son

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20th Anniversary of the Legal Services Corporation - September 29, 1994

REGRETS

Hon. (Mayor) Dennis Archer
Mayor, City of Detroit, MI
Hon. Bruce Babbitt
Secretary of the Interior
Hon. (Sec.) Lloyd Bentsen
Secretary of the Treasury
Hon. (Sen.) Joseph R. Biden, Jr.
United States Senate
Ms. Brooksley Born
Arnold & Porter
Mr. Steven Brobeck
Executive Director, Consumer Federation
Mrs. Patricia Broderick
Hon. Ronald H. Brown
Secretary of Commerce
Hon. Jesse Brown
Secretary of Veterans Affairs, Department of Veterans Affairs
Hon. (Dr.) Lee P. Brown
Director, Office of National Drug Control Policy
Hon. (Sen.) Dale Bumpers
United States Senate
Mr. George Bushnell
Detroit, MI
Mr. John Carr
U.S. Catholic Conference
Hon. Warren M. Christopher
Secretary of State, Department of State
Mr. Thomas Cochran
Executive Director, U.S. Conference of Mayors
Hon. (Sen.) Pete V. Domenici
United States Senate
Mr. John Douglas
National College of District Attorneys
Ms. Marian Wright Edelman
President, Children's Defense Fund
Hon. (Rep.) Don Edwards
House of Representatives
Hon. (Rep.) Hamilton Fish, Jr.
House of Representatives
The Speaker
House of Representatives
Mr. M. Victor Geminiani
Executive Director, Legal Aid Society of Hawaii
Hon. (Rep.) Richard Gephardt
House of Representatives

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20th Anniversary of the Legal Services Corporation - September 29, 1994

Hon. Albert Gore
The Vice President
Ms. Antonia Hernandez
President, Mexican American Legal Defense & Educational Fund
Hon. Webster Hubbell
G. William Miller & Co., Inc.
Hon. (Sen.) James M. Jeffords
United States Senate
Mr. Charles Kamasaki
Senior Vice President, National Council of La Raza
The Reverend Fred Kammer, S.J.
President, Catholic Charities, USA
Hon. Nicholas deB. Katzenbach
Riker, Danzig, Scherer, Hyland & Perretti
Hon. (Sen.) Edward M. Kennedy
United States Senate
Ms. Merceria L. Ludgood
Executive Director, Legal Services Corporation of Alabama
Hon. (Rep.) Dave McCurdy
(D/Oklahoma), House of Representatives
Mr. Stephen McIntyre
Lubbock, TX
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Executive Director, National Association of Attorneys General
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United States Senate
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Secretary of Energy
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House of Representatives
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Executive Director, California Rural Legal Assistance
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Secretary of Defense, Department of Defense
Mr. William T. Pound
Hon. Lewis F. Powell, Jr.
Associate Justice, The Supreme Court of the United States
Mr. Hugh Price
Urban League
Mr. Robert D. Raven
Morrison & Foerster
Hon. Robert B. Reich
Secretary of Labor
Hon. (Dr.) Alice Rivlin
Director, Office of Management & Budget
Mr. David Rockefeller, Jr.
Vice Chairman, Rockefeller Financial Services Inc.

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Hon. (Rep.) Harold D. Rogers
House of Representatives
Hon. Warren B. Rudman
Washington, DC
Ms. Caroline Kennedy Schlossberg
New York, NY
Ms. Ada Shen-Jaffe
Executive Director, Evergreen Legal Services
Mr. Terry Shumaker
Gallagher, Callahan & Gartrell
Ms. Adele Simmons
President, John D. & Catherine T. MacArthur Foundation
Hon. (Sen.) Arlen Specter
United States Senate
Mr. Franklin Thomas
President, The Ford Foundation
Mr. Richard Trumka
President, United Mine Workers of America
Mr. Paul Ward
New Castle, PA

FOR EVENT: 20th Anniversary of the Legal Services Corporation -
Thursday, September 29, 1994 - 04:00PM

	TOTALS	ACCEPTS	REGRETS	NORSVP
INVITEES:	230	166	56	8
SPOUSES:	15	14	1	0
GUESTS:	8	7	0	1
SUBS:	0	0	0	0
TOTALS:	253	187	57	9

Possible attendance as of 10/24/94 04:48PM - 196

file
Legal
Services

The Harris Poll -- Low-Income Legal Assistance Questions

Conducted for

Legal Services Corporation

LOUIS HARRIS & ASSOCIATES, INC.
111 Fifth Avenue
New York, New York 10003
(212) 569-9600

Low-Income Legal Assistance Questions

700. LEGAL SERVICES [1036]

BASE: ALL RESPONDENTS (HPTEL ONLY)

Q705. [N] Currently, people accused of a crime who cannot afford an attorney are guaranteed a court appointed attorney. However, people involved with non-criminal civil cases, such as child custody, adoption, or divorce are not guaranteed legal representation unless they can afford to pay an attorney themselves. Do you believe federal funding should be used to provide legal assistance to low income people in such civil cases, or not?

Yes, funding should be provided	66
No, funding should not be provided	32
Don't know	2
Refused	*

BASE: ALL RESPONDENTS (HPTEL ONLY)

Q710. [N] Currently, federal law guarantees a court appointed attorney to low-income people accused of committing domestic violence, while it does not provide legal assistance to the low-income **victims**. In the instances where victims of domestic violence must rely on the legal system to help resolve their domestic situation, should federal funds be used to provide this legal assistance, or not?

Yes, funding should be provided	80
No, funding should not be provided	17
Don't know	2

BASE: ALL RESPONDENTS (HPTEL ONLY)

Q715. [N] Elderly people are frequently the victims of fraud, such as telemarketing, insurance or sweepstakes. Do you believe federal funds should be used to provide legal assistance to low-income elderly people in consumer affairs matters who may be victims of fraud?

Yes, funding should be provided	81
No, funding should not be provided	18
Don't know	1

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*Less than 0.5%

911009 Harris Poll #6
Louis Harris & Associates, Inc.
Interview Dates 6/10/99 - 6/15/99

Absolutes/col percents 16 Jun 99
Table 329

Q705 - Currently, people accused of a crime who cannot afford an attorney are guaranteed a court appointed attorney. However, people involved with non-criminal civil cases, such as child custody, adoption, or divorce are not guaranteed legal representation unless they can afford to pay an attorney themselves. Do you believe federal funding should be used to provide legal assistance to low income people in such civil cases, or not?

Base: All respondents

		REGION				AGE						SEX		RACE			ONLINE USERS				PC USER/ NOT ON-LINE	NOT PC USER
	TOTAL	EAST	MID-WEST	SOU-TH	WEST	18-24	25-29	30-39	40-49	50-64	65 AND OVER	MALE	FE-MALE	WH-ITE	BL-ACK	HIS-PAN-IC	TOTAL	HEA-VY	MED-IUM	LI-GHT		
Unweighted Base	1006	243	236	330	197	112	74	171	184	263	187	484	522	832	83	56	522	135	169	203	168	316
Weighted Base	1006	245	228	353	179	141	85	208	216	190	154	484	522	776	120	99	469	121	150	178	161	376
Yes, funding should be provided	661	179	134	234	114	99	59	145	143	116	91	268	393	470	112	64	290	85	87	107	107	264
	66%	73%	59%	66%	64%	70%	69%	70%	66%	61%	59%	55%	75%	61%	93%	64%	62%	70%	58%	60%	66%	70%
No, funding should not be provided	326	62	91	112	62	39	25	60	72	72	56	209	118	289	7	34	169	35	62	65	52	105
	32%	25%	40%	32%	34%	28%	30%	29%	33%	38%	36%	43%	23%	37%	6%	34%	36%	29%	41%	36%	32%	28%
Don't know	18	5	4	8	2	3	1	2	1	2	7	7	11	16	2	2	8	1	1	4	2	8
	2%	2%	2%	2%	1%	2%	2%	1%	1%	1%	5%	1%	2%	2%	2%	2%	2%	1%	1%	2%	1%	2%
Refused	1	-	-	-	1	-	-	1	-	-	-	1	-	1	-	-	1	-	-	1	-	-
	*	-	-	-	1%	-	-	1%	-	-	-	*	-	*	-	-	*	-	-	1%	-	-
Sigma	1006	245	228	353	179	141	85	208	216	190	154	484	522	776	120	99	469	121	150	178	161	376
	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Q705 - Currently, people accused of a crime who cannot afford an attorney are guaranteed a court appointed attorney. However, people involved with non-criminal civil cases, such as child custody, adoption, or divorce are not guaranteed legal representation unless they can afford to pay an attorney themselves. Do you believe federal funding should be used to provide legal assistance to low income people in such civil cases, or not?

Base: All respondents

		EDUCATION				INCOME						PARTY ID			POL.PHILOSOPHY					
	TOTAL	HIGH SCH-OOL OR LESS	SOME COL-LEGE	COL-LEGE GRAD	POST GRAD	$15,000 OR LESS	$15,001 TO $25K	$25,001 TO $35K	$35,001 TO $50K	$50,001 TO $75K	$75,001 AND OVER	RE-PUB-LIC-AN	DEM-O-CRAT	IN-DE-PEN-DENT	CON-SER-VA-TIVE	MOD-ER-ATE	LIB-ERAL	PEO-PLE WITH DISA BILI TIES	PEO-PLE W/O DISA BILI TIES	HAVE CHILD -REN
Unweighted Base	1006	339	293	238	135	132	115	144	164	163	181	282	332	292	398	407	177	119	829	363
Weighted Base	1006	522	263	149	69	159	135	155	173	154	125	255	353	288	387	400	181	123	820	456
Yes, funding should be provided	661	371	161	93	35	130	108	92	102	102	71	138	267	189	213	289	133	92	526	306
	66%	71%	61%	62%	50%	82%	80%	60%	59%	66%	57%	54%	76%	66%	55%	72%	74%	75%	64%	67%
No, funding should not be provided	326	144	94	55	32	27	23	58	69	51	51	111	82	95	166	103	46	29	280	142
	32%	28%	36%	37%	46%	17%	17%	38%	40%	33%	41%	44%	23%	33%	43%	26%	25%	23%	34%	31%
Don't know	18	7	6	2	3	2	4	4	2	2	1	5	4	5	8	7	1	2	13	5
	2%	1%	2%	1%	4%	1%	3%	3%	1%	1%	1%	2%	1%	2%	2%	2%	1%	2%	2%	1%
Refused	1	-	1	-	-	-	-	-	-	-	1	1	-	-	-	1	-	-	1	1
	*	-	1%	-	-	-	-	-	-	-	1%	1%	-	-	-	*	-	-	*	*
Sigma	1006	522	263	149	69	159	135	155	173	154	125	255	353	288	387	400	181	123	820	455
	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

911009 Harris Poll #6
Louis Harris & Associates, Inc.
Interview Dates 6/10/99 - 6/15/99

Absolutes/col percents 16 Jun 99
Table 331

Q710 - Currently, federal law guarantees a court appointed attorney
to low-income people accused of committing domestic violence,
while it does not provide legal assistance to the low-income victims.
In the instances where victims of domestic violence must rely on their legal system
to help resolve their domestic situation, should federal funds be used
to provide this legal assistance, or not?

Base: All respondents

		REGION				AGE						SEX		RACE			ONLINE USERS				PC USER/ NOT ON-LINE	NOT PC USER
	TOTAL	EAST	MID-WEST	SOU-TH	WEST	18-24	25-29	30-39	40-49	50-64	65 AND OVER	MALE	FE-MALE	WH-ITE	BL-ACK	HIS-PAN-IC	TOTAL	HEA-VY	MED-IUM	LI-GHT		
Unweighted Base	1006	243	236	330	197	112	74	171	184	263	187	484	522	832	83	56	522	135	169	203	168	316
Weighted Base	1006	245	228	353	179	141	85	208	216	190	154	484	522	776	120	99	469	121	150	178	161	376
Yes, funding should be provided	809	194	176	295	143	110	80	174	179	150	106	360	449	618	103	71	396	105	123	148	128	285
	80%	79%	77%	84%	80%	78%	93%	84%	83%	79%	69%	74%	86%	80%	86%	71%	84%	87%	82%	83%	80%	76%
No, funding should not be provided	173	42	42	54	35	31	6	33	28	32	42	113	60	141	10	29	67	14	26	27	30	75
	17%	17%	18%	15%	19%	22%	7%	16%	13%	17%	27%	23%	12%	18%	9%	29%	14%	12%	17%	15%	19%	20%
Don't know	25	9	11	4	1	-	-	1	9	8	5	12	13	17	7	-	5	1	1	3	3	17
	2%	3%	5%	1%	1%	-	-	*	4%	4%	3%	2%	2%	2%	6%	-	1%	1%	1%	1%	2%	4%
Sigma	1006	245	228	353	179	141	85	208	216	190	154	484	522	776	120	99	469	121	150	178	161	376
	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Q710 - Currently, federal law guarantees a court appointed attorney to low-income people accused of committing domestic violence, while it does not provide legal assistance to the low-income victims. In the instances where victims of domestic violence must rely on their legal system to help resolve their domestic situation, should federal funds be used to provide this legal assistance, or not?

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		EDUCATION				INCOME						PARTY ID			POL.PHILOSOPHY					
	TOTAL	HIGH SCH-OOL OR LESS	SOME COL-LEGE	COL-LEGE GRAD	POST GRAD	$15,000 OR LESS	$15,001 TO $25K	$25,001 TO $35K	$35,001 TO $50K	$50,001 TO $75K	$75,001 AND OVER	RE-PUB-LIC-AN	DEM-O-CRAT	IN-DE-PEN-DENT	CON-SER-VA-TIVE	MOD-ER-ATE	LIB-ERAL	PEO-PLE WITH DISA BILI TIES	PEO-PLE W/O DISA BILI TIES	HAVE CHILD-REN
Unweighted Base	1006	339	283	236	135	132	115	144	164	163	181	282	332	292	388	407	177	119	829	363
Weighted Base	1006	522	263	149	69	159	135	155	173	154	125	255	353	288	387	400	181	123	820	456
Yes, funding should be provided	809 80%	402 77%	221 84%	127 85%	56 81%	140 88%	111 82%	113 73%	132 76%	133 86%	104 84%	201 79%	300 85%	225 78%	291 75%	335 84%	153 85%	103 84%	655 80%	364 80%
No, funding should not be provided	173 17%	102 20%	38 15%	20 14%	11 16%	14 9%	19 14%	41 26%	35 20%	18 11%	19 15%	48 19%	42 12%	59 20%	84 22%	59 15%	25 14%	15 12%	146 18%	83 18%
Don't know	25 2%	17 3%	4 1%	2 1%	2 3%	5 3%	5 3%	1 1%	7 4%	4 3%	1 1%	6 2%	10 3%	4 1%	12 3%	6 1%	2 1%	4 4%	19 2%	10 2%
Sigma	1006 100%	522 100%	263 100%	149 100%	69 100%	159 100%	135 100%	155 100%	173 100%	154 100%	125 100%	255 100%	353 100%	288 100%	387 100%	400 100%	181 100%	123 100%	820 100%	456 100%

Q715 - Elderly people are frequently the victims of fraud, such as telemarketing, insurance or sweepstakes. Do you believe federal funds should be used to provide legal assistance to low-income elderly people in consumer affairs matters who may be victims of fraud?

Base: All respondents

		REGION				AGE						SEX		RACE			ONLINE USERS				PC USER/	
	TOTAL	EAST	MID-WEST	SOU-TH	WEST	18-24	25-29	30-39	40-49	50-64	65 AND OVER	MALE	FE-MALE	WH-ITE	BL-ACK	HIS-PAN-IC	TOTAL	HEA-VY	MED-IUM	LI-GHT	NOT ON-LINE	NOT PC USER
Unweighted Base	1006	243	236	330	197	112	74	171	184	263	187	484	522	832	63	56	522	135	169	203	168	316
Weighted Base	1006	245	228	353	179	141	85	208	216	190	154	484	522	776	120	99	469	121	150	178	161	376
Yes, funding should be provided	813	201	178	298	136	113	72	165	186	159	110	370	444	612	111	77	367	96	116	136	135	312
	81%	82%	78%	84%	76%	80%	85%	80%	86%	84%	71%	76%	85%	79%	92%	77%	78%	79%	77%	76%	84%	83%
No, funding should not be provided	180	38	48	52	42	28	13	41	29	30	35	108	72	153	10	23	99	25	34	40	26	55
	18%	16%	21%	15%	23%	20%	15%	20%	13%	16%	23%	22%	14%	20%	8%	23%	21%	21%	23%	22%	16%	15%
Don't know	12	6	2	4	1	-	-	1	1	1	9	6	6	11	-	-	2	*	-	2	-	10
	1%	2%	1%	1%	*	-	-	*	1%	*	6%	1%	1%	1%	-	-	1%	*	-	1%	-	3%
Sigma	1006	245	228	353	179	141	85	208	216	190	154	484	522	776	120	99	469	121	150	178	161	376
	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

Q715 - Elderly people are frequently the victims of fraud, such as telemarketing, insurance or sweepstakes. Do you believe federal funds should be used to provide legal assistance to low-income elderly people in consumer affairs matters who may be victims of fraud?

Base: All respondents

		EDUCATION				INCOME					
	TOTAL	HIGH SCHOOL OR LESS	SOME COLLEGE	COLLEGE GRAD	POST GRAD	$15,000 OR LESS	$15,001 TO $25K	$25,001 TO $35K	$35,001 TO $50K	$50,001 TO $75K	$75,001 AND OVER
Unweighted Base	1006	339	293	236	135	132	115	144	164	163	181
Weighted Base	1005	522	283	149	69	159	135	155	173	154	125
Yes, funding should be provided	813 81%	445 85%	208 79%	109 73%	49 70%	133 83%	121 90%	125 81%	132 76%	127 82%	94 75%
No, funding should not be provided	180 18%	69 13%	52 20%	40 27%	20 29%	23 14%	14 10%	27 18%	41 24%	24 16%	31 25%
Don't know	12 1%	9 2%	3 1%	* *	1 1%	4 2%	- -	2 2%	- -	3 2%	* *
Sigma	1006 100%	522 100%	283 100%	149 100%	69 100%	159 100%	135 100%	155 100%	173 100%	154 100%	125 100%

	PARTY ID			POL.PHILOSOPHY					
	REPUBLICAN	DEMOCRAT	INDEPENDENT	CONSERVATIVE	MODERATE	LIBERAL	PEOPLE WITH DISABILITIES	PEOPLE W/O DISABILITIES	HAVE CHILDREN
Unweighted Base	282	332	292	388	407	177	119	829	363
Weighted Base	255	353	288	337	400	181	123	820	456
Yes, funding should be provided	199 78%	309 88%	219 76%	293 76%	336 84%	153 85%	103 83%	665 81%	383 84%
No, funding should not be provided	50 20%	40 11%	68 24%	88 23%	63 16%	23 13%	15 12%	148 18%	71 16%
Don't know	6 2%	4 1%	- -	6 1%	1 *	4 2%	5 4%	7 1%	2 1%
Sigma	255 100%	353 100%	288 100%	387 100%	400 100%	181 100%	123 100%	820 100%	456 100%

Methodology

This Harris Poll was conducted by telephone within the United States between June 10 to 15, among a nationwide cross section of 1,008 adults. Figures for age, sex, race, education, number of adults and number of voice/telephone lines in the household were weighted where necessary to bring them into line with their actual proportions in the population.

In theory, with a sample of this size, one can say with 95 percent certainty that the results have a statistical precision of plus or minus 3 percentage points of what they would be if the entire adult population had been polled with complete accuracy. Unfortunately, there are several other possible sources of error in all polls or surveys that are probably more serious than theoretical calculations of sampling error. They include refusals to be interviewed (non-response), question wording and question order, interviewer bias, weighting by demographic control data and screening (e.g., for likely voters). It is difficult or impossible to quantify the errors that may result from these factors.

fice Legal Services

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August 29, 1997

Hon. Hillary Rodham Clinton
First Lady
The White House
Washington, DC 20500-2000

Re: The Future of the Legal Services Program

Dear Hillary:

My letter to Tony Kronman (copy enclosed) expresses some of my concerns about our current and future viability. The Legal Services Corporation is engaged in a strategic planning process, but we can't succeed on our own. I would welcome the opportunity to meet with you, Melanne, and perhaps Chuck Ruff and others to discuss where we might go from here in seeking to assure that the provision of access to justice for the poor remains a national priority.

Best regards,

Doug Eakeley

Douglas S. Eakeley

Enclosure
cc: Ms. Melanne Verveer

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August 26, 1997

Anthony T. Kronman
Dean
Yale Law School
P.O. 208215 Yale Station
New Haven, Conn. 06520-8215

Re: Access to Justice and the Legal Services Corporation

Dear Dean Kronman:

Guido Calabresi had urged me several months ago to write to you about my concerns for the progressive dismantling of the national legal services delivery system, initiated by the 104th Congress and continued by the 105th. But the press of other business kept getting in the way. With the imminent return of the Congress from the August recess, and my own return to New Haven for my 25th Law School reunion later in September, however, further procrastination seems out of order.

In less than three months, I will complete my fourth year of service as Chairman of the Legal Services Corporation. When the new board was sworn in, we all shared a wonderful sense of optimism that funding would be restored, the program would be reauthorized, and a new LSC management team would make major improvements in the Corporation's operations. That optimism, of course, was short-lived.

As you know, LSC's funding was cut by the 104th Congress from \$415 million to \$278 million. Although we managed to secure a \$5 million increase last summer for the current fiscal year, our budget of \$283 million falls far short of what is needed simply to provide minimal access to justice for the poor (even after taking into consideration funding from all outside sources as well as pro bono contributions). The Congress also eliminated federal funding, through LSC, of much of the program's infrastructure: we no longer fund national support centers, state support centers, or regional training centers. Efforts to eliminate funding for the "special needs" populations of Native Americans and migrant farm workers almost succeeded last year as well.

Along with the funding reductions came a host of new restrictions on the types of advocacy that grantees may pursue on behalf of their clients. Thus, for example, a grantee attorney may not: (1) participate in litigation, lobbying or rulemaking that involves an effort to reform the federal or state "welfare system"; (2) take part in legislative or administrative advocacy; (3) initiate or participate in class actions; (4) claim or collect and retain attorney's fees upon the successful conclusion of a case where a statute provides for such an award. Moreover, grantees are now prohibited from utilizing non-LSC funds to undertake any of the prohibited activities.

Before recessing last month, the Senate voted out an appropriation of $300 million – with $17 million earmarked for "pro se demonstration projects" rather than direct delivery, effectively freezing our funding of grantees at last year's levels. The House Appropriations Committee voted out an appropriation of $150 million, and we will have to await the return of the Congress to see whether we can get past the House Rules Committee (which may renew its attempt to close us down altogether) before we attempt to secure an increase in the appropriation on the floor of the House.

In the meantime, the funding cutbacks, new restrictions, and extension of those restrictions to non-federal funds have left grantees in a state of disarray. Dual delivery systems have been established in many states to preserve operational flexibility utilizing non-federal funds. The Corporation is the defendant in two major federal cases, initiated by a number of grantees, challenging the constitutionality of the new restrictions -- and threatening to undermine the tenuous bipartisan support we were able to cobble together to survive last year's attack in the Congress.

There is a compelling need, in the midst of all of the political clamor, operational fragmentation, and funding uncertainty, to restore perspective and develop a national strategy that will preserve the federal government's commitment to the Legal Services program. This strategy must include an effort to educate the public at large about the concept of justice and the importance of providing access to justice for the poor.

Law schools should have a key role to play in this process. Indeed, the origins of Legal Services trace back directly to the pioneering work of Edgar and Jean Cahn, who were actively supported by Yale Law School. And I have fond memories of participating, with Hillary Rodham Clinton, in the early days of the Yale-New Haven Legal Services Clinic.

Yet the few times we have heard recently from the academic community has been by way of criticism (from Bert Neuborne and others) that we failed to negotiate effectively with the 104^{th} Congress to resist imposition of the new restrictions (as if we had the ability to negotiate). Otherwise, there has been a deafening silence.

I know that you will be more than engaged during reunion weekend, and I may even have to depart prior to the Sunday brunch you are scheduled to host for my class. But I invite your thoughts and suggestions, whenever convenient.

Yours truly,

Doug Eakeley

Douglas S. Eakeley

cc: Hon. Guido Calabresi
Nicholas deB. Katzenbach, Esq.

file Legal Services

LEGAL SERVICES CORPORATION

MEMORANDUM

TO: The Administration

FROM: Gail W. Laster, 336-8815

DATE: 6/17/97

RE: Legislative Update

This memo is to inform you of recent congressional activities concerning the Legal Services Corporation.

Attached is a copy of an article from the *Lexington Herald-Leader* newspaper in which Chairman Rogers is quoted as stating that "one possibility is that the Legal Services Corporation will be abolished but Congress will still decide to send money for low-income legal services to the states in the form of block grants." Also attached is a copy of an article in the *Lexington Courier Journal* in which Chairman Rogers states that the recent change in LSC regulations that allows LSC grantees to use their non-LSC funds for alternative methods of expression "is a clear violation of congressional intent." On June 5, 1997, John McKay and John Erlenborn met with Chairman Rogers. During their brief but pleasant conversation the subjects of block grants and LSC regulations did not come up.

In any event, we have heard from several sources that LSC's appropriations bill in the House may include a block grant structure for the provision of legal services. You may recall block grant proposals during the 104th Congress included, among other things, the elimination of the Corporation and nationwide coverage, administration of the grants by DOJ, and a limited list of cases that legal services lawyers could participate in. Attached is a copy of a letter from Attorney General Reno and then-White House Counsel Abner Mikva in opposition to the LSC block grant bill. Although we do not yet know any details about a possible block grant bill in this Congress, we are reminding our congressional supporters of our opposition to past block grant proposals. We would appreciate additional efforts on this issue that you deem appropriate and helpful.

We are also reminding our congressional supporters that the change in LSC regulations that Chairman Rogers objects to was made in response to the Court's decision in the case of ***Legal Aid Society of Hawaii, et al. v. Legal Services Corporation***. As a result of our change in the regulations: 1) the judge in that case issued an Order to Show Cause why the plaintiffs' case against LSC was not rendered moot and why the injunction should not be vacated, and 2) DOJ intervened in the case on the side of LSC and to uphold the congressional restrictions. Also attached is one page of talking points that further explain the rationale for our change in the regulations.

Thanks again for your time and efforts. Please give me a call at the above telephone number if there are any questions or suggestions.

Lexington Herald-Leader, May 30, 1997, Front Page

Free legal services for poor face severe cuts

By Bob Geiger
Herald-Leader Washington Bureau

WASHINGTON — The program that provides legal help for poor people — including about 20,000 a year in Kentucky — faces the greatest threat ever to its existence, says U.S. Rep. Hal Rogers, one of the program's key defenders in the House.

Last year, Rogers, R-Somerset, fought some of his fellow Republicans to save the legal services program, which provides advice for low-income clients facing domestic abuse, home foreclosures, problems obtaining black lung benefits and other civil legal problems.

The program avoided the axe because last year's budget included new limits on the kinds of lawsuits that legal aid groups could file, addressing Republican concerns that legal aid attorneys were pursuing a political agenda. But some local legal aid organizations have fought those restrictions, leaving powerful House Republicans even more determined to junk the program.

"It's becoming difficult for me now to defend legal services from those who want to do away with them," said Rogers. "... I am frustrated to put it mildly."

Funding for legal services has already been reduced since Republicans gained control of Congress in 1994. But Jamie Hamon, who runs the Access to Justice Foundation in Lexington, said of this year's bud-

See LEGAL, A4

From the Front Page

LEGAL: The loss would affect about 20,000 poor Kentuckians

From Page One

get fight: "I think this is probably the most grave situation they have ever been in."

Losing the federal money would pose major problems for the Appalachian Research and Defense of Kentucky, which represents 6,000 low-income clients a year in Eastern and South Central Kentucky — the same area that makes up Rogers' congressional district.

Appalred, as the agency is known, gets more than 80 percent of its money from the federal government.

"It would leave us in a very serious predicament," said Appalred director John Rosenberg. "We'd probably end up closing a great deal of offices."

Rogers heads the House subcommittee that provides the money for legal services. At a committee meeting in February, Rogers asked legal services officials for an estimate of how much money it would cost to shut down their operation.

Despite that kind of ominous questioning, Rogers said he still hopes that the Legal Services Corp. can be saved. He said his questions were meant to impress the legal services officials with the precariousness of their situation.

"They have to realize that Congress is deadly serious about having them abide by the restrictions," Rogers said.

Republican leaders were angered by five local legal aid agencies in California, Hawaii and Alaska, which sued to challenge some of the federal restrictions.

In another case in Texas, a local legal aid group filed a voting rights suit that attempted to overturn the victories of a couple of Republicans in local elections — a move Republicans saw as partisan advocacy.

Dorothy Lohmann, a spokeswoman for the national Legal Services Corp., said her organization, and most of the independent local agencies, accept the new congressional rules and are working hard to make sure that they are put into place. But she acknowledged that some local legal services groups are still having difficulty making the adjustment.

"If, in fact, programs do go off and do their own thing, it could mean the death of the entire program," Lohmann said.

Rogers said one possibility is that the Legal Services Corp. will be abolished, but Congress will still decide to send money for low-income legal services to the states in the form of block grants. Legal aid defenders say that could disrupt cases and create inefficiency, or even eliminate legal aid programs in some parts of the country.

Rogers said his situation is difficult because legal services has not been authorized by Congress for many years. This means any House member can raise a point of order on the House floor and remove all legal services money from the budget. Only an agreement by House leaders can change the rules to prevent this, Rogers said.

Rogers says legal-aid lawyers may be 'cutting their own throat'

By ALLEN G. BREED
Associated Press

PIKEVILLE, Ky. — U.S. Rep. Harold Rogers has fought to save the federal legal aid program for the poor, but he said the Legal Services Corp. is making it hard for even him to defend it.

As chairman of the House subcommittee that funds legal aid, Rogers, R-5th District, worked on a compromise last year to keep the program alive. But the compromise involved restricting the kinds of cases the group can take, and Rogers said legal aid attorneys are circumventing those restrictions.

At issue is a recent change in Legal Services regulations that allows legal aid organizations to funnel private money to outside groups that would do work that Congress has forbidden the federally funded attorneys to do. That work includes lobbying, class-action lawsuits, representing inmates and certain categories of immigrants, and any lawsuit against a governmental agency.

"That's a clear violation of congressional intent," Rogers said.

But Alan Houseman, director of the Center for Law and Social Policy in Washington, said Rogers' assessment of the situation is inaccurate.

"Now there's nothing in the law, nothing in the intent of Congress, that says that another entity that's not funded by the Legal Services Corp., if it's a separate legal entity, can't do restricted work," Houseman said. "I think that's a huge leap to say that that somehow undermines what Congress is doing."

Rogers said others are also angry about lawsuits filed by some legal aid offices around the country. In Hawaii, LSC grantees sued the corporation itself to block some of the prohibitions.

"If they continue to flout us on these mandates ... they're cutting their own throat," Rogers said. "I mean, I've thrown a lifeline out there. It's up to them to grab hold ... for dear life and reel themselves in, and so far they're not doing that."

Congress cut legal aid's funding last year by 30 percent, to $278 million. The agency is seeking $340 million for the 1998 fiscal year.

But Legal Services Corp. is an unauthorized program. That means any House member can move from the floor to eliminate it at any time, Rogers said.

Rogers said LSC foes have been looking for ways to provide legal services to the poor. One that made little headway in Congress last year was the idea of sending block grants to the states and letting them find a mechanism.

Houseman said there will be a fight, but he thinks LSC has gained more support than it has lost in the last year.

"I think LSC will survive this Congress, and the reason is because there is enough support among moderate Republicans and Democrats for a continuation of LSC with some restrictions."

But John Rosenberg, director of the Appalachian Research and Defense Fund of Kentucky in Prestonsburg, said yesterday that he is still fearful. His organization represents about 6,000 clients a year, and his staff is already underpaid.

"You have to be worried," he said. "We've already cut back so much that the thought of having to cut back further is always very scary."

Office of the Attorney General
Washington, D.C. 20530

September 11, 1995

The Honorable Henry J. Hyde
Chairman
Committee on the Judiciary
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

By this letter and its Appendix we want to convey the Administration's vigorous opposition to H.R. 2277, the Legal Aid Act of 1995. We urge the Committee, in the strongest terms possible, to reject this proposed legislation.

Against the 21-year success of the Legal Services Corporation in delivering a broad array of needed legal services to poor and low-income citizens throughout the country at levels of economy, efficiency, and effectiveness rarely realized in either public or private management, the Legal Aid Act of 1995 would:

(i) dismantle the well-tested and extraordinarily efficient and effective Legal Services Corporation grants to, and management of, some 300 legal services providers across the nation, and substitute for that system a wholly untested block grant structure to be managed by the Department of Justice and operated through the States;

(ii) disqualify from eligibility for legal services entire categories of poor and low-income people;

(iii) disallow from federally funded services many critical causes of action ranging from adoption to constitutional challenges; and

(iv) set an appropriations course to end federally funded legal services.

To so narrow the availability and scope of publicly funded legal services, and to scrap a successful system and replace it with a yet-to-be-developed set of both federal and state bureaucracies, is shortsighted. The Legal Aid Act of 1995 makes a mockery of the essential American principle "Equal Justice Under Law." If enacted, the bill will mean for millions the loss of effective, community based legal services and the certainty of continuing and aggravated problems that will cost us dearly in other ways down the line.

We urge you, Chairman Hyde, for these reasons and others detailed in the accompanying Appendix, to oppose this bill and lead the Committee to reject it.

Sincerely,

Janet Reno
Attorney General

Abner Mikva
Counsel to the President

cc: The Honorable John Conyers, Jr.
Ranking Minority Member

APPENDIX

I. BACKGROUND

Approximately 50% of all low-income households today face at least one problem having a legal dimension. The legal problems low-income people most frequently face include housing problems, family and domestic matters, credit and creditor problems, problems concerning benefits conferred by law, and health and health care-related problems.

Low-income people, however, are very often denied access to justice because they cannot afford legal help. Nearly three-fourths of the low-income people with legal needs do not get help in the civil justice system--not because the Legal Services Corporation is functioning poorly, or because it has diverted its resources to matters other than direct client representation--but simply because the entire civil justice system is overburdened.

When Congress passed the Legal Services Authorization Act in 1974 it was responding to a clear need and acknowledging that a large part of society was barred from effective access to the legal system. For the last 21 years the Corporation has directly channeled federal funding to nonprofit legal services programs serving indigent persons whose rights need protecting. There are more than 300 of these programs nationwide, operating from nearly 12,000 neighborhood law offices.

Corporation programs operate through small, community-based and locally staffed offices headed by independent boards that include members of the local bar and other representative quarters of the community. These offices are available to low-income people in every county of every state, and function as law firms tailored to meet the needs of each community, and the people who staff these offices develop expertise and accumulate institutional and community knowledge that cannot be replaced.

The management of the Corporation is a model for efficient and effective public funding. Only 3% of the Corporation's budget is spent on administrative functions; the remaining 97% is channeled directly to the community-based legal service providers for the delivery of legal services to people in need. This extraordinary ratio of administrative costs to program funding leaves very little room for improvement.

Legal Services Corporation providers nationwide handle over 1.7 million cases each year, improving the lives of families and the quality of life in their communities. Program providers help families secure safe housing, prevent illegal evictions, and protect clients' health, educational, and employment rights. Approximately 33% of all legal services program cases involve issues of family law; 22% involve protection of housing rights; and more than 75% involve or directly affect the rights of children.

In May of this year the Deputy Attorney General testified before one of your Subcommittees to the continuing need for a strong and independent Legal Services Corporation. Judge Mikva also testified to that need, based on his observations from legislative bodies for nearly 20 years and from the federal bench for an additional 15 years. In July Alan Bersin, the United States Attorney for the Southern District of California, also testified to the important role the Corporation plays in law enforcement.

II. THE ILL-CONCEIVED PROVISIONS OF H.R. 2277

Against this backdrop of legal needs and the Corporation's extraordinary record of service and efficiency, the provisions of H.R. 2277 are badly flawed.

A. THE SYSTEM OF BLOCK GRANTS

We are very strongly opposed to the bill's system of block grants to be administered by unknown state entities.

First, this proposal would not save money. The bill would allow each state to retain as an administrative fee 5% of each federal grant it processes. Currently, however, only 3% of the Corporation's budget is spent on administrative functions with the remainder going directly to the delivery of legal services. The Corporation involves a staff of approximately 125 experienced people and operates at an exceptionally high level of economy, efficiency and effectiveness. None of these important and rarely achieved goals would be served by dissolving this small, experienced and specialized group and providing for a larger fee to be charged by the states.

Second, jeopardizing the well-established system of neighborhood law offices with experienced attorneys trained to meet local legal needs would be extremely wasteful. To disrupt the current, proven structure for providing legal services to the poor and replace it with an as-yet undeveloped system that by its very nature would involve or create a new layer of bureaucracy in each of the fifty states would decrease both the quality and quantity of legal services available to the poor and the working poor. Years of institutional knowledge and expertise would be lost.

Third, the bill's provisions for individual contracts obtained by bids risk the result of second-class justice. Because it appears that only individuals may bid on these contracts, low-income persons will lose the benefit of the expertise developed by local legal services offices over the last 21 years. The critical function of these local offices as magnets, or clearinghouses, would also be destroyed, thwarting the approximately 130,000 attorneys nationwide engaging in pro bono activities each year but needing a mechanism to do so. Similarly, the bill's proposed contracts are for a short duration--one year--which presents the very real danger of lack of continuity in representation and disruption to pending cases.

Fourth, the involvement of state governmental units in the administration of legal services for private persons would present the inevitable potential for conflicts of interest. Legal providers would hesitate to represent clients whose cases, while highly meritorious, challenge a flawed law or governmental practice. A provider whose funding could be terminated for advancing a legitimate claim on behalf of his or her client is put in an unfair position.

Finally, oversight would not be improved. This Committee has for 20 years very capably overseen the operations of the Corporation. To delegate this important function to unspecified state bureaucracies with no experience in such oversight simply is not responsible.[1]

B. THE JUSTICE DEPARTMENT'S ADMINISTRATION OF THE GRANT PROGRAM

We are also very strongly opposed to the provision that the Department of Justice administer the grant system.

First, this system would not increase efficiency or save money. As stated above, the Corporation consumes only 3% of its budget on administrative expenses. The bill allows states to withhold 5% of all grant amounts as administrative expenses; this amount is in addition to the increased costs the Justice Department would incur in overseeing this program, and that the public would have to bear.

Second, involvement in the delivery of legal services to poor and low-income people is outside the scope of, and fundamentally inconsistent with, the primary mission of the Justice Department. The Department's primary responsibilities

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[1] Further, because the bill provides for a 50% decrease in funding from 1996 to 1997 and no funding for 1998, states may lack the incentive to create permanent, efficient offices to administer these grants.

are criminal and civil law enforcement directly and exclusively in the interests of the United States and its constituent executive branch agencies. Even indirect involvement in the litigation of private interests has never been the job of the Department.

Third, the independent and exclusive mission of the Corporation is an important aspect of its professionalism and effectiveness for its clients. Access to independent legal advice and services is the essence of the civil justice equality we are trying to achieve, and that goal is best achieved by a single-purpose entity such as the Corporation.

Fourth, it makes no sense to federalize, or involve state governments in, functions relating to the network of legal services programs that operate so efficiently and effectively at the community level. At a time when the Justice Department is grappling with so many issues pertaining to law enforcement, public safety and justice reform, and is trying to consolidate functions and simplify its operations, the addition of a substantial and wholly unrelated administrative task would be inconsistent with the goal shared by all agencies--reducing size and doing more with less.

C. LIMITATIONS AND RESTRICTIONS ON THE PROVISION OF LEGAL SERVICES

The bill so severely limits all aspects of representation that the fundamental concept of a lawyer having the independence to zealously represent his or her client would simply not apply to the bill's supposed beneficiaries. The following examples, while not comprehensive, are among the most troubling in the bill:

1. LIMITATIONS ON A STATE'S USE OF ITS OWN MONEY.

One of the bill's most misguided provisions dictates that if a state receives grant money from the federal government and also distributes its <u>own</u> funds to legal service providers the state must require that only "qualified clients," as defined under the federal bill, receive "qualified legal services," again as defined under the bill, pursuant to the bill's laundry list of restrictions limiting the uses of federal grant money. In other words, the federal government restricts in the bill the rights of all 50 states to spend their own money as they wish in funding legal services, including actions between two residents of a given state--or between that state and one of its citizens--in a case pending in that state's own courts.

This extraordinary provision is overreaching and inconsistent with the underlying idea that states are capable of regulating the administration of the legal affairs of their citizens with greater efficiency and wisdom than the Corporation's community-based offices. While the thrust of the bill appears to be to provide states with more discretion and more authority, the logic behind this provision limiting state authority is difficult to fathom.

2. "QUALIFIED" CLIENTS

The bill dramatically limits those who may even apply for legal services, excluding entire categories of now-eligible people who are the most likely to be in need. Its definition of a "qualified client"--a client who is eligible to receive legal assistance from a provider--is limited to United States citizens and certain aliens admitted for permanent residence. This definition would unconscionably deprive many legally-admitted, low-income aliens of access to the civil justice system while they are lawfully in the United States.

3. "QUALIFIED" CAUSES OF ACTION.

The bill's listing of "qualified" causes of action which may be funded by grant money is not only very small but, most extraordinarily, excludes a number of commonly brought and long-eligible claims such as paternity, adoption, foster care, guardianship, hiring discrimination and wage claims, as well as actions to protect the rights of the physically disabled. Clients with legal problems that do not fit neatly into a predesignated pigeonhole are foreclosed from representation, no matter how meritorious their cases.[2]

Equally offensive is the specific exclusion of "any challenge to the constitutionality of any statute." This limitation is illogical and unjustifiable; it should be the right of every citizen and legal immigrant to have meaningful access to the protection of the Constitution regardless of his or her financial means. Under the bill, if a state were to pass a statute denying a particular group due process or equal protection, or blurring the line between church and state or limiting free speech, low-income persons would be denied the constitutional protections they are due and that are available to those with money.[3]

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[2] Further, even within the context of this limited set of eligible cases the bill restricts attorneys representing poor and low-income persons from engaging in numerous, perfectly legal activities on their behalf.

[3] Indeed, if a pending case were to have a constitutional issue injected by an opponent or late-arriving third party, an attorney funded with grant money would be placed in the ethical bind of having to forego the assertion of a meritorious defense

4. <u>ATTORNEYS FEES</u>

The bill anomalistically provides that legal service providers may not, under any circumstances, collect attorneys fees from parties in litigation initiated by their clients. Thus in the case of a state statute that automatically awards fees to prevailing plaintiffs as part of an enforcement mechanism, or a state court judge who seeks to award discretionary attorneys fees against a private attorney for engaging in frivolous conduct wasting the court's time and that of a publicly-funded legal services provider, the provider is barred from accepting the compensatory award. This provision again treads, without reason, on state practice.

D. <u>THE APPROPRIATION CEILING</u>

Finally, the bill imposes for fiscal years 1996 and 1997 increasingly lower ceilings--$278 million and $141 million respectively--on future appropriations for the grant program. This is yet another indication of the sponsors' not-so-secret intent to terminate federally funded legal services altogether. This year's appropriation of $400 million, while far greater than the 1996 and 1997 authorizations provided in H.R. 2277, fell far short of the funding truly needed. If the Committee is serious about legal services, however their delivery is structured, any reauthorization bill should simply authorize the appropriation of such sums as may be necessary rather than impose an artificial ceiling.

<u>CONCLUSION</u>

For the reasons outlined above, the Administration vigorously opposes passage of H.R. 2277, the Legal Aid Act of 1995, and respectfully urges the Committee to defeat it and to reauthorize the Legal Services Corporation.

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or withdraw from the case leaving his or her client to attempt a <u>pro se</u> defense.

LSC'S REVISED 45 CFR 1610 REGULATION
TALKING POINTS

-New regulation strengthens the constitutional validity of the restrictions in the face of current and other potential court challenges.

-LSC revised its regulation in order to preserve congressional restrictions on its grantees' engaging in restricted activities and to place LSC in the best possible posture to defend the restrictions in pending litigation.

-The purpose of the new regulation is to fully implement congressional intent that no LSC- funded programs will be able to use LSC or non-LSC funds for purposes restricted by Congress and that LSC funds will not directly or indirectly subsidize such activities.

-A federal judge confirmed the basic principle that Congress may prohibit LSC grantees from using both LSC and non-LSC funds for activities that Congress deems to be inappropriate.

-The judge found that LSC regulations and policies and not the congressional restrictions were the problem.

-LSC's policies on transfer of non-LSC funds and on its grantees' relations with other organizations made the new congressional restrictions vulnerable to constitutional challenge.

-LSC's new regulation provides an avenue for constitutionally protected expression through non-LSC-funded entities that must meet the Corporation's standards of program integrity.

-LSC regulations continue to mandate that no LSC-funded program will be able to use LSC or non-LSC funds for restricted purposes and that LSC funds will not directly or indirectly subsidize such activity.

-LSC-funded programs that wish to transfer their non-LSC funds for restricted activities will be required to maintain a degree of separateness from entities engaged in restricted activities. The LSC and non-LSC grantee must be both physically and financially distinct. Factors considered in determining program integrity include separate personnel, separate accounting and timekeeping records, separate facilities, and signs and other forms of identification that distinguish between them.

-Mere bookkeeping separation of LSC funds from other funds will not be sufficient to satisfy the requirement.

-Each LSC grantee must certify to LSC within the next 120 days that the grantee is in compliance with the requirements of this new section and thereafter on an annual basis.

file LSC

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John McKay
President

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336-8820

May 29, 1997

Ms. Melanne Verveer
Assistant to the President and Chief of
Staff to the First Lady
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear ~~Ms. Verveer~~ Melanne:

Thank you for taking time to meet with Doug Eakeley, Martha Bergmark, Gail Laster and me last Friday. I am sure you had your hands full preparing for the European trip, so I am especially grateful for the time you spent with us.

I appreciate the support you have given LSC during a time when federally-funded civil legal services for the poor is under such fierce attack. The effort that you have led within the Administration to ensure congressional support for LSC funding will greatly ease my transition at a critical time for this organization. I look forward to working with you throughout the Fiscal Year 1998 appropriations process, and for a long time to come, to make "Equal Justice Under Law" more of a reality.

Thanks again for your support.

Sincerely yours,

Thanks for welcoming me on board!

John McKay
President

file LSC

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FAX

TO: Melanne Verveer

FAX NO:

DATE: 5/13/97

FROM: Martha Bergmark, LSC

PHONE: 336-7262

Number of Pages Sent: 1 **(not including cover page)**
Hard Copy To Follow:

REMARKS: Melanne, I called you yesterday just to say how nice it was to read about ourselves in Saturday's New York Times as one of the White House's "key domestic priorities." Let's hope the Republican House leadership gets the message. As always, thanks!
—Martha

If there is a transmission problem, please contact________ at the above number.

MAY 13 '97 12:20PM The New York Times P.2/2

VOL. CXLVI .... No.50,788 SATURDAY, MAY 10, 1997

Elusive Budget Pact

Now the Questions Are Reverberating As Everyone Asks Who Pledged What

By ROBERT PEAR

WASHINGTON, May 9 — Was there, in fact, a budget agreement between President Clinton and Congressional Republicans, and what precisely did it contain?

News Analysis

Those questions have reverberated around Capitol Hill this week as one problem after another has hampered the process of translating the oral agreement into writing. The accord was announced by Mr. Clinton and jubilant Republicans just seven days ago, on May 2.

Since then, Democratic leaders have accused Republicans of reneging on parts of the agreement, while Republicans have complained that Mr. Clinton is trying to stuff his whole domestic agenda into the pact.

By week's end, some wondered whether the deal was unraveling. Those involved in trying to sort it out would not go so far as to say it was in peril. But it was clear that in their eagerness to get a deal, the two sides made their announcement before critical loose ends were tied up.

One nonpartisan budget expert on Capitol Hill said facetiously: "The President and the Republicans had an agreement to go on television last week. That seems to be their only agreement."

Senator Frank R. Lautenberg of New Jersey, the ranking Democrat on the Senate Budget Committee, who has spent countless hours haggling with Republicans, said today that there was no agreement on the budget. He said he feared that unless the problems were resolved soon, "we'll see the whole ball of twine unwind."

In an interview, Mr. Lautenberg recalled the events of May 2. "I thought we walked out of that room with verbal handshakes," he said. "I was stunned to see that we had so much misunderstanding about what was said."

Mr. Clinton and the Republicans announced last week that they had agreed on a plan to balance the budget by 2002 while cutting taxes, curbing the growth of Medicare and increasing Federal spending for education and children's health insurance.

"People wanted to rush out and announce a deal," a White House official said. "In a more rational world, you would take 48 hours more to hammer out the details. It would have been nice to have more time. But when the moment comes together, which happens once in a decade, you've got to grab it."

The House and Senate Budget Committees intend to vote next week on a budget resolution giving the broad outlines of Federal spending and taxes for the next five years. Franklin D. Raines, the budget director, and John L. Hilley, the director of legislative affairs at the White House, want much more detail, and they want it in writing. Democrats simply do not trust the appropriations and tax-writing committees of Congress to produce bills consistent

Continued on Page 8

An Elusive Budget Accord Is Followed by Questions

Continued From Page 1

with their objectives.

Many Democrats in Congress say Mr. Raines and Mr. Hilley should have obtained a written summary of the agreement before the President announced the deal. "Until we have it on paper, we don't have an agreement," Mr. Raines said on Thursday.

When asked today if Congressional leaders would provide such written commitments, Senator Trent Lott of Mississippi, the majority leader, said: "I don't know that we agreed to do that. I don't know that it's necessary."

A Republican involved in the negotiations said the confusion was inevitable. Recalling the final hours of talks in the Capitol, he said: "This deal was moving in eight directions at the same time. People were winking and nodding at one other."

But Representative Richard A. Gephardt of Missouri, the House Democratic leader, said Republicans were now "trying to rewrite the agreement in many important respects." Republicans made the same complaint about the President.

Each day seems to disclose another area of disagreement or misunderstanding. The White House insists that the budget accord provides major new protection for low-income people against higher Medicare premiums. Specifically, the White House says, a widow with income of $11,000 a year — or anyone else with income below 150 percent of the official poverty level — should be exempt from having to pay the premium, now $43.80 a month. Republicans say they never promised any specific level of protection.

The White House insists that the agreement earmarks $35 billion in tax breaks for students attending college in the next five years. Senator Lott said he would "try to get that amount," but emphasized that there was no guarantee.

The White House contends that the Republicans promised to restore disability and Medicaid benefits for legal immigrants, including those who come in the future and become disabled after their arrival. Republicans say they reluctantly agreed to restore benefits for some immigrants already in the country, but insist that they never promised aid for new immigrants.

In addition, the White House contends that the Republicans promised to protect "key domestic priorities" of the President, including Head Start, Pell grants for college students, bilingual education, the Legal Services Corporation, the National Endowment for the Arts and operations of the Environmental Protection Agency. Republicans contend that supporters of those programs must fight for money in the usual appropriations process.

White House assertions to have won specific amounts for specific programs are "absolutely not accurate," Mr. Lott said.

The White House maintains that the Republicans promised not to raise revenue by curbing tax credits for the construction of housing for low-income people. But Republicans say they made no such commitment.

Senator Tom Daschle of South Dakota, the Democratic leader, who generally supports the agreement, said the Republicans appeared to be backtracking. "You get these things agreed to in private, and everybody walks out of the room with a different understanding," Mr. Daschle said.

As Democrats add up the tax cuts envisioned in the budget agreement, they find that the cost far exceeds the amount of money available. The agreement includes a $500-a-child tax credit, cuts in capital gains and estate taxes and new tax breaks for individual retirement accounts. Those four items, in the form proposed by Senate Republicans, would cost $177 billion over five years. Adding $35 billion for the President's education tax breaks would raise the total to $212 billion, which is about 55 percent more than the amount allowed under the budget agreement.

Representative Robert T. Matsui, a California Democrat who sits on the Ways and Means Committee, said: "The budget package is being marketed in a very misleading way. It's suggested that we can balance the budget and have capital gains tax

file LSC

LEGAL SERVICES CORPORATION

MEMORANDUM

TO: LSC Supporters

FROM: Gail W. Laster

DATE: 3/11/97

RE: Revised LSC Regulation 45 CFR Part 1610

As you know, in January, five Legal Services Corporation (LSC) grantees sued LSC in the United States District Court in Hawaii challenging the application of restrictions contained in LSC's fiscal year 1996 and 1997 appropriations legislation. On February 14, Judge Alan Kay issued a preliminary injunction barring LSC from enforcing some of its regulations against the plaintiffs, insofar as they restrict the use of non-LSC funds, on the grounds that LSC's policies on transfer of funds and interrelated organizations go too far in limiting the exercise of First Amendment rights. As the enclosed fact sheet makes clear, Judge Kay's ruling was directed at LSC's interpretation of the restrictions, not at the law itself.

On March 8, LSC's Board of Directors adopted an interim rule amending one of its regulations to ensure that no LSC-funded program will be able to use LSC or non-LSC funds for purposes restricted by Congress. LSC amended the regulation in order to preserve all the congressional restrictions on its grantees' activities and to place LSC in the best possible position to defend the restrictions in pending litigation. The change also responds to the concerns of Hawaii's Federal District Court that LSC's policies on transfer of non-LSC funds and on its grantees' relationships with other organizations made the congressional restrictions vulnerable to constitutional challenge. The proposed changes made in this regulation are detailed in the enclosed fact sheet.

While we are disappointed with Judge Kay's ruling, we believe that the revised regulation will ensure that congressional intent continues to be implemented. I would be happy to discuss Judge Kay's ruling with you, and would welcome any comment you may have on the changes proposed by the Board.

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Martha Bergmark
President

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March 11, 1997

The Honorable Harold Rogers
Chairman
Subcommittee on Commerce, Justice, State,
The Judiciary and Related Agencies
House Appropriations Committee
H-309, The Capitol
Washington, D.C. 20515

The Honorable Judd Gregg
Chairman
Subcommittee on Commerce, Justice, State,
The Judiciary and Related Agencies
Senate Appropriations Committee
S-146-A, The Capitol
Washington, D.C. 20510

The Honorable Alan Mollohan
Ranking Minority Member
Subcommittee on Commerce, Justice, State,
The Judiciary and Related Agencies
House Appropriations Committee
2427 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Ernest F. Hollings
Ranking Minority Member
Subcommittee on Commerce, Justice, State,
The Judiciary and Related Agencies
Senate Appropriations Committee
123 Hart Senate Office Building
Washington, D.C. 20510

Gentlemen:

As you know, in January, five Legal Services Corporation (LSC) grantees sued LSC in the United States District Court in Hawaii challenging the application of restrictions contained in LSC's fiscal year 1996 and 1997 appropriations legislation. On February 14, Judge Alan Kay issued a preliminary injunction barring LSC from enforcing some of its regulations against the plaintiffs, insofar as they restrict the use of non-LSC funds, on the grounds that LSC's policies on transfer of funds and interrelated organizations go too far in limiting the exercise of First Amendment rights. As the enclosed fact sheet makes clear, Judge Kay's ruling was directed at LSC's interpretation of the restrictions, not at the law itself.

On March 8, LSC's Board of Directors adopted an interim rule amending one of its regulations to ensure that no LSC-funded program will be able to use LSC or non-LSC funds for purposes restricted by Congress. LSC amended the regulation in order to preserve all the congressional restrictions on its grantees' activities and to place LSC in the best possible position to defend the restrictions in pending litigation. The change also responds to the concerns of Hawaii's Federal District Court that LSC's policies on transfer of non-LSC funds and on its grantees' relationships with other organizations made the congressional restrictions vulnerable to constitutional challenge. The proposed changes made in this regulation are detailed in the enclosed fact sheet.

While we are disappointed with Judge Kay's ruling, we believe that the revised regulation will ensure that congressional intent continues to be implemented. I would be happy to discuss Judge Kay's ruling with you, and would welcome any comment you may have on the changes proposed by the Board.

Sincerely,

Martha Bergmark

Martha Bergmark
President

Enclosure

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March 11, 1997
FOR IMMEDIATE RELEASE

CONTACT: Dorothy Lohmann (202) 336-8871

LEGAL SERVICES CORPORATION DEFENDS CONGRESSIONAL RESTRICTIONS

Interim regulation change addresses congressional intent, First Amendment concerns

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Washington, D.C. ---

The Board of Directors of Legal Services Corporation (LSC) on March 8 adopted an interim rule amending one of its regulations to ensure that no LSC-funded program will be able to use LSC or non-LSC funds for purposes restricted by Congress. LSC amended the existing regulations in order to preserve all the congressional restrictions on its grantees' activities and to place LSC in the best possible position to defend the restrictions in pending litigation. The change responds to the concerns of Hawaii's Federal District Court that LSC's policies on transfer of non-LSC funds and on its grantees' relationships with other organizations made the congressional restrictions vulnerable to constitutional challenge.

LSC Board Chairman Douglas S. Eakeley was pleased with the Board's decision: "The Board has chosen this strategy in order to strengthen LSC's ability to uphold Congress' restrictions," he said."We made the necessary adjustments to satisfy First Amendment concerns while affirming Congress' intent to restrict the full range of prohibited activities set forth in LSC's appropriations and authorizing statutes. The changes do no more than implement the standard asserted by the Supreme Court in *Rust v. Sullivan.*" *Rust v. Sullivan* 500 U.S. 173 (1990) upheld the right of the federal government to impose restrictions on abortion advice and referrals by entities that receive Title X family planning funds.

The federal case, *Legal Aid Society of Hawaii et al. v. LSC*, involves five LSC grantees that sued the Corporation to challenge on constitutional grounds the application of restrictions to non-LSC funds. Judge Alan Kay, a Reagan appointee, preliminarily barred the LSC from enforcing certain of its regulations as applied to the plaintiffs, insofar as the regulations restrict the use of non-LSC funds, on the grounds that LSC's policies on transfer of funds and interrelated organizations go too far in limiting the exercise of First Amendment rights.

(more)

The new regulation was issued as an emergency interim regulation, effective immediately while seeking comments within the next 30 days. LSC grantees will now be required to maintain a degree of separateness from entities engaging in restricted activities analogous to that required under the Reagan Administration's regulations between Title X programs and abortion counseling and related activities. Thus a limited alternative will be provided to allow for constitutionally protected forms of expression: specifically, the Board of Directors of a grantee organization could approve a relationship with another, separate entity, that receives no LSC funds and is physically and financially separate. Mere bookkeeping separation of LSC funds from other funds would not be sufficient to satisfy the requirement: the two organizations must have an objective integrity and independence from one another, based on the existence of separate personnel, separate accounting and timekeeping records, separate facilities, and signs and other forms of identification that distinguish between them.

LSC has sought to eliminate any basis for challenging on constitutional grounds the statutory restrictions on non-LSC funds that have been enacted by the Congress. As a result of the changes, the Corporation hopes to see a prompt, favorable resolution to the *Legal Aid Society of Hawaii* case as well as any other legal challenges that may be pending or contemplated.

The Legal Services Corporation is a private, non-profit corporation established by Congress in 1974 to seek to assure equal access to justice under the law for all Americans. It is headed by a bipartisan Board of Directors appointed by the President and confirmed by the Senate. It receives funds annually from Congress and makes grants directly to independent local programs that provide civil legal assistance to those who otherwise would be unable to afford it. The Corporation currently funds approximately 280 local programs, serving every county in the nation. Last year those programs handled over 2.1 million cases, benefiting some five million individuals.

--PRESERVING LSC'S NEW CONGRESSIONAL FRAMEWORK--

NO USE OF LSC OR NON-LSC FUNDS FOR RESTRICTED ACTIVITIES BY LSC-FUNDED PROGRAMS

LSC'S REVISED 45 CFR 1610 REGULATION

On March 8, 1997, the Legal Services Corporation ("LSC") Board of Directors adopted an interim rule amending one of its regulations (45 C.F.R. part 1610) to ensure that no LSC-funded programs will be able to use LSC or non-LSC funds for purposes restricted by Congress and that LSC funds will not directly or indirectly subsidize such activities. The amendment responds to concerns that LSC's policies on transfer of non-LSC funds and on its grantees' relations with other organizations made the new congressional restrictions vulnerable to constitutional challenge. LSC revised its regulation in order to preserve all of the congressional restrictions on its grantees' activities and to place LSC in the best possible posture to defend the restrictions in pending litigation.

I. Congressional Restrictions

In 1996, Congress reached a new consensus concerning federally funded legal services for the poor, which was supported by a majority of both the Senate and the House of Representatives. Congress reaffirmed the federal government's role in providing representation for individuals facing civil legal problems who would otherwise be unable to afford assistance, but agreed that federal funds should go only to grantees that represent individuals on their basic legal problems. LSC-funded programs could no longer engage in class actions, legislative lobbying or welfare reform challenges, nor could grantees seek attorneys' fees or bring litigation on behalf of prisoners. In addition, for the first time, Congress extended its restrictions (with a few limited exceptions) to all funds received by the grantee, including funds from state and local governments and private sources.

II. LSC Regulations

LSC proceeded promptly to implement the new restrictions in regulations. In addition, LSC amended its regulation on the transfer of non-LSC funds, 45 C.F.R. part 1610. As part of the amended regulation, for the first time, the Corporation subjected to all restrictions non-LSC funds received by an LSC grantee and transferred to another entity. LSC also announced that its policy on interrelated organizations would be applied so that if an LSC grantee controlled or was controlled by another organization, even where no funds were transferred, both organizations would be deemed to be bound by the restrictions. Although nothing in the congressional restrictions required LSC to amend its regulation in such a manner, the Corporation took this action on its own to help assure Congress that the Corporation was fully committed to the new framework for LSC grantees.

III. Constitutional Challenges to the Congressional Restrictions and LSC Regulations

A. *Legal Aid Society of Hawaii v. LSC (the "LASH" case):* In January 1997, five LSC grantees sued LSC in U.S. District Court, challenging on constitutional grounds the application of restrictions to non-LSC funds. LSC vigorously defended the restrictions and urged the Court to uphold them as constitutional. In ruling on the plaintiffs' motion for a preliminary injunction, which requires that plaintiffs show a likelihood of success at a trial on the merits of the case, Judge Alan Kay confirmed the basic principle that Congress may prohibit LSC grantees from using both LSC and non-LSC funds for activities that Congress deems to be inappropriate.

As for the LSC regulations and policies, the Court held that LSC's interrelated organizations policy went too far in limiting an LSC grantee's exercise of constitutional rights. Judge Kay also expressed concerns about LSC's policy that applied congressional restrictions to non-LSC funds received by a grantee and transferred to another organization.

In making this ruling, Judge Kay relied primarily on the Supreme Court case of *Rust v. Sullivan*, 500 U.S. 173 (1990). In *Rust*, Chief Justice Rehnquist had upheld the right of the federal government to impose restrictions on providing abortion advice and referral by entities that receive federal family planning funds. However, the Court made it clear that such restrictions could only be upheld as constitutional if alternative outlets were not foreclosed for such entities to exercise First Amendment rights (namely abortion advice and referral) with non-federal funds.

In the *LASH* case, Judge Kay held that LSC's policies on the transfer of non-LSC funds and on its grantees' relationships with other organizations improperly foreclosed alternative outlets for the grantees' exercise of constitutional rights with non-LSC funds. Therefore, Judge Kay issued a preliminary injunction barring the Corporation from enforcing some of its regulations against the plaintiffs, insofar as the regulations restrict the use of non-LSC funds. As a result of the preliminary injunction, the plaintiffs in that case are currently allowed to use their non-LSC funds for certain restricted activity.

B. *Velazquez, et al v. LSC and Legal Services for New York City (LSNY):* This lawsuit was filed on January 14, 1997, in the U.S. District Court for the Eastern District of New York by an individual who was formerly represented by LSNY in a welfare reform case. Other plaintiffs include various groups whose members are eligible for LSC-funded services, a former LSC grantee, and several elected officials. The suit challenges the constitutionality of the restrictions. A hearing on a motion for a preliminary injunction is scheduled for late March.

IV. Preservation of the Congressional Restrictions

After the decision in the *LASH* case, LSC has continued its vigorous defense of restrictions and is committed to preserving the newly imposed congressional framework that prohibits LSC-funded programs from using LSC and non-LSC funds for activities that Congress deems to be inappropriate. With these goals in mind, at its meeting on March 8, 1997, the Corporation's Board of Directors amended the regulation on the transfer of non-LSC funds to address the constitutional problems set out in the *LASH* case and thereby ensure that congressional intent to restrict the use of non-LSC funds by LSC-funded programs is implemented.

The revised regulation has been issued as an emergency interim regulation, effective immediately. Comments will also be solicited before the regulation is considered for final adoption. The revised regulation includes two changes:

- the provision applying the restrictions to non-LSC funds transferred by grantees to other non-related entities was eliminated (section 1610.7); and

- a new provision (section 1610.8) was added, modifying the policy on interrelated organizations previously set forth in LSC's Audit and Accounting Guide. The new section sets forth standards for program integrity based upon Chief Justice Rehnquist's standards in *Rust v. Sullivan*. Under the provision, LSC-funded programs that wish to use solely non-LSC funds for restricted activities will be required to maintain a degree of separateness from entities engaged in restricted activities analogous to that required by the Reagan Administration's regulations applicable to federal family planning programs and other abortion-related activities.

The practical effect of these provisions is twofold: (1) to preserve the congressional framework that prohibits LSC-funded programs from using LSC or non-LSC funds to engage in congressionally prohibited activities; and (2) to provide an avenue for constitutionally protected expression through non-LSC-funded entities that must meet the Corporation's standards of program integrity. **LSC regulations continue to mandate that no LSC-funded program will be able to use LSC or non-LSC funds for restricted purposes and that LSC funds will not directly or indirectly subsidize such activity.**

Specifically, the LSC-revised regulations permit the Board of Directors of an LSC-funded organization to approve a relationship with another, separate entity, which is physically and financially distinct. Mere bookkeeping separation of LSC funds from other funds will not be sufficient to satisfy the requirement. The two organizations must have separate personnel, separate accounting and timekeeping records, separate facilities, and signs and other forms of identification that distinguish between them.

In making these two changes, the Corporation believes that it has addressed the concerns reflected in Judge Kay's injunction and strengthened the constitutional validity of the restrictions in the face of other potential court challenges. As a result, the Corporation will accelerate its efforts to seek a favorable resolution in the *LASH* case and any other legal challenges that may be pending or contemplated.

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Martha Bergmark
President

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March 11, 1997

The Honorable Trent Lott
United States Senate
Office of the Majority Leader
S-230
United States Capitol
Washington, D.C. 20510

The Honorable Newt Gingrich
U.S. House of Representatives
Office of the Speaker
H-107
United States Capitol
Washington, D.C. 20515

Dear Mr. Majority Leader and Mr. Speaker:

You recently received a letter from Kenneth Boehm of the National Legal and Policy Center. Mr. Boehm is a former employee of the Legal Services Corporation who has now become a professional critic of the program. His letter contained a number of inaccuracies about the Corporation and its grantees. I am writing to set the record straight on these issues.

Mr. Boehm claims that legal services lawyers "use loopholes in the law to continue their practice of thwarting drug-related evictions in public housing." The facts are to the contrary. In LSC's FY 96 appropriations bill, Congress restricted LSC grantees from representing persons in drug-related evictions from public housing. LSC's Board of Directors promulgated a regulation that exactly tracks the congressional language. We have had no reports of violations of the regulation, and note that Mr. Boehm failed to provide any evidence to back up his charge.

In his description of a case originally brought by Texas Rural Legal Assistance, Mr. Boehm leaves out some important information. As soon as the Corporation received a complaint about this case, it began an investigation to determine whether it violated any applicable restrictions. It was immediately apparent that TRLA had violated at least one restriction because it had sought attorneys' fees in the case. The Corporation promptly notified TRLA that it was in violation and sought its withdrawal as the attorney in the case, which has since come about. We understand the concerns surrounding TRLA's involvement in this type of case. Our response demonstrates that we are acting promptly and vigorously to ensure that our grantees comply with the letter and the spirit of the new restrictions.

Mr. Boehm claims that legal services programs have established "mirror corporations" to evade congressional restrictions. Again, he misrepresents the facts. LSC's FY 1996 appropriation for the first time made virtually all restrictions on the use of LSC funds applicable to non-LSC funds as well. Many LSC-funded programs have traditionally received grants from state and local governments, private charities, and other sources for types of representation that are now prohibited. Faced with the choice of turning down either these funds or the LSC funds, some programs cooperated in the creation of separate new entities to receive the non-LSC funds in order to maximize the availability of legal services to poor Americans. As long as the new program is in fact separate from the old, this represents precisely the goal that Congress intended, namely, making it completely clear that LSC funds are not being used, directly or indirectly, to support any restricted activity.

Under the new monitoring system established by Congress in our FY 96 appropriations bill, independent local auditors, under the direction of LSC's Office of Inspector General, will ensure that grantees do not engage in any prohibited activities, and that programs funded by other sources but associated with grantees are indeed separate entities. The Corporation will strictly enforce these rules.

Mr. Boehm's description of litigation involving a constitutional challenge to the new restrictions is equally incomplete, and the press release he issued describing his letter to you fundamentally misstates the facts. Mr. Boehm claims that under the court's ruling in the case LSC grantees will be able "to return to using taxpayer dollars" for restricted purposes. This is untrue. The order, and the case as a whole, apply only to the use of non-LSC funds. The Court upheld the right of Congress to restrict both LSC and non-LSC funds, although it ruled as a preliminary matter that LSC may have gone too far in foreclosing organizations associated with grantees from using non-LSC funds for certain activities protected by the First Amendment. At its most recent meeting, the Corporation addressed the Court's concerns by adopting a regulation based upon the standards enunciated by Chief Justice Rehnquist in *Rust v. Sullivan*, which upheld the right of the federal government to impose restrictions on abortion advice and referrals by entities that receive Title X family planning funds. LSC grantees will be required to maintain a degree of separateness from entities engaging in restricted activities analogous to that required under the Reagan Administration's regulations between Title X recipients and entities engaging in abortion counseling. This adjustment of LSC's policies will satisfy constitutional concerns and, hopefully, lead to a prompt, favorable resolution of the Hawaii case, while implementing the intent of Congress to prohibit LSC grantees from using non-LSC funds for restricted activities.

Implicit in the passage of these new restrictions by the Congress, of course, was the promise of continued congressional support for our program. Overall, the Corporation remains firmly committed to implementing the new consensus on legal services reached in the last Congress, which refocused the LSC delivery system on serving individual clients with particular legal needs, leaving broader efforts to address the problems of the client community to entities which do not receive federal funds. I would note that our Vice Chairman, John Erlenborn, was a Republican Member of Congress for twenty years, and that he has supported restrictions such as those imposed in 1996. Appearing on February 26 before the House Appropriations Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies, Mr. Erlenborn rebutted any suggestion that the Corporation was failing or refusing to implement the will of Congress with regard to the new restrictions. Mr. Erlenborn was also actively involved in our deliberations concerning the response to the Hawaii case, and concurs that the strategy represents the strongest possible effort to implement the intent of Congress.

The most important fact that Mr. Boehm left out of his letter is that every day, in every congressional district in the nation, LSC grantees are providing assistance to thousands of low-income Americans with routine legal problems who have nowhere else to turn. In 1995, the most recent year for which complete statistics are available, LSC grantees resolved more than 1.7 million cases, helping some five million individuals, most of them children living in poverty. In other words, the Corporation and its grantees are doing precisely the job that Congress intended them to do, contrary to Mr. Boehm's claims.

Please do not hesitate to contact me if I can provide you with further information on any of these matters.

Sincerely yours,

Douglas S. Eakeley

Douglas S. Eakeley
Chairman

Gingrich's Relations With News Media Grow Even Cooler

Speaker's aides try to raise his Public profile while insulating Him from ethics questions

THE PULSE OF CONGRESS

Relations between Newt Gingrich and the news media have not been very good for most of the time he has served as Speaker. But recent efforts by his staff to raise the Georgia Republican's profile, while simultaneously insulating him from pesky ethics questions, have made the situation even more confrontational.

When House GOP leaders held a news conference last week to trumpet the latest version of their agenda for the 105th Congress, a Capitol police officer prevented reporters from approaching Gingrich before the event. The Speaker fled immediately after his speech, skipping the Q&A period conducted by other members of the leadership.

Yesterday, Gingrich appeared briefly at a "photo opportunity" with Robert Woodson, president of the National Center for Neighborhood Enterprise. Aides laid out advance ground rules limiting reporters to questions relevant to the event at hand, which was about private efforts to help urban teenagers get jobs and stay out of trouble.

Anyone asking other questions — such as when Gingrich would pay the $300,000 fine levied with the reprimand in his ethics case — "simply wouldn't get an answer," said Gingrich spokeswoman Christina Martin. When asked if reporters who violated the ground rules would be banned from future Gingrich events or otherwise sanctioned, Martin said that was "something we'll have to cross further down the road."

After several reporters, including those from the television networks, said they would not attend the event under those circumstances, the Speaker's staff backed down. Sure enough, Gingrich was asked how and when he would pay the $300,000. And, just as in the past, he refused to answer.

Gingrich is the only Speaker of the past few decades to keep his distance from the press. All of his recent predecessors met with reporters almost every morning that the House was in session for on-the-record questions and answers. Even when he was under investigation by the ethics committee, Speaker Jim Wright, D-Texas, met often with reporters, although not always daily.

Gingrich had a relatively good relationship with the media when Republicans were in the minority. And he began his tenure as Speaker with daily news briefings, opening them to TV cameras for the first time. But after a few months, and a few heated exchanges with reporters, he pulled the plug on those sessions in early 1995 and has not met regularly with the media since then.

Senators Press Voting Rights for Military Despite PR Setback

Texas' Republican senators will continue to press the cause of soldiers whose right to cast absentee ballots in local elections has been challenged in court, even though one of the political figures caught up in the dispute has acknowledged that he was involved in the Ku Klux Klan in the early 1980s.

In January, Sens. Kay Bailey Hutchison and Phil Gramm persuaded 56 other senators to sign a letter asking Attorney General Janet Reno to intervene on behalf of military personnel whose absentee voting rights are being challenged in court. The suit was filed by a Texas legal assistance group contending that races in Val Verde County for sheriff and county commissioner were decided by absentee votes cast by members of the military who had once been stationed at nearby Laughlin Air Force Base but had not lived there for years.

A judge granted a restraining order in December, preventing the two officials — both Republicans — from taking office in the heavily Democratic district. Last month, one of the officials, Murry Kachel, acknowledged to a Texas newspaper that earlier reports of his involvement in the Klan during the early 1980s were accurate.

"It's an anecdotal thing that you wouldn't like to have there, but it doesn't affect the real issue, which is that our military people must have full voting rights," Hutchison said.

Gramm echoed Hutchison's sentiments, saying Kachel's past shouldn't distract from whether service personnel should be allowed to vote absentee in local elections. He has introduced a bill (S 278) that would explicitly guarantee that right and plans to offer it as an amendment to the supplemental appropriations bill for troops in Bosnia that is expected to come up this spring.

"I think the guy ought to resign," Gramm said of Kachel. "But this is not about him."

Reno has not yet responded to the senators' request. But Hutchison said she has discussed the case with her former Senate colleague, Defense Secretary Bill Cohen, and is satisfied that the administration is being responsive.

'Gang of Seven' Are Solid Members of Establishment Now

Still hanging in the office of Rep. John Boehner, Ohio, is a poster of himself and six other Republicans first elected to the House in 1990. The keepsake was printed after the members of this "Gang of Seven" became minor folk heroes to the anti-Washington crowd with their open defiance of their leadership on issues of internal congressional reform — most famously their demands for full disclosure of the names of all lawmakers who abused their check-writing privileges at an internal House bank then operated by the sergeant-at-arms.

Today, most in that gang answer to "Mr. Chairman," and their comfortable encampment in the leadership has made them less eager to rock the boat.

Boehner, for example, is now chairman of the Republican Conference. Instead of leading the charge against the status quo, he has helped rein in impetuous members of the takeover class of 1994.

Gang member Charles Taylor, N.C., is now chairman of the District of Columbia Appropriations Subcommittee and thus a member of the powerful "college of cardinals."

Californians Frank Riggs and John Doolittle both chair legislative subcommittees. Scott Klug,Wis., holds a coveted seat on the Commerce Committee, and Jim Nussle has a slot on the ultimate power base for insiders, the Ways and Means Committee.

Rick Santorum, Pa., who won a Senate seat in 1994, started out burnishing his rebel image there, leading the charge, for example, to punish Mark Hatfield, Ore., for being the lone GOP senator to vote "no" in 1995 on the balanced-budget amendment.

But Santorum is now among those fighting to keep the campaign finance investigation from looking into congressional campaigns. That is a "juicy irony" that shows that Santorum is "not an institutional rebel, he's a partisan," says Thomas Mann, a congressional scholar at the Brookings Institution.

— by Chuck McCutcheon and Elizabeth A. Palmer.

THE NEW YORK TIMES NATIONAL SUNDAY, MARCH 2, 1997

Suit Fights Absentee Vote By Soldiers At Texas Base

By ROSS E. MILLOY

DEL RIO, Tex. — In February 1862 Gen. Henry Hopkins Sibley (described by his officers as "a walking whisky keg") led a band of Confederate volunteers from what is now Val Verde County here in southwest Texas to defeat in a Civil War battle in New Mexico.

Now, lawsuits in state and Federal courts contesting last November's elections have placed Val Verde County at the center of another battle, and though the weapons are now ballots rather than bullets, the issue remains the same: civil rights.

Hanging on the lawsuits' outcome are interpretations of election rules for 1.5 million military personnel and new legislation that could affect the role of military voters in local races across the country.

And, woven into mostly undisputed facts in the case came a surprising admission on Feb. 21 that one of the newly elected Republican members of the Val Verde County Commissioners Court once belonged to the Ku Klux Klan.

On election night, Nov. 5, two Democratic candidates for Val Verde County offices, both Mexican-Americans in a region that is 70 percent Hispanic, led handily until 800 absentee ballots from military personnel were counted.

Those late votes, out of 10,479 ballots cast, turned the tide, giving Val Verde a Republican, all-white county government for the first time in more than a century.

State and national Republican leaders called the outcome a bellwether for their party's future in heavily Hispanic, traditionally Democratic strongholds like Val Verde County along the Mexico border.

But Jovita Casarez, a volunteer for half a dozen local campaigns over 30 years, was immediately suspicious.

"We'd never even heard of these people who'd won," Mrs. Casarez said in an interview. "I started asking questions about where all these extra votes came from."

Arguing that the absentee ballots — most cast by military personnel who had once served at Laughlin Air Force Base here — were invalid because the voters did not live in the county, Mrs. Casarez filed a lawsuit, naming a county election official, to prevent the two Republican victors from taking office.

Moreover, she contended, the 800 votes had unfairly diluted the county's Hispanic majority, thus violating the Voting Rights Act.

A Federal judge agreed in December that evidence on both points merited a restraining order; he barred the Republicans from taking office and set a full hearing for January.

The Republican Party quickly counterattacked, labeling the lawsuit "an outrageous attempt to prevent military personnel from exercising their voting rights."

At the January hearing, David Richards, the lawyer for Mrs. Casarez, presented evidence that none of the 800 military voters currently lived in the county and that most had not lived there in more than six years. Mrs. Casarez, by this time joined by two Democratic candidates as intervenors, also maintained that 95 percent of the military voters were white and had voted overwhelmingly for the white candidates.

Murry Kachel, a Republican candidate, has acknowledged reports of involvement with the Ku Klux Klan. He is shown here in 1981.

At the January hearing, the defendant, the county election office, now joined by the Republican candidates, chose not to rebut evidence about the contested voters' residency. "We're not conceding the residency issue," said Tom Quirk, lawyer for one of the Republican candidates, Murry Kachel. "We just don't believe it's a Federal judge's business how the State of Texas determines who is a resident."

Military voters have different residency requirements from other voters, and the reason, Mr. Quirk contends, is that a member of the military could be stationed anywhere during a 20-year career and might never really establish residence in any place within the United States.

Lawsuits in a county election could lead to new rules on where the military votes.

Mr. Quirk also dismissed the plaintiff's assertions of bias, saying, "There's no real proof of whether these voters are white, black, brown or yellow, or who they voted for."

On Jan. 24, Judge Fred S. Biery renewed the earlier judge's restraining order and referred the case to state courts for residency rulings. His decision started a political firefight that continues to grow hotter.

Within the week, Senator Phil Gramm, Republican of Texas, rose on the Senate floor to ridicule Judge Biery's decision, repeatedly asking, "Is there no shame?"

The same day, 57 Senators sent a letter to Attorney General Janet Reno demanding Federal intervention "on behalf of military personnel whose rights to vote are being jeopardized in Val Verde County, Tex., and across the nation."

And on Feb. 5, Mr. Gramm introduced legislation making explicit the military's right to vote in local elections, saying, "This bill makes certain that Federal judges and legal services lawyers respect that right."

Mr. Richards, the plaintiff's lawyer, said the case centered on precedents that were established a century ago but have remained murky.

"Like most Confederate states," Mr. Richards said, "Texas laws were drawn to protect our local elections while we quartered Federal troops here after the Civil War. Until the mid-1960's, when the Supreme Court ruled it unconstitutional, Texas law — like most Southern states — kept the military from voting in any elections."

Mr. Richards said that current state law was clear. "These voters are not bona fide local residents," he said, "and therefore not eligible to vote in local elections."

A trial has been scheduled in State District Court for the end of April.

In the January hearing, Judge Biery ruled that allegations that Mr. Kachel had once solicited coverage from the German news magazine Stern for his role as a Klan organizer within the United States Air Force while stationed in Europe could not be presented into evidence.

In an early court deposition Mr. Kachel denied ever having been in the Klan, but in an interview with The Del Rio News-Herald on Feb. 21, he acknowledged that the reports of his involvement were accurate.

Mr. Kachel apologized to the voters of Val Verde County, saying he would try to "re-earn" their trust and respect by serving as their county commissioner.

Even without the controversy in this case, Republican and Democratic Party regulars agree that Mr. Gramm's legislation and the current case could affect many counties where the votes of large numbers of military nonresidents could determine the outcome of local elections.

"We all fully agree that the military has a right to vote," said Jorge Ramirez, executive director of the Texas Democratic Party. "The question is where, in what elections and in what strength."

February 28, 1997

LEGAL SERVICES CORPORATION

LSC'S RESPONSE TO TRLA'S INVOLVEMENT IN *CASAREZ VS. VAL VERDE COUNTY*

On December 20, 1996, Texas Rural Legal Aid ("TRLA"), a Legal Services Corporation ("LSC") grantee filed a Voting Rights Act lawsuit, *Josita Casarez v. Val Verde County*, which challenges the use of Federal Post Card Application procedures to allow military personnel who were once, but are no longer stationed at Laughlin Air Force Base, to vote in local county elections. The suit alleges that absentee ballots overwhelmed the ballots cast by Hispanic residents, violating the Voting Rights Act and the 14th Amendment to the Constitution.

As soon as the Corporation received a complaint about TRLA's involvement in this case, it began an investigation to determine whether it violated any applicable restrictions. It was immediately apparent that TRLA had violated at least one restriction because it had sought attorneys' fees in the case. The Corporation promptly notified TRLA that it was in violation and sought its withdrawal from the case. TRLA withdrew as counsel in *Casarez* on January 21, 1997.

As part of our investigation of TRLA's participation in the *Casarez* case, the Corporation sought to determine whether, in addition to the violation of the restriction on attorneys' fees, TRLA might have violated requirements relating to: political activities; priorities; eligibility; timekeeping; plaintiffs' statement of facts; and referral of fee-generating cases. Based on the documentation submitted by TRLA, to date, we have found no evidence of any violation other than that relating to the claim for attorneys' fees.

Although its investigation into this matter is not yet complete, the Corporation has made a decision that it will institute a "questioned costs" proceeding against TRLA, in order to impose a financial penalty on TRLA for the costs associated with the violation of the attorneys' fees restriction.

The Corporation has made a determination that TRLA's participation in this case did **not** violate the restriction on political activity. It is a settled matter of law that cases brought under the Voting Rights Act, which prohibits practices or procedures which result in the denial or abridgement of the right to vote of citizens who are members of a protected class of racial or language minorities, do not fall within the prohibition on political activities set forth in section 1007(a)(6) of the LSC Act. LSC's regulation on prohibited political activities, which has been in effect since 1978, includes an exception for "any form of legal assistance to an eligible client," 45 CFR Section 1608.7. The regulation is based on the legislative history of the restriction on political activity, which makes it clear that Congress intended to prohibit involvement in activities such as working on behalf of candidates or providing transportation to the polls on work time, and explicitly did not intend to restrict representation of eligible clients.

In 1989, when the LSC Board of Directors appointed by President Reagan imposed a prohibition on redistricting litigation, it included a clear statement in the regulation that "Nothing in this part shall prohibit ...litigation brought by a recipient of the Legal Services Corporation Act under the Voting Rights Act of 1965, as amended, 42 U.S.C. 1971 *et seq.*, provided such litigation does not involve redistricting." See 45 CFR Section 1632.4 (a), 54 FR 31959, Aug. 3, 1989. The transcript of the consideration of the regulation by the Board reveals that members of the Board explicitly stated that protection of voting rights represented an important legal need of the poor and that Voting Rights Act cases were an appropriate activity for LSC grantees, which should not be prohibited unless they involved redistricting.

As for the current legal status of the *Casarez* case, a temporary restraining order prohibiting the winning candidates from taking office was issued on December 20 1996, and a preliminary injunction was issued on January 24, 1997.

BACKGROUND MEMORANDUM

THE TRLA CONTROVERSY
SUITS CHALLENGING RESTRICTIONS ON NON-FEDERAL FUNDS

Two recent cases have sparked political controversy in the Congress over the funding for the Legal Services Corporation (LSC).

TEXAS RURAL LEGAL AID (TRLA)
VOTING RIGHTS CASE IN VAL VERDE COUNTY TEXAS

On December 20, 1996, TRLA filed a Voting Rights Act lawsuit, ***Jovita Casarez v. Val Verde County,*** which challenges the use of Federal Post Card Application (FPCA) procedures to allow hundreds of military personnel who were once, but are no longer stationed at Laughlin Air Force Base, to vote in local county elections. The suit alleges that absentee ballots overwhelmed the ballots cast by Hispanic residents, violating the Voting Rights Act and the 14th Amendment to the U.S. Constitution. Two Federal District Court Judges have agreed. A temporary restraining order prohibiting the winning candidates from taking office was issued on December 20 and a preliminary injunction was issued on January 24, 1997. TRLA withdrew as counsel in the ***Casarez*** case on January 21, 1997, prior to the hearing on the preliminary injunction. David Richards, a veteran civil rights attorney who is in private practice in Texas and not affiliated with TRLA, has taken over as lead counsel for the plaintiff.

Facts: The plaintiff, Ms. Jovita Casarez, is a low-income voter in Val Verde County who sought assistance from TRLA to protect the integrity of the voting process after the Hispanic candidates for County Commissioner and Sheriff received substantial majorities among votes cast on or before election day in November, 1996, but were defeated by Anglo candidates after hundreds of absentee ballots, cast by military personnel who were formerly stationed at Laughlin, were counted. The victory would have given the GOP its first majority on the Commissioners Court in the 111-year history of Val Verde County. After the lawsuit was filed, the candidate for County Commissioner admitted that he had been a member of the KKK when he was in the Air Force.

The population of Val Verde County is 70% Mexican-American, but 95% of those who cast FPCA absentee ballots were Anglo. In the precinct where Laughlin is located, FPCA absentee ballots equaled the number of in-person ballots cast on or before election day. Approximately 800 absentee ballots were cast by non-resident military personnel who were briefly stationed at Laughlin at some time in the past, but were transferred and now serve elsewhere in the U.S. or abroad. Most of the absentee ballots were cast by individuals who have not resided in Val Verde County anytime during the last six years; at least 150 have not resided in the county anytime during the last ten years; some of those who voted have been away for as long as 25 years; over 100 ballots were cast by individuals who are registered to vote in another state or another county in Texas. None of these individuals can claim to be *bona fide* residents of

Val Verde County for purposes of participation in local elections.

Preliminary injunction opinion: Judge Fred Biery stated unequivocally that the issue in the case "is not...[w]hether personnel of the United States military can vote." Instead, Judge Biery stated the issue to be whether non-resident military voters could legally vote in local elections and, if not, did their ballots dilute the votes of the actual residents of Val Verde County in violation of the Voting Rights Act and the constitutional concept of "one man, one vote." Judge Biery found that Ms. Casarez was likely to succeed on the merits of her claim that the FPCA ballots should not have been counted in local Val Verde County races because the voters failed to meet Texas residency requirements; and continued the injunction preventing the winning candidates for Sheriff and County Commissioner from taking office.

Charges against TRLA

1. **Partisan Political Activity**. Members of Congress from the Texas delegation and the Texas Republican Party accused TRLA of violating the LSC Act by improperly using LSC funds to conduct "a partisan political attack on the right of military personnel to vote."

Despite these assertions, the suit does not constitute illegal political activity. Both the LSC Act and regulations make it clear that the prohibitions on political activity by legal services attorneys do not restrict those attorneys from providing legal assistance to eligible clients; in fact, LSC regulations specifically permit programs to bring cases under the Voting Rights Act of 1965, so long as the cases do not involve redistricting.[1] Moreover, the suit does not challenge the right of military personnel currently stationed at Laughlin Air Force Base or *bona fide* residents of Val Verde County to vote in local elections, nor does it attack the right of military voters who are not local residents to vote in federal elections when they are eligible to do so. Finally, this suit does not have any partisan political purpose; rather, it is about misusing federal law to subvert the local election process and to improperly influence the outcome of local elections, regardless of party affiliation of the winners or losers.

2. **Violation of Appropriation Provisions**. LSC charged TRLA with violating the prohibition on claiming attorney's fees by including in a prayer for relief in the initial complaint a request for "appropriate" attorney's fees.[2] That investigation is still ongoing.

SUITS CHALLENGING RESTRICTIONS ON NON-FEDERAL FUNDS

Background

Legal Aid Society of Hawaii, et al v. Legal Services Corporation, filed on January 9, 1997 in the United States District Court in Hawaii, was brought by five legal services programs from Hawaii, California and Alaska, along with two private donors, individual staff attorneys and

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[1] 45 CFR 1608.7 and 45 CFR 1632.3(b).

[2] Section 504(a)(13) of Pub. L. 104-134 and 45 CFR 1642.

a client organization to remove unconstitutional restrictions on the representation of low-income Americans with funds provided by non-LSC sources, such as states, municipalities, bar associations, charitable foundations and private donors. In 1996, Congress imposed new restrictions preventing recipients of LSC funds from using non-LSC funds to engage in certain types of advocacy or to represent particular client groups.

On Friday, February 14, 1997, Chief Judge Alan Kay of the U.S. District Court for the District of Hawaii issued a preliminary injunction prohibiting LSC from enforcing some, but not all, of the restrictions imposed by Congress.[3] The court found that the enjoined restrictions on non-LSC funds implicated the plaintiffs rights under the First Amendment to the Constitution including the right to lobby and petition the government for redress of grievances and the freedom to associate to petition the government which also includes the right of access to the courts and the right to engage in litigation as a form of political expression. The court also concluded that the First Amendment's right of association provides protection from government's intentional interference with the confidential relationship between legal aid programs and lawyers and their prospective clients.

The court's decision analyzed the doctrine of "unconstitutional conditions" in light of three Supreme Court cases, ***Regan v. Taxation with Representation***, 461 U.S. 540 (1983) ("*TWR*"), ***Federal Communications Commission v, League of Women Voters***, 468 U.S. 364 (1984) ("*League*") and ***Rust v. Sullivan***, 500 U.S. 173 (1990) ("*Rust*"). Judge Kay concluded that *Rust, League* and *TWR* stand for the proposition that Congress can select what activities it wishes to subsidize with federal funds, provided it does not completely foreclose an organization from using non-federal resources to pursue its unsubsidized viewpoints. Judge Kay concluded that the LSC regulations and interrelated organizations policy did not leave open adequate channels for the plaintiffs to exercise their free speech rights.

Velazquez, et al v. Legal Services Corporation (LSC) and Legal Services for New York City (LSNY), is a class action lawsuit filed on January 14, 1997 in the U.S. District Court for the Eastern District of New York by Carmen Velazquez, a welfare recipient who was formerly represented by Legal Services of New York (LSNY) in a welfare reform case, various client groups whose members are eligible for LSC-funded services, a legal services program that was a former LSC recipient, several current and former LSNY attorneys, as well as four New York City Council members, a state senator and a state assemblyman, all of whom have voted to appropriate public funds to support LSC-funded recipients. The suit also challenges the constitutionality of the restrictions imposed by Congress on LSC recipients in the FY '96 and '97 Appropriations Acts. A hearing on a motion for a preliminary injunction on the constitutionality

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[3]The court enjoined enforcement of the Congressionally-imposed restrictions and applicable LSC regulations on redistricting, lobbying on legislation, constitutional amendments, etc., rulemaking, welfare reform, public policy training, prisoner litigation, drug-related evictions from public housing and abortion litigation when recipients use non-LSC public or private funds. Judge Kay explicitly refused to enjoin the prohibitions on class actions, representation of
certain aliens, attorneys' fees and the requirement for client identity and statement of facts.

of the restrictions on non-LSC funds is scheduled for late March.

These Suits Raise Important Constitutional Questions In The Appropriate Manner

The plaintiffs involved in these cases, including the five legal services programs, are complying with the new restrictions and will continue to do so until this case is decided. The plaintiffs are acting responsibly in seeking court review of these restrictions. Under our system of Government, it is the courts that decide whether laws are unconstitutional. Many responsible leaders in the legal community and many members of Congress who have examined the question believe that Congress cannot totally prohibit legal services programs from using non-LSC funds to represent certain low-income clients or to engage in certain representational activities. Instead of violating the restrictions, these five programs and the legal services lawyers involved have challenged the restrictions in court. As Rep. Howard L. Berman said, they acted responsibly by "taking this on in the right kind of way."

Moreover, it is important to note that both legal challenges focus on the constraints against using non-LSC funds for client representation. State and local governments and other public funding agencies that want to expand access to the judicial system to low-income Americans should be able to decide the purposes for which their own funds will be used and to choose the organizations that can best carry out those purposes. Concerns about improper use of LSC funds are fully addressed by new and detailed timekeeping requirements and strict federal cost accounting principles which ensure that LSC funds are not used inappropriately to subsidize activities that Congress does not want to fund.

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THE NATIONAL ORGANIZATION OF LEGAL SERVICES PROGRAMS

UPDATE

VOLUME XX ▲ NO. 6 — FEBRUARY 27, 1997

LSC TESTIFIES BEFORE HOUSE SUBCOMMITTEE — CHAIRMAN ROGERS ASKS FOR "CLOSE-DOWN" COSTS!

Yesterday, the Legal Services Corporation leadership —LSC Board Chair Douglas Eakeley, Vice-Chair John Erlenborn, and LSC President Martha Bergmark— testified before the House Appropriations Subcommittee on Commerce, Justice, and State, the Judiciary and Related Agencies in support of its $340 million appropriation request for FY 1998. Rep. Harold Rogers (R/KY), Chair of the Subcommittee, set the tone of the hearing by stating that "1998 will be another austere year" in terms of the available monies to distribute to the various functions over which the Subcommittee has jurisdiction. He indicated that there were "numerous policy issues" including the awareness of the Subcommittee of legal challenges to the "reforms" imposed in the prior appropriations, while advising LSC that it is "watching closely these cases" and the zeal with which the Corporation defends them.

In addition to Mr. Rogers, other Subcommittee members present at various times were Rep. Alan Mollohan (D/WV), Ranking Member; Rep. David Skaggs (D/CO); and Rep. Charles Taylor (R/NC).

Mr. Eakeley was the first to testify, stating that the Corporation had been "engaged in a massive effort to implement the new vision of legal services reflected in our FY 1996 appropriation." Among the points he made were:

- The Corporation has instituted a new system of competition and the Board has been very impressed with the Corporation's effort to create it from "scratch and make it work." The results have been some significant changes in the delivery system which provides an important new tool for improving program quality.
- The Corporation, in compliance with Congress's intent emphasizing individual representation, has refocused on serving individual clients with particular legal needs and has implemented via regulations various restrictions contained in the legislation, with all but two in final form [attorneys' fees and welfare reform].
- Mr. Eakeley reported that by the end of 1996, all of the 630 class actions and thousands of other cases involving prisoners and aliens had been disposed of and brought into compliance and that the Office of Inspector General (OIG) was checking selected programs for compliance.
- He explained the recent decision granting a preliminary injunction in the Hawaii case, offering that the decision was limited to non-LSC funds and affected only some of the restrictions, but not all. (See PAG *Update*, VOL. XX, No. 5, February 20, 1997, for more details.)

- In support of $340 million, he expressed that while it is a 20% increase over the $283 million in the FY 1997 appropriation, "the need for legal services remains overwhelming" as indicated by office closures and staff layoffs. Continuing, he stated that the Management and Administration request is approximately 3% of the total request and the increase of six (6) positions over the current 75, was far below the 99 in the Corporation's employ in 1995, and the additions were needed to monitor the competition function.

In his first appearance before the Subcommittee, Vice-Chair Erlenborn (former Republican Congressman from Illinois) was impassioned and resolute during his testimony. He shared with the Subcommittee his support for the restrictions and how impressed he has been since joining the Corporation Board in terms of the hard work, especially that of the Operations and Regulations Committee on which he serves.

He commented that the Texas voting rights case, in which Texas Rural Legal Aid (TRLA) was formerly involved, gave ammunition to abolish LSC and expressed his personal view that it should not have been brought by the program. At the same time, he stated emphatically that the case was proper under current regulations, except the prayer for attorneys' fees, citing a Reagan appointed holdover Board in 1989, which expressly excluded in the regulation that type of case under the Voting Rights Act. He even read from the decision of the judge in the case who stated that this case "is not... whether personnel of the United States military can vote." He advised the Subcommittee that the Corporation had made a decision to institute "questioned costs" proceedings against TRLA regarding the violation of the attorneys' fees restriction. He concluded by thanking the Subcommittee for "longstanding, bipartisan support for legal services for the poor"and stressed that "the Corporation is committed to using the taxpayers' funds as efficiently and wisely as possible, and consistent with the will of Congress."

During the questions, answers and comments phase, Mr. Rogers stated that Congress had "looked hard" in producing the restrictions and reforms that were approved on both sides, and even then, it [the appropriation for LSC] barely squeaked by; that the supporters are watching carefully whether the Corporation is defending the restrictions with "zeal and enthusiasm," expressing at one point to the witnesses, "roll up your sleeves and show us your [metal]."

Mr. Eakeley admitted that the Board initially disagreed with some of the restrictions during the debate on whether the restrictions should have been imposed but reaffirmed the Corporation's "unqualified zeal" in enforcing them consistent with the will of Congress. In response to Mr. Rogers' concern over LSC's testimony that it would consider re-writing some of the regulations to comply with the Court's decision, Mr. Eakeley offered that there may be a way to meet both the Court's constitutional concerns and the will of Congress.

Mr. Mollohan's focus was on competition and how it had been implemented, the number of competitive service areas, new grantees, the type of grantees, the criteria employed, and the decision-making process that would lead to choosing a new competitor over a current provider.

Martha Bergmark, in her first appearance on the Hill as the new LSC president, declined to give an opening statement but provided the information, statistics, etc. on competition in response to questions primarily from Rep. Mollohan and explained the proposed use of the $12 million in technological enhancements to stimulate innovation in the application of technology. She noted that the range of technology within programs was quite wide; $10 million would be for one-time grants to programs for hardware, software and other technological advances.

Rep. Charles Taylor, an ardent and perennial foe of federally-funded legal services, was less animated in this hearing as compared to others. He "harped" on the Texas case asking the Corporation to provide "how much [money] was diverted from the poor." He commented that "one of the problems is once you make a grant, they go off on their own." He restated that he was not supportive of the program and felt there was no merit for an increase."

Rep. David Skaggs, distancing himself from the position of Reps. Rogers and Taylor, expressed his view that "many of us think they are outrageous restrictions, turning the poor into second-class citizens, with second-class lawyers."

The issue toward the end of the hearing was the interim regulation on attorneys' fees. More specifically, Mr. Rogers expressed has dismay over the lack of a complete ban on all attorneys' fees and was not remotely amused by the "exception in Social Security cases." At one point, he stated "what can we do to convey the trouble you are in... some of us are losing patience."

The hearing closed on a less than optimistic note, as Mr. Rogers asked the hypothetical question, "If Congress discontinues funding for LSC at the beginning of the next fiscal year (1998), what would happen to the cases currently in the hands of programs?" Mr. Eakeley stated it would be total chaos, the poor would be left without representation and volunteers could not fill the void. Mr. Rogers restated his desire for the Corporation to provide a dollar figure on "close-down" costs.

The hearing is the first step in a long appropriations' process. Public testimony before the Subcommittee is tentatively scheduled to April 17, after which mark-up occurs in the Subcommittee, then to the full Appropriations Committee before the appropriations bill reaches the House floor. A similar process will take place in the Senate although hearings may or may not occur. No hearing was held last year in the Senate.

Grant Activity Reports

During February, programs received from LSC 1996-97 "Grant Activity Report" forms, either on diskettes or via the Internet, asking that they be completed and submitted by the close of business on March 3, 1997. PAG has received calls about whether completing these activity forms complies with Grant Assurance 21 (form C) dated August 14, 1996, from LSC which reads:

> It will submit by March 1, 1997, a budget form in a format determined by the Corporation that has been reviewed and approved by the applicant's governing or policy board.

Upon a PAG inquiry, LSC indicated that submission of Forms D-1 and D-3 will satisfy the requirements of Grant Assurance 21 and, because of "glitches" in the Internet version and in some instances the diskettes, programs have until March 7 to submit the completed activity reports.

Further, the LSC official indicated that prior review and approval by your governing boards are not required beforehand in light of the difficulty some may face in arranging a meeting. But, it is recommended that the forms be reviewed and ratified (approved) at your next regularly scheduled meeting.

Upon review of the Activity Forms, and in view of the short turnaround time, no memorandum from PAG will be provided explaining the forms. Please contact the PAG office if you have questions.

Kutak-Dodds Nominations Sought

NLADA invitees nominations for the 1997 Kutak-Dodds prize awarded annually by NLADA and the Robert J. Kutak Foundation. To qualify for consideration, the nominee must be an advocate employed by or affiliated with an organization serving person who cannot afford to pay for legal representation. The nominee may also be an attorney working for a public interest, nonprofit organization. Nominees must have at least ten (10) years of experience in the public interest law community. The deadline for receipt of nominations is **Tuesday, April 1**. For more information about the nominations process, contact Michael Cuddy at 202-452-0620, ext. 35.

1997 Thurgood Marshall Award Nominations

The Thurgood Marshall Award, named for the late U.S. Supreme Court Justice, was established by the American Bar Association (ABA) in 1992 and is intended to recognize members of the legal profession who have made substantial long-term contributions to the furtherance of civil rights, civil liberties, or human rights in this country. Previous recipients have been Justice Marshall, who received the inaugural award; Judge Frank M. Johnson, Senior Judge, United States Court of Appeal for the Eleventh Circuit; Oliver W. Hill, a civil rights attorney in Richmond, VA; Ralph Abascal, General Counsel, California Rural Legal Assistance; and Jack Greenberg, formerly of the NAACP Legal Defense and Educational Fund.

For a copy of the nomination form and additional information, please contact the Section of Individual Rights and Responsibilities, ABA, 740 15th St., NW, Washington, DC 20005; telephone — 202-662-1030; FAX — 202-662-1032.

The Washington Times, Wednesday, February 26, 1997

Heat turns up on Legal Services Corp.

Coalition slams agency as House panel begins probe

By Ruth Larson
THE WASHINGTON TIMES

A coalition of 36 business and policy groups yesterday called for ending all federal funding to the Legal Services Corp. because of what they cite as the agency's continued political advocacy.

A House oversight panel also has begun investigating Legal Services' role in a lawsuit filed by Texas Rural Legal Aid challenging absentee voting by members of the military in a county election.

"To use federal grant money provided by the Legal Services Corp. to challenge [military members'] rights is unconscionable," said Rep. Dennis Hastert, Illinois Republican.

Ken Boehm, chairman of the National Legal and Policy Center, charged that Legal Services is continuing to use public funds to finance its political agenda, blatantly defying Congress' restrictions on such activities.

"How can this Congress justify funding programs more intent on partisan political activities, disenfranchising military voters and suing to overturn congressional reforms than in assisting the poor?" Mr. Boehm said in a letter to Senate Majority Leader Trent Lott, Mississippi Republican.

The letter was signed by Mr. Boehm and officials from 35 conservative advocacy groups, including Americans for Tax Reform, the Family Research Council, the Christian Coalition, the National Rifle Association, Concerned Women for America, Citizens for a Sound Economy, Farm Business Coalition, Small Business Survival Committee, and the American Council for Immigration Reform.

Legal Services Corp. President Martha Bergmark said: "Opponents of the Legal Services Corp. often distort wildly the facts of the case to further their cause. The Texas Rural Legal Aid situation is a prime example that has been widely misrepresented.

"Legal Services lawyers do everything they can to give high-quality representation to clients in cases that arise out of the everyday problems of the poor," she said.

A House Appropriations subcommittee will consider funding for Legal Services at a hearing today. The agency's fiscal 1997 budget is $283 million, up slightly from $278 million in 1996, but still well below its $400 million budget in 1995.

Last year, Congress rejected calls for ending Legal Services' funding, in favor of several restrictions on its activities. But some Legal Services groups already have successfully challenged those restrictions in court.

In Hawaii, for example, a federal judge ruled this month that Legal Services programs in Alaska, California and Hawaii could use taxpayer funds to challenge welfare reform and file suits involving abortion, prisoners' rights, and drug-related public housing evictions — all areas Congress has tried to restrict.

"Last year, Congress wanted to give the restrictions a chance to work, so Legal Services got increased funding, on the assumption that it was going to be a reformed program," said Mr. Boehm. "But now we have a slew of lawsuits that yank that presumption right out the window."

file Legal Services

LEGAL SERVICES CORPORATION
750 1st St., NE, 11th Fl.,
Washington, D.C. 20002-4250

Alexander D. Forger
President

12-4-96

Dear Melanne

Herewith our appeal of OMB's initial determination to support an LSC budget of only 305 million

I'm hoping for a higher figure - even if only at the 340 level of last year -

Hope to see you soon

Alex

LEGAL SERVICES CORPORATION
750 1st St., NE, 11th Fl., Washington, D.C. 20002-4250
(202) 336-8800 Fax (202) 336-8959

Alexander D. Forger
President

Writer's Direct Telephone
(202) 336-8820

December 3, 1996

The Honorable Franklin D. Raines
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Raines:

On behalf of the Board of Directors of the Legal Services Corporation (LSC), I am writing to appeal the proposed allocation of $305 million for LSC in the Administration's FY 1998 Budget and to request your support for an allocation of $396 million, the figure adopted by the Board as its budget mark.

As I am sure you know, LSC's budget was slashed by the 104th Congress by approximately 30 percent. I am not aware of any comparable program which sustained a reduction of such magnitude. This cut was not premised on fiscal concerns. Rather, it was purely ideological. The 1996 Republican platform calls for our elimination, responding to the assault on our existence fueled by the Christian Coalition, the Farm Bureau, conservative foundations, and right-wing Members of Congress who believe that lawyers representing our fifty million potentially eligible low-income clients impede the implementation of their agenda. The devastating effect of the budget cut has been compounded by appropriations riders which are impeding the ability of our grantees to raise funds from other sources, including a ban on the collection of attorneys fees and the application of a variety of restrictions on both federal and non-federal funds. Meanwhile, the plight of the poor becomes ever more critical.

LSC, which came into being during the Nixon Administration in 1974, attained a funding level of $320 million in 1980, while Hillary Rodham Clinton was Chair. One of the earliest acts of President Reagan was to attempt to end the legal services program. As

Governor of California, he had grown to resent the advocacy of lawyers on behalf of migrant workers, perhaps the most vulnerable and abused population in the country, then and now. He succeeded in cutting the program by 25 percent, to a budget level of $241 million. During the course of the ensuing twelve years of Republican Administrations, the Corporation survived endless attacks only because of the strong commitment to the cause of equal justice of the Democratic Congress, aided in no small measure by principled Republicans, chief among them Senator Warren Rudman.

When President Clinton assumed office, the LSC budget had reached the level of $400 million. The first budget mark proposed by the new Board of Directors appointed by President Clinton, for FY 1995, was $848 million, an amount deemed comparable to the $320 million level of 1980. When OMB requested $500 million, the Board modified its proposal to coincide with that figure. Congress initially appropriated $415 million for FY 1995, of which $15 million was subsequently rescinded in the course of the year.

For the following year, FY 1996, LSC and OMB agreed on a request of $440 million, but the new Republican Congress appropriated $278 million, a one-third cut from the pre-rescission FY 1995 level. Last year the Corporation sought $396 million, representing 10 percent less than our FY 1996 request. OMB proposed $340 million. After our appeal in support of the original figure was turned down, LSC again modified its request to coincide with the Administration's figure. Congress appropriated $283 million for FY 1997.

As these figures indicate, in each year in the recent past, LSC has received substantially less than the amount requested by the Administration. Nevertheless, there has been significant Republican support for a higher figure. In 1995, the Senate supported an appropriation of $340 million, as part of an amendment offered by Budget Committee Chairman Senator Pete Domenici. Last year, our Republican supporters on the Senate side were prepared to advocate an amount over $300 million, but could not prevail on their own. For the Administration now to suggest a budget approximately 10 percent less than it sought last year (and 40 percent less than when President Clinton came into office) will inevitably be construed as indicating a lesser level of support for the program and for the efforts on our behalf by moderates like Senator Domenici.

This is not a matter of all sharing the pain of a tighter fiscal environment. We have always been prepared to absorb our share. Instead, we have sustained a grossly disproportionate burden, coupled with burdensome restrictions and prohibitions on our client representation, simply because LSC is a politically unpopular program. And while funding for LSC has been cut, funding for other aspects of the justice system has grown. Legal services for the poor are, after all, a part of the justice system. And yet it is only the enforcement side which seemingly receives ever increasing amounts of funding while those seeking to receive the benefit of the protections of law have lesser standing, if they lack the resources to hire a lawyer.

For FY 1998, we seek to fund one major new initiative. Having endured layoffs and closed neighborhood offices, our grantees are being urged to do more with less. A key component of achieving this goal is the use of modern technology. We hope to assist grantees in acquiring the equipment and software necessary to facilitate centralized intake, brief services and referral through the use of telephone-based "hotlines." A funding level of $305 million would be insufficient to accomplish this goal and avoid further erosion of the legal services delivery system.

In short, our funding need is greater than ever. Our eligible clientele is growing, their needs are ever more vital, and they themselves ever more vulnerable. LSC requires at the very least a partial restoration of our ability to provide the prospect of access to our justice system, which now turns away more eligible clients than it serves. If the baseline from which OMB proposes to calculate an increase is not to be the figure suggested by LSC, it surely should not be (as seems to be the case) the level to which our funding was driven by the assault of the hostile 104th Congress.

The proposed OMB figure of $305 million, I fear, will be interpreted as a lesser level of priority for LSC. Even if it is achieved, contrary to our recent history, it will likely result, at best, in very little improvement in our service and, at worst, in a further deterioration of our already fragile program.

I would welcome the opportunity of elaborating on our cause and on our deep concern over our funding if you thought it useful or desirable.

Thank you for your consideration of our appeal.

Sincerely,

Alexander D. Forger
President
Legal Services Corporation

file
LSC

Legal Services Corporation
1997 Annual Report

Family First

@ The Post NEWS

Political battles energize GOP 'attack dog'

By Sharon Moloney, Post staff reporter

Christopher Finney has been called the "attack dog" of the Hamilton County Republican Party. A brilliant strategist. A workaholic, church-going family man, and a no-holds-barred campaigner.

He remains unapologetic over the attack ads he authored to garner his candidate, 1st district Appeals Court Judge Lee Hildebrandt, a return to the bench. The ads brought the most severe Supreme Court reprimand for electoral misdeeds in court history last year.

"How do I feel about it?" asks the unrepentant Finney. "You mean how do I feel about the the First Amendment being ignored by those very judges who are supposed to enforce it?"

This is Chris Finney, the son-of-a-liberal Democrat turned conservative Republican who has master-minded everything from the Republicans' successful term limits campaign to the political ascendancy of U.S. Rep. Steve Chabot.

He is the GOP's legal eagle on issues. He has been involved at the beginning of all the Republicans' intricate and most controversial efforts over the past decade. He drafted the term limits amendment, the Issue 3 anti-gay rights ballot issue, the Heimlich Initiative (hiring police) and he is currently shepherding the John Kruse case against local campaign finance limits through the courts, among other things.

His was the legal mind that laid out the complicated structure for the ingenious if ultimately unsuccessful attempt to change, overnight, Cincinnati's historic city manager form of government.

It didn't bother him at all that the attempt was doomed to failure. It was the principle. And don't think he's forgotten it just because it failed once.

"The battlefield belongs to the soldiers that stay in the war," says Finney, who turns 36 next month. "You see some candidates that are just balls of fire . . . then fizzle out. I am not laying down my arms. I am going to keep at it as long and as much as I can."

Finney backs up his campaigns with the zeal of a true believer, which is what he brings to his latest incarnation as chairman of the new Hamilton County Tax Levy Review Committee.

The committee was formed by Hamilton County Commissioner Bob Bedinghaus in 1996 to study, with an eye to curbing, spiraling property taxes in Hamilton County, the result of a growing number of individual, and largely non-accountable, tax issues put on the ballot by special interest groups.

It was of special interest to the anti-tax Finney who shared Bedinghaus' concern that "it was far too easy to get levies on the ballot without any great deal of scrutiny."

The committee this week recommended that substantial cuts be made in at least two levy requests before they are put on the ballot. It recommended the Council on Aging's tax boost request to $21 million a year be reduced to $17 million and the police computer system levy dropped from the requested $8.8 million a year to $6.6 million.

But Finney was outraged. Elimination of any increases at all was more what he had in mind. He deplored a published headline that called the committee actions "cuts."

"Only in the never-never land of the media and government is an increase of $12 million, instead of an increase of $17 million, called a cut," Finney fumed. "It even exceeds the rate of inflation of the last five years."

Born in Oakley and raised

in Kennedy Heights, Finney was the son of a liberal Catholic Democrat who was a close

friend of Hamilton County Dem ocratic chairman Tim Burke.

"I grew up with Tim Burke hanging out in the back yard," Finney says. "I used to leaflet for Pete Strauss and David Mann and (then Democrat) Jim Cissell.

"This was not a choice, you understand," he jokes. "I do not accept this decision (to support Democrats) as a conscious move on my part. I attribute it to my parents. This was coerced by my parents. I was like an indentured servant. You know, when you're 10 years old, you do what you're told if you want to have dinner."

Finney inherited political skills from his father. Burke recalls that the elder Chuck Finney master-minded the attack commercials that helped Democrat Tom Luken defeat incumbent Republican Congressman Don Clancy in the old 2nd district back in the early 1970s.

One of the best, Burke recalled, was one using Clancy's official travel records, which included trips to the Pacific and Clancy's bar bills from the Mai Tai Lounge in Honolulu.

"Clancy said his travel was to "fight Communism,"' Burke said. "Chuck had this commercial which showed his Mai Tai bar bills, backed with a ukulele playing tunes in the background. It was terrific." The senior Finney is now an administrative aide to Republican Council Member Jeanette Cissell.

Finney went to Covington Latin School, graduated with honors from Xavier University and worked his way through Chase Law School as director of public affairs at the Cincinnati Board of Realtors. He got into Republican politics while at Xavier, working on independent

Republican presidential candidate John Anderson's campaign.

He was hired to run petition drives in the 1980s, then was hired by Ron Roberts, former Cincinnati Business Committee spokesman, to work up the proposed county charter, a reform of county government that was later dropped.

He worked for the Greater Cincinnati Chamber of Commerce and through this group hooked up with Chabot, ultimately handling six of Chabot's campaigns for city council, county commission and Congress. They lost only one race, but it was a seminal one.

It was the 1988 race for Congress, and it gave Finney his baptism by political fire, and it changed his way of campaign thinking forever. It was, he says, a brutal beating by incumbent Congressman Tom Luken.

"He beat the snot out of us because he was sharper and dirtier than we were."

Finney took off the gloves.

"He is the attack dog of the Republican Party," says Burke.

"I thought his Hildebrandt ads were below the belt. There are times when he goes way overboard in his advocacy. The ads were just not accurate.

"I am very impressed with him as a very hard worker. He is dogmatic to a fault and that can make him hard to work with."

From the GOP's point of view, that is far from all bad.

"Chris never gets the easy campaigns," says Mike Allen, chairman of the Hamilton County Republican Party. "He is always brought in on the ones that are tough and he is successful. If that makes him an attack dog, so be it."

Allen, like Bedinghaus and other young GOP leaders, are philosophical friends of Finney's. They all go back together as founders or early members of the Conservative Forum, the surprisingly successful group organized to raise money for conservative Republican candidates.

Although burned by politics, Finney insists he's not burned out. But he admits that "lately I find it more important than interesting. The fact is the public arena has been surrendered to people who are paid to do it for a living . . . paid lobbyists, paid politicians, paid bureaucrats, paid non-profit groups. We are surrounded by people who are paid by our tax dollars to advocate for positions that I find abhorrent. It is not as much fun as it used to be, but it is more compelling. There is so much bad going on out there that somebody has to stop it."

Vintage Finney.

Publication date: 07-12-97

Wednesday, July 9, 1997

Seniors may have to wait until 65 for services

BY KYM LIEBLER
The Cincinnati Enquirer

Senior citizens may have to wait until they're older to qualify for free services if Hamilton County commissioners approve a recommendation by their Tax Levy Review Committee.

The watchdog committee Tuesday proposed raising the age of eligibility from 60 to 65 as part of a plan to rein in spending by Hamilton County's Elderly Services Program.

The recommendation came during a five-hour meeting in which the group lowered two levies destined for the Nov. 4 ballot and tabled a third.

The committee recommends:

- Lowering the Elderly Services Program levy from the requested $21 million to $17 million over five years.
- Lowering the CLEAR levy for police technology from the proposed $8.8 million to $6.6 million over five years.

The committee tabled consideration of a proposed $10.3 million levy for the Cincinnati Zoo and Botanical Gardens to build a parking garage.

Members cited what they called lax eligibility standards in voting to slash legal advice and in-home care components of the Elderly Services Program. Meals on Wheels would not be affected. Even that wasn't enough for some.

"I personally feel $17 million is excessive," Christopher Finney, chairman of the review committee, said. "At every turn, eligibility is as loose as it can be. This is a program that has been looking for five years for a way to give money away."

Bob Logan, executive director of the Council on Aging, which administers the Elderly Services Program, conceded that people's income and assets should be considered when they are applying for legal advice.

"I expected worse," Mr. Logan said of the committee's recommendation. "Chris' comments are unfounded. We really do a good job."

Of the senior citizens who use the Council on Aging's services, about 5.3 percent, or 277 people, are 60 to 64 years old, Mr. Logan said.

Lowering the CLEAR (County Law Enforcement Applied Regionally) levy shocked law enforcement officers who attended the meeting. The group had not requested a levy increase in 15 years.

The CLEAR levy pays for computer terminals in police squad cars and other crime-fighting technology.

"It's ridiculous. It gives us nothing" said Mariemont Police Chief Richard Pope, chairman of the CLEAR board of directors.

Chief Pope said he and other board members will appeal the recommendation to the commissioners.

Questions about whether capital and operating expenses can be combined into one levy prompted the committee to table the zoo garage levy.

The committee will meet Monday to consider the levy. It will present its recommendations to the county commissioners the next day.

LOCAL NEWS

NEWS

Friday, October 31, 1997

Group pours on council ads

$100,000 aimed at electing 2 and ousting 2

CLASSIFIEDS

HOT TIMES

OPINION

GO CINCI

BY HOWARD WILKINSON
The Cincinnati Enquirer

A tactic familiar in national election campaigns - independent, uncoordinated expenditures on behalf of a candidate - has made its way to the Cincinnati City Council campaign.

Family First, a "pro-family" political action committee (PAC) headed by two conservative Republican lawyers, has dumped nearly $100,000 into radio advertising in the last week of the council campaign.

The radio ads tout Republican candidates Jeanette Cissell and Rosemary Meyer, and attack two Democrats, Mayor Roxanne Qualls and Councilman Tyrone Yates.

Under Cincinnati's campaign contribution limits law, PACs are limited to contributions of $2,500 to council candidate campaigns. But there is no limit on what organizations like Family First can spend on their own, as long as the money is not spent in coordination with any candidate's campaign.

At the national level, independent expenditures in congressional and presidential campaigns have been the target of campaign finance reform advocates, who argue that they allow candidates to get around federal contribution limits.

"Independent expenditures are exempt under the Cincinnati law, so we are doing what we can to help these candidates with the resources we have," said David Langdon, a Cincinnati lawyer who chairs Family First. Mr. Langdon works in the law firm of Christopher Finney, a Republican Party activist who chairs the Hamilton County Conservative Forum.

The two lawyers are well-connected to conservative and Republican circles. The nearly $100,000 they have raised for Family First comes from more than 100 individuals, many involved in a variety of conservative, "pro-family" organizations.

The money being spent on the radio commercials for Mrs. Cissell, a GOP incumbent, and Mrs. Meyer, a GOP challenger, is well above what the group could have done for them had they given direct contributions to the Cissell and Meyer campaigns.

Mr. Langdon said the group is spending about $30,000 on the radio ad for Mrs. Cissell and about $15,000 for Mrs. Meyer. It has also given $5,000 to Marie Irish Keaney, a conservative running for Cincinnati Board of Education. Mr. Finney's Conservative Forum recently gave Ms. Keaney's campaign $20,000.

Mr. Langdon said the PAC based its decision to spend money for Mrs. Cissell and Mrs. Meyer based on a "litmus test" of six issues laid out in a survey sent to all council candidates.

Family First, Mr. Langdon said, was looking for candidates who support legislation to outlaw abortion, oppose public funding for abortions, oppose protections in the workplace for gays and lesbians, and who oppose recognition of same-sex marriages.

"We decided on Jeanette Cissell because she is seen as the most vulnerable Republican and she supports us on all the issues," Mr. Langdon said.

"Rosemary Meyer gets our support because she is a pro-life, pro-family conservative who, if she doesn't win next time, will be a strong candidate two years from now," Mr. Langdon said.

The radio ad attacking Ms. Qualls and Mr. Yates criticizes them for their 1992 votes in favor of the human rights ordinance, which banned discrimination against gays and lesbians in housing and employment.

In 1993, Cincinnati voters passed Issue 3, which barred the city from enforcing the ordinance's protection of gays and lesbians. The city appealed to the federal courts and, last week, a federal appeals court ruled that Issue 3 should stand.

Ms. Qualls said Thursday the ad campaign against her and Mr. Yates "is a good example of why the American people hate politics." "They can attack, but we're going to stay focused on the issues people are interested in," Ms. Qualls said.

Mr. Yates said his campaign had expected an attack at some point in the campaign.

"Those cards have been played against me before," he said. "We have a broad record on a wide variety of issues, and I don't think people are going to pick out one or two votes to base their votes on."

file LSC

LEGAL
SERVICES
CORPORATION

BUDGET REQUEST

FOR

FISCAL YEAR 1997

LEGAL SERVICES CORPORATION
750 FIRST STREET, N.E., 11th FLOOR
WASHINGTON, D.C. 20002-4250

File
Legal Services

LEGAL SERVICES RESERVED SEATING:
Revised: 7/27/99 12:10 PM

ON STAGE

AG Reno
Ms. Lucy Johnson
Rep. Jim Ramstad (R-MN)
Rep. Howard Berman (D-CA)

BLUE ROOM

Clients:
✓Ms. Karen Brown
✓Ms. Mary Saunders
✓Mr. Robert Walton (son)
✓Ms. Edith Hernandez

Other:
✓Mr. John McKay, President, Legal Services Corporation
✓Mr. Douglas Eakeley, Chairman, Legal Services Board of Directors
✓Mr. Benjamin Eakeley (son)

✓Hon. John T. Broderick, New Hampshire Judge (yellow)
✓Ms. Roberta Cooper Ramo, Past President, ABA (yellow)
✓Mr. Clinton Bamberger (orange)
Mrs. Bamberger (spouse)
✓Hon. Mickey Kantor (orange)
✓Hon. Robert Sargent Shriver (orange)
Mrs. Eunice Kennedy Shriver

✓Mr. Hulett Askew Nicole
Ms. Martha Barnett
Mr. Walter Dellinger
✓Rev. Robert Drinan
Mr. Steven Engelberg
✓Mr. Alexander Forger
✓Mr. William Ide
✓Mr. Clinton Lyons
Mr. Francis William McCalpin
Mrs. McCalpin

Members of Congress:

Sen. Ernest Hollings (D-SC)

Sen. Arlen Specter (R-PA)

Rep. John Conyers (D-MI)
Rep. William Delahunt (D-MA)
Rep. Tillie Fowler (R-FL)
Rep. Carrie P. Meek (D-FL)
Rep. David Minge (D-MN)
Rep. Jerrold Nadler (D-NY)
Rep. Eleanor Holmes Norton (DC)

OTHER RESERVED SEATING

Judiciary Branch:
Hon. Judith Billings, Utah Judge
Hon. John T. Broderick, New Hampshire Judge
Hon. Howard Dana, Associate Justice, Supreme Court of Maine
Hon. Louis F. Oberdorfer, Senior Judge, U.S. District Court, DC
Hon. Richard Titelman, Justice, Minnesota Court of Appeals

ABA:
Mr. William Paul, President-Elect, ABA
Ms. Roberta Cooper Ramo, Past President, ABA

LSC Present Board:
Hon. David Brock, Chief Justice, Supreme Court of New Hampshire
Mr. Richard H.C. Clay
Mr. Alexander D. Forger
Mr. John W. Martin
Mr. James Moore
Mr. Robert Stein

Administration:
Hon. Melanne Verveer
Hon. Jack Lew, Director, OMB
Mr. David Kendall
Hon. Abner Mikva, former WH Counsel
Hon. Cheryl Mills
Hon. John Podesta

HRC's Former LSC Board:
Mr. Clinton Bamberger
Mrs. Bamberger (spouse)
Mr. John Brooks
Hon. Earl Johnson, Associate Justice, Los Angeles, CA
Mrs. Johnson (spouse)
Hon. Mickey Kantor

Marty J. Hoffmann

07/27/99 02:29:55 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Final MoC list for Legal Services Event

EVENT: Legal Services Corporation 25th Anniversary Reception/Event

DATE: Tuesday, July 27

TIME: 5:00 PM-5:30 PM

LOCATION: East Room

CONFIRMED TO ATTEND (10):

Sen. Arlen Specter (R-PA)

Rep. Thomas Allen (D-ME)

Rep. Howard Berman (D-CA)

Rep. Benjamin Cardin (D-MD)

Rep. John Conyers (D-MI)

Rep. William Delahunt (D-MA)

Rep. Tillie Fowler (R-FL)

Rep. Jerrold Nadler (D-NY)

Rep. Jim Ramstad (R-MN)

Rep. Maxine Waters (D-CA)

PENDING (3):

Rep. Sherrod Brown (D-OH)

Rep. Carrie Meek (D-FL)

Rep. Nancy Pelosi (D-CA)

REGRETS (39):

Sen. Joseph Biden (D-DE)

Sen. Tom Daschle (D-SD)

Sen. Pete Domenici (R-WA)

Sen. Slade Gorton (R-WA)

Sen. Orrin Hatch (R-UT)

Sen. Fritz Hollings (D-SC)

Sen. Jim Jeffords (R-VT)

Sen. Edward Kennedy (D-MA)

Sen. Patrick Leahy (D-VT)

Sen. Patrick Moynihan (D-NY)

Sen. Charles Schumer (D-NY)
Sen. Ted Stevens (R-AK)
Sen. Paul Wellstone (D-MN)
Rep. Richard Gephardt (D-MO)
Rep. Dennis Hastert (R-IL)
Rep. Charles Canady (R-FL)
Rep. Michael Castle (R-DE)
Rep. Thomas Davis (R-VA)
Rep. Rosa DeLauro (D-CT)
Rep. Lincoln Diaz-Balart (R-FL)
Rep. Kenny Hulshof (R-MO)
Rep. Henry Hyde (R-IL)
Rep. Nancy Johnson (R-CT)
Rep. Steve Largent (R-OK)
Rep. Jim Leach (R-IA)
Rep. David Minge (D-MN)
Rep. Alan Mollohan (D-WV)
Rep. Eleanor Holmes Norton (D-DC)
Rep. Deborah Pryce (R-OH)
Rep. Ralph Regula (R-OH)
Rep. Ileana Ros-Lehtinen (R-FL)
Rep. Lucille Roybal-Allard (D-CA)
Rep. Loretta Sanchez (D-CA)
Rep. Jose Serrano (D-NY)
Rep. Lee Terry (R-NE)
Rep.Fred Upton (R-MI)
Rep. James Walsh (R-NY)
Rep. J.C. Watts (R-OK)
Rep. Don Young (R-AK)

Message Sent To:____

Katy

THE WHITE HOUSE

WASHINGTON

TO:	**THE PRESIDENT AND THE FIRST LADY**
WHAT:	LEGAL SERVICES RECEPTION
WHEN:	TUESDAY, JULY 27, 1999
WHERE:	EAST ROOM
NOTES:	200 GUESTS/OPEN PRESS/BUSINESS ATTIRE
FROM:	CAPRICIA PENAVIC MARSHALL, LAURA SCHWARTZ

4:40 p.m. **THE FIRST LADY** receives briefing at the elevator.

4:45 p.m. **THE FIRST LADY** proceeds to the Blue Room for a Meet and Greet.

Meet and Greet Guests

Program Participants
Attorney General Janet Reno
Rep. Howard Berman
Rep. Jim Ramstad
Lucy Johnson, New York client

Other Participants
John McKay, President, Legal Services Corporation
Doug Eakeley, Chairman, LSC Board of Directors
Karen Brown, Passaic County Legal Aid Society
Mary Saunders, California client
Robert Walton, son of Ms. Saunders
Edith Hernandez, Chicago client

4:55 p.m. **THE PRESIDENT** proceeds from the Oval Office to the Blue Room, pending the conclusion of his meeting.

5:00 p.m. **THE PRESIDENT** arrives in the Blue Room, and **THE PRESIDENT AND THE FIRST LADY**, accompanied by program participants, are announced to honors into the East Room.

PROGRAM

Note: The President will join the program as soon as possible, pending the conclusion of his meeting with the Prime Minister of Russia.

THE FIRST LADY makes remarks and introduces Attorney General Reno.

Attorney General Reno makes remarks and introduces Rep. Berman.

Rep. Berman makes remarks and introduces Rep. Ramstad.

Rep. Ramstad makes remarks and introduces Lucy Johnson.

Lucy Johnson makes remarks and introduces **THE PRESIDENT**.

THE PRESIDENT makes remarks.

Approx. 5:30 p.m. **THE PRESIDENT AND THE FIRST LADY** depart.

President's List

LEGAL SERVICES CORPORATION CEREMONY/ RECEPTION - Tuesday JUL 27 1999 - 4:00 PM White House - Business - East Visitors Entrance

THE PRESIDENT AND FIRST LADY

REPORT DATE: July 26, 1999
REPORT TIME: 7:59 PM

Accepts and No Responses

Ms. Elizabeth A. Abele
Silver Spring, MD

Mr. Jonathan L. Abram
Partner, Hogan & Hartson
Washington, DC

Ms. Shannon Nicko Adaway
Senior Administrative Officier, Legal Services Corporation
Washington, DC

Mr. Mark Agrast
Legislative Director & Legal Counsel, Office of Representative William Delahunt
Washington, DC

Mr. Thomas Alexander Aleinikoff
Professor and Advisor to the Legal Services Corporation, Georgetown Law Center

Ms. Mary Andrus
Washington, DC

Hon. Dennis W. Archer
Mayor, City of Detroit, Michigan
Detroit, MI

Mr. Jonathan Asher
Executive Director, Legal Aid Society of Metropolitan Denver
Denver, CO

Mr. Hulett H. Askew
Member, LSC Board of Directors, Supreme Court of Georgia, Office of Bar Admissions
Atlanta, GA

Mr. John Atlas
Executive Director, Passaic County Legal Aid Society
Paterson, NJ

Mr. Lawrence R. Baca
President, Native American Bar Association, United States Department of Justice
Washington, DC

Mr. and Mrs. Clinton E. Bamberger
University of Maryland
Baltimore, MD

Ms. Martha W. Barnett
President-Elect Nominee, Holland & Knight
Tallahassee, FL

Ms. LaVeeda Morgan Battle and Mr. Lynn Battle
Member of the Board of Directors, Legal Services Corporation
Hoover, AL

Mr. Naftali Bendavid-Val
Justice Department Correspondent, Chicago Tribune
Washington, DC

REPORT DATE: July 26, 1999
REPORT TIME: 7:59 PM

Accepts and No Responses

Ms. Martha Bergmark
Vice President for Programs, National Legal Aid and Defender Association
Washington, DC

Mr. David F. Bienvenu
Past President, Louisiana State Bar Association
New Orleans, LA

Hon. Judith Billings
Judge, Chair of the American Bar Association, Utah Court of Appeals
Olympia, WA

Ms. Noel Brennen
Deputy Assistant, Office of Justice Programs
Washington, DC

Hon. David A Brock
Chief Justice, Supreme Court of New Hampshire
Concord, NH

Hon. John T. Broderick
Member, LSC Board/Association Justice
Manchester, NH

Mr. John G. Brooks
Former Board Member, Legal Services Corporation
Boston, MA

Mr. Terrence J. Brooks
Director of the Legal Services Division, American Bar Association
Chicago, IL

Ms. Karen Brown
Attorney, Passaic County Legal Aid Society
Paterson, NJ

Ms. Annie Burns-Monahan
Greer, Margolis, Mitchell, Burns & Associates, Inc.
Washington, DC

Ms. Karen Buttaro
Legislative Cousel, Office of Representative Regula
Washington, DC

Mr. Alfred Butzbaugh
President, State Bar of Michigan
Landing, MI

Mr. Danilo Cardona
Acting Vice President for Programs, Legal Services Corporation
Washington, DC

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Director of Pro Bono Affairs, New York State Bar Association
Albany, NY

Accepts and No Responses

Ms. Rosalie Chavez
Executive Director, Indian Pueblo Legal Services, Inc.
Bernalillo, NM

Ms. Julie Clark
Vice President of Governmental Relations, National Legal Aid and Defender Association
Washington, DC

Mr. Richard H.C. Clay
President, Kentucky Bar Association
Louisville, KY

Mr. Robert Clyde
Executive Director, Ohio Civil Legal Needs Assessment Committee
Columbus, OH

Hon. (Rep.) John J. Conyers
D/Michigan, House of Representatives
Washington, DC

Mr. Peter Cutts
Photographer, Legal Services Corporation
Washington, DC

Ms. Beth A. Daly
Bethesda, MD

Judge Howard Dana
Associate Justice, Supreme Court of Maine
Portland, ME

Mr. Ford Davidson

Mr. Michael Deich
Associate Director, General Government and Finance, Office of Management and Budget
Washington, DC

Mr. William Delabunt
Representative, Massachusetts Tenth District
Washington, DC

Mr. Walter Dellinger
O'Melveny and Myers
Washington, DC

Mr. Dominic Desantis
Director of Photography, Greer, Margolis, Mitchell, Burns & Associates, Inc.
Washington, DC

Ms. Marcia Coyle DiBiagio
Washington Bureau Chief, National Law Journal
Washington, DC

Ms. Kim Dixon
Press Secretary, Legal Services Corporation
Washington, DC

REPORT DATE: July 26, 1999
REPORT TIME: 7:59 PM

Accepts and No Responses

Ms. Doreen D. Dodson
Chairman, SCLAID Stolar Partnership
St. Louis, MO

Rev. (Father) Robert F. Drinan
Professor of Law, Georgetown University Law Center
Washington, DC

Ms. Sherri Dunn
National Legal Aid & Defender Association
Washington, DC

Mr. Benjamin Eakeley
Short Hills, NJ

Mr. Douglas S. Eakeley
Chairman, LSC Board of Directors, Lowenstein, Sandler, Kohl, Fisher & Boylan
Short Hills, NJ

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Mr. and Mrs. John N. Erlenborn
Professor and Member of Legal Services Corporation Board of Directors, Georgetown University Law Center
Issue, MD

Mr. Robert D. Evans
Executive Director of the Washington Office, American Bar Association
Washington, DC

Ms. Edna Fairbanks-Williams
Member, Legal Services Corporation, Board of Directors
Fairhaven, CT

Ms. Martha Foley
Senior Legislative Counsel, Office of Legislative Affairs
Washington, DC

Mr. William D. Ford
Washington, DC

Mr. Alexander D. Forger
Partner, Milbank, Tweed, Hadley & McCloy
New York, NY

Mr. and Mrs. Victor Fortuno
General Counsel, Legal Services Corporation
Washington, DC

Hon. (Rep.) Tillie K. Fowler
R/Florida, U.S. House of Representatives
Washington, DC

Mr. Jon Fox
Elkins Park, PA

Accepts and No Responses

Mr. Michael Genz
Director of the Office of Program Performance, Legal Services Corporation
Washington, DC

Ms. Dori Gilman
Governmental Relations Specialist, Legal Services Corporation
Washington, DC

Mr. Theodore Goldman
Senior Reporter, Legal Times
Washington, DC
Guest: Ms. Patrice Gilbert

Hon. (Sen.) Slade Gorton
R-Washington, United States Senate
Washington, DC

Mr. Robert Grey
Chair, American Bar Association House of Delegates
Richmond, VA

Mr. Robert Gross
Senior Counsel, State Planning Commission of China
Washington, DC

Ms. Lucy McLelland Hand
Legislative Director & Administrative Assistant, Office of Representative Jose Serrano
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Legal Services Corporation
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Mr. John Hartingh
Legal Services Corporation
Washington, DC

Hon. (Rep.) J. Dennis Hastert
Speaker of the House; R/Illinois, House of Representatives
Washington, DC

Mr. David Haun
Branch Chief, Office of Management and Budget
Washington, DC

Ms. Amy Heerink
Office of Representative Thomas Davis
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Ms. Edith Hernandez
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Accepts and No Responses

Mr. James Hogan
Vice President for Administration, Legal Services Corporation
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Hon. (Sen.) Ernest F. Hollings
D-South Carolina, United States Senate
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Ms. Phyllis Holmen
Executive Director, Georgia Legal Services Program
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Ms. Carol A. Honsa
Communication Director, National Legal Aid & Defender Association
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Ms. Karin Hope
Legislative Director, Office of Representatve Jim Ramstad
Washington, DC

Hon. (Rep.) Henry J. Hyde
R/Illinois, House of Representatives
Washington, DC

Mr. R. William Ide
Senior Vice President, General Counsel, and Secretary, Monsanto Company
St. Louis, MO

Justice and Mrs. Earl Johnson
Associate Justice, California Court of Appeal, Second Appellate District, Division Seven
Los Angeles, CA

Ms. Lucy C. Johnson
President, Tenant Association and Kennedy Square

Mr. and Mrs. Paul D. Julien
Executive Director, Southern Arizona Legal Aid, Inc.
Tucson, AZ

Hon. Michael (use "Mickey" on escort) Kantor
Partner, Mayer, Brown & Platt
Washington, DC

Mr. Dennis A. Kaufman
Executive Director, Legal Services of Central New York, Inc.
Syracuse, NY

Mr. David E. Kendall
Williams & Connelly
Washington, DC

Hon. (Sen.) Edward M. Kennedy
D-Massachusetts, United States Senate
Washington, DC

Ms. Joan Kennedy
Director, Office of Administration & Human Resources, Legal Services
Washington, DC

Accepts and No Responses

Mr. Christopher Kepferle
Producer, Greer, Margolis, Mitchell, Burns & Associates, Inc.
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Mr. Keron Kirke Kickingbird
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Ms. Linda Ann Klein
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Deputy Inspector General, Inspector General's Office of Legal Services Corporation
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Ms. Aarti Kohli
Legislative Counsel, Office of Representative Howard Berman
Washington, DC

Ms. Esther Lardent
Washington, DC

Mr. Terry F. Lenzer
Chairman, The Investigate Group
Washington, DC

Mr. Guy Lescault
National Legal Aid & Defender Association
Washington, DC

Hon. Jacob J. Lew
Director, Office of Management & Budget, Executive Office of the President
Washington, DC

Mr. Alberto Lopez-Silvero
Program Analyst, Office of Compliance and Enforcement, Legal Services Corporation
Washington, DC

Mr. Ryan Loskarn
ALEC
Washington, DC

Mr. Clinton Lyons
President and CEO, National Legal Aid & Defender Association
Washington, DC

Mr. James Margolis
Greer, Margolis, Mitchell, Burns & Associates, Inc.
Washington, DC

Mr. John W. Martin
Retired Vice President and General Counsel, Ford Motor Company
Ann Arbor, MI

Accepts and No Responses

Mr. and Mrs. Francis William McCalpin
Attorney, Lewis, Rice & Fingersh
Saint Louis, MO

Mr. William F. McCalpin
Executive VP and COO, Rockefeller Brothers Fund

Hon. (Rep.) Bill McCollum
R/Florida, House of Representatives
Longwood, FL

Ms. Tina McDaniels
Greer, Margolis, Mitchell, Burns & Associates, Inc.
Washington, DC

Mr. John McKay
President, Legal Services Corporation
Washington, DC

Mr. Lloyd Meeds
Washington, DC

Hon. (Rep.) Carrie P. Meek
D/Florida, House of Representatives
Washington, DC

Ms. Maria Luisa Mercado
Member, Board of Directors, Legal Services Corporation
Galveston, TX
Guest: Mr. Nicholas McIntyre

Hon. Abner J. Mikva
University of Chicago Law School
Lauderhill, FL

Hon. Cheryl D. Mills
Deputy Assistant to the President and Deputy Counsel to the President, White House
Washington, DC

Hon. (Rep.) David Minge
D/Minnesota, House of Representatives
Washington, DC

Hon. (Rep.) Alan B. Mollohan
D/ West Virginia, House of Representatives
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Mr. John Monahan
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Mr. James C. Moore
Former President, New York Bar Association
Rochester, NY

Accepts and No Responses

Hon. Bruce A. Morrison
Chairman, Federal Housing Finance Board
Washington, DC

Ms. Mara Mucciolo
Senior Public Affairs Assistant, Legal Services Corporation
Washington, DC

Mr. Dennis Murphy
Director, Civil Justice
Baltimore, MD

Ms. Susan Myers
Legal Services Corporation
Washington, DC

Hon. (Rep.) Jerrold Nadler
D/New York, House of Representatives
Washington, DC

Hon. (Rep.) Eleanor Holmes Norton
Delegate for the District of Columbia, House of Representatives
Washington, DC

Hon. Louis F. Oberdorfer
Senior Judge, U.S. District Court, District of Columbia
Washington, DC

Mr. Jose Padilla
Executive Director, California Rural Legal Assistance, Inc.
San Francisco, CA

Mr. William G. Paul
President, American Bar Association, Crowe and Dunlevy
Oklahoma City, OK

Ms. Linda Perle
Senior Staff Attorney, Legal Services, Center for Law and Social Policy
Washington, DC

Hon. John D. Podesta
Chief of Staff to the President, The White House
Washington, DC

Hon. (Rep.) Deborah Pryce
R/Ohio, House of Representatives
Washington, DC

Ms. Dana C. Quam
Professional Staff Member, Subcommittee on Commerce, Justice, State & Judiciary, Comittee on Appropriations
Washington, DC

Mr. Edouard R. Quatrevaux
Inspector General for LSC, Inspector General's Office of Legal Services Corporation
Washington, DC

Accepts and No Responses

Mr. Thomas F. Railsback
Rancho Mirage, CA

Ms. Roberta Cooper Ramo
Past President, American Bar Association, Modrall, Sterling, Roehl, Harris & Sisk
Albuquerque, NM

Hon. (Rep.) Jim Ramstad
R/Minnesota, House of Representatives
Washington, DC

Hon. Janet Reno
U.S. Attorney General, Department of Justice
Washington, DC

Mr. David Richardson
Treasurer & Comptroller, Legal Services Corporation
Washington, DC

Mr. John Robb
Rodey Law Firm
Albuquerque, NM

Ms. Yvonne Robertson
Legal Services Corporation
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Mrs. Nancy H. Rogers and Mr. Douglas L. Rogers
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Mr. Leslie Russell
Director, Office of Information Technology, Legal Services Corporation
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Ms. Catherine Samuels
Director, Program on Law & Society, Open Society Institute
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Ms. Karen Sarjeant
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Mr. Donald A. Saunders
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Ms. Mary Saunders
Los Angeles, CA

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Staff Member, Program on Law and Society, Open Society Institute

Accepts and No Responses

Ms. Robin Schepper
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Ms. Cynthia Schneider
Legal Services Corporation
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Mr. Kenneth Schwartz
Deputy Associate Director, Office of Management and Budget
Washington, DC

Mr. Stephen M. Seeger
Partner, Quagliano and Seeger
Washington, DC

Mr. Daniel Shaw
Washington Bureau Chief, Los Angeles Daily Journal
Washington, DC

Mr. and Mrs. Robert Sargent Shriver
Founder, Special Olympics International
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Mr. Andrew P. Silver
Greer, Margolis, Mitchell, Burns & Associates, Inc.
Washington, DC

Mr. Thomas F. Smegal
Member, Legal Services Corporation Board of Directors
Piedmont, CA
Guest: Mrs. Elizabeth Smegal Anderson

Mr. Raymond Smietanka
Office of Representative George Gekas
Washington, DC

Mr. Chesterfield Smith
Offices of Holland & Knight
Miami, FL

Mr. Troy B. Smith
Directing Attorney, Legal Aid Foundation of Los Angeles
Los Angeles, CA

Hon. (Sen.) Arlen Specter
R-Pennsylvania, Chairman, United States Senate, Committee on Veterans' Affairs
Washington, DC

Mr. Robert A. Stein
Executive Director, American Bar Association
Chicago, IL

Mr. Jonathan R. Steinberg
US Court of Veterans Appeals
Washington, DC

REPORT DATE: July 26, 1999
REPORT TIME: 7:59 PM

Accepts and No Responses

Mr. David M. Stern
Executive Director, NAPIL
Washington, DC

Ms. Julie Strandlie
Director, Grassroots, American Bar Association, Operations/Legislative Counsel
Washington, DC

Mr. Thomas M. Susman
Senior Partner, Ropes & Gray
Washington, DC

Ms. Laurie Tarantowicz
Inspector General's Office of LSC
Washington, DC

Mr. Richard B. Teitelman
Justice, Missouri Court of Appeals
Saint Louis, MO

Mr. John Christopher Thompson
Legislative Assistant, Office of Representative Julian Dixon
Washington, DC

Mr. Maxim Thorne
Deputy Director, Passaic County Legal Aid Society
Paterson, NJ

Ms. Saundra Torry
Legal Issues Reporter, The Washington Post
Washington, DC

Mr. Anh-Huong Thi Tu
Legal Services Corporation
Washington, DC

Hon. (Rep.) Frederick S. Upton
R/Michigan, House of Representatives
Washington, DC

Ms. Greta Van Susteren
Co-Host of CNN's "Burden of Proof" / Legal Analyst, CNN, Burden of Proof
Washington, DC

Ms. Charito Villa
Legal Services Corporation
Washington, DC

Mr. Mauricio Vivero
Director, Governmental Relations & Public Affairs, Legal Services Corporation
Washington, DC

Mr. Robert Walton
Los Angeles, CA

Ms. Ernestine P. Watlington
Board Member, Legal Services Corporation Board of Directors
Harrisburg, PA

REPORT DATE: July 26, 1999
REPORT TIME: 7:59 PM

Accepts and No Responses

Hon Robert N. Weiner
Bethesda, MD

Ms. Sarah E. Williams
Greer, Margolis, Mitchell, Burns & Associates, Inc.
Washington, DC

Mr. Thomas S. Williamson
Partner, Covington & Burling
Washington, DC

Mr. Timothy Wilson
Legal Services Corporation
Washington, DC

Mr. Wilson Yellowhair
Executive Director, DNA/People's Legal Services, Inc.
Window Rock, AZ